

MAINE STATE LEGISLATURE

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State of Maine

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ONE HUNDRED AND TWENTIETH LEGISLATURE
SECOND REGULAR SESSION
24th Legislative Day
Tuesday, March 5, 2002

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

Prayer by Reverend Jacob Fles, Christ Episcopal Church, Gardiner.

National Anthem by South Bristol Elementary School Hand Bell Choir.

Pledge of Allegiance.

Doctor of the day, Paul Liebow, M.D., Bucksport.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 400)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

March 4, 2002

To the Honorable Members of the 120th Legislature:

I am enclosing H.P. 1479, L.D. 1980, "An Act to Extend the Period During Which the Passamaquoddy Tribe May Acquire Land in the City of Calais," which is being returned without my signature or approval.

This bill seeks to amend a provision in the Maine Indian Land Claims Settlement Act, 30 M.R.S.A. 6205(1)(C). As initially enacted in 1993, section 6205(1)(C) provided that the Tribe could qualify up to 100 acres of land in the City of Calais as "Indian Territory" if (1) said land was transferred to the U. S. Secretary of the Interior by January 31, 2001; (2) the City of Calais approved the Tribe's acquisition; and (3) the State agreed to, or was compelled to negotiate, a compact under the federal Indian Gaming Regulatory Act ("IGRA") that would permit the establishment of a casino gambling operation on said land.

Following enactment of section 6205(1)(C) in 1993, the Passamaquoddy Tribe sued the State of Maine under IGRA to compel such negotiations. In 1996, the First Circuit Court of Appeals upheld U.S. District Judge Brody's ruling that under the terms of the Land Claims Settlement of 1980, IGRA did not apply to Maine, and therefore the State could not be compelled to negotiate such a compact.

The time limit of January 31, 2001 in section 6205(1)(C) has expired. Now, over one year after the expiration, this bill seeks to reopen the period for acquiring lands and qualifying them as "Indian Territory" for an additional 18 years, until January 31, 2020, ostensibly for the sole purpose of establishing a gambling casino on the land.

Regrettably, I cannot support L.D. 1980.

First, and foremost, I am opposed to the establishment of casino gambling anywhere in Maine by anyone, not merely the Passamaquoddy Tribe. The clear purpose of this legislation is to permit the Tribe to acquire land, qualify it as "Indian Territory," and thus prepare the way for the establishment of a gambling casino on the land in Calais.

Second, the federal courts have held that IGRA does not apply to Maine. One of the necessary preconditions in this bill (as well as in the currently expired section 6205(1)(C)) is that the State either enter into, or be compelled to negotiate, a compact under IGRA to permit the establishment and operation of a gambling casino on the lands acquired. Since IGRA does not currently apply to Maine, this precondition cannot be met, and hence Maine cannot

be compelled to negotiate such a compact. Thus, the bill would not have any practical effect unless Congress were to amend IGRA to make that law apply in Maine. In this regard, the passage of this bill might send a signal to Congress that Maine is willing to now accept action that would make IGRA applicable here. I would not favor such a change because it could effectively usurp the State's current ability to decide whether or not to allow gambling casinos on Indian lands. I believe that decision is one that ought to be left to the state, and not dictated by federal fiat.

Again, I wish to reiterate that my opposition to the establishment and operation of gambling casinos in Maine is not limited to the Passamaquoddy Tribe, or any other particular person or organization. I continue to feel strongly that casinos are not in the best interests of Maine people and their communities, and have opposed, and will continue to oppose, attempts by any group to establish them in Maine.

Sincerely,
S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill "An Act to Extend the Period During Which the Passamaquoddy Tribe May Acquire Land in the City of Calais"

(H.P. 1479) (L.D. 1980)

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

The Following Communication: (S.P. 796)

**STATE OF MAINE
120TH MAINE LEGISLATURE**

March 1, 2002

Hon. Betty Lou Mitchell

Senate Chair, Joint Standing Committee on Education and Cultural Affairs

Hon. Shirley K. Richard

House Chair, Joint Standing Committee on Education and Cultural Affairs

120th Legislature

Augusta, ME 04333

Dear Senator Mitchell and Representative Richard:

Please be advised that Governor Angus S. King, Jr. has nominated Judith W. Andrucki of Lewiston and Gregory G. Cyr of Portage for reappointments and Lyndel J. Wishcamper of Freeport for appointment as members of the University of Maine, Board of Trustees.

Pursuant to P & SL 1967, Chapter 229, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs 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 **EDUCATION AND CULTURAL AFFAIRS**.

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

The Following Communication: (S.C. 600)

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

March 4, 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 the Senate accepted the Majority Ought Not to Pass Report for the Committee on Criminal Justice on Resolve, Establishing the Commission to Examine the Maine Correctional Institute. (H.P. 993) (L.D. 1330)

Sincerely,
S/Pamela L. Cahill

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

The following Bills were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

JUDICIARY

Bill "An Act to Amend the Freedom of Access Laws to Protect Security Plans"

(H.P. 1647) (L.D. 2153)

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

Cosponsored by President Pro Tem MICHAUD of Penobscot and Representatives: BULL of Freeport, JACOBS of Turner, MADORE of Augusta, MUSE of South Portland, SCHNEIDER of Durham, SHERMAN of Hodgdon, Senator: FERGUSON of Oxford.

MARINE RESOURCES

Bill "An Act to Allow Qualified Shellfish Harvesters to Continue to Sample Water Quality"

(H.P. 1646) (L.D. 2152)

Sponsored by Representative ETNIER of Harpswell.

Cosponsored by Senator SMALL of Sagadahoc and Representatives: GERZOFKY of Brunswick, HONEY of Boothbay, JONES of Greenville, MAYO of Bath, McNEIL of Rockland, PEAVEY of Woolwich, SCHNEIDER of Durham, Senator: GOLDTHWAIT of Hancock.

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

Eagle Scouts and Girl Scout Gold Award recipients were escorted to the front of the Chamber in recognition of Eagle Scout Day.

The **SPEAKER**: I would like to welcome all the Eagle and Gold Scout recipients who have joined us today along with their family and friends. As you all know, today is our second annual Scout Recognition Day. This celebration is to honor the

achievements of scouts from around the state who have received the highest scouting awards. Please join me in congratulating these young people for their commitment to the scouting community. I want you to be aware that there will be photos taken in the House Retiring Room immediately following the ceremony and that cake and punch will be served when the House adjourns this morning. Please join me in congratulating and thanking these wonderful young people for all their hard work.

Members who are either Eagle Scouts or Gold Award recipients please come forward to congratulate and greet our Scouts.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act Regarding Cigarette Tax Stamps" (EMERGENCY)

(S.P. 692) (L.D. 1894)

Signed:

Representatives:

GREEN of Monmouth

STANLEY of Medway

McGOWAN of Pittsfield

BUMPS of China

BOWLES of Sanford

McLAUGHLIN of Cape Elizabeth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-442)** on same Bill.

Signed:

Senators:

GAGNON of Kennebec

KNEELAND of Aroostook

Representatives:

GAGNE of Buckfield

MURPHY of Berwick

BUCK of Yarmouth

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

READ.

Representative GREEN of Monmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-853)** on Bill "An Act to Delay the Date by Which the Use of Tokens or Tickets is Required for Games of Chance at Agricultural Fairs" (EMERGENCY)

(H.P. 1552) (L.D. 2055)

Signed:

Senators:

WOODCOCK of Franklin

BROMLEY of Cumberland

DOUGLASS of Androscoggin

Representatives:

LABRECQUE of Gorham

ESTES of Kittery

TUTTLE of Sanford

HEIDRICH of Oxford

PATRICK of Rumford
DUNCAN of Presque Isle

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

Signed:

Representatives:

CHIZMAR of Lisbon
COTE of Lewiston
O'BRIEN of Lewiston
MAYO of Bath

READ.

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

CONSENT CALENDAR

First Day

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

(H.P. 1401) (L.D. 1840) Bill "An Act to Amend the Uniform Commercial Code, Article 9-A" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-857)**

(H.P. 1507) (L.D. 2010) Bill "An Act to Amend the Laws Governing Background Checks on Prospective Adoptive Parents" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-856)**

(H.P. 1515) (L.D. 2019) Bill "An Act to Protect Victims of Domestic Violence, Sexual Assault and Stalking" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-855)**

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. 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" (C. "A" S-445)

(H.P. 370) (L.D. 472) Resolve, to Establish a Fatherhood Issues Study Commission (C. "B" H-852)

(H.P. 1173) (L.D. 1573) Bill "An Act to Enact the Uniform Principal and Income Act of 1997" (C. "A" H-851)

(H.P. 1446) (L.D. 1943) Bill "An Act to Clarify Municipal Reapportionment Authority" (C. "A" H-850)

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.

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

ENACTORS
Emergency Measure

An Act to Repeal the Retroactive Effect of Changes Made to the Subdivision Laws

(H.P. 1534) (L.D. 2037)
(C. "A" H-835)

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

Emergency Measure

An Act to Provide for the 2002 and 2003 Allocations of the State Ceiling on Private Activity Bonds

(S.P. 755) (L.D. 2091)

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

Emergency Measure

Resolve, Regarding Participation in Regional Transmission Organization

(H.P. 1492) (L.D. 1995)
(C. "A" H-838)

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. 114 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Mandate

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

(S.P. 726) (L.D. 1967)
(C. "A" S-417; S. "A" S-440)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 0 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Acts

An Act to Clarify that the Sales Tax Exemption for Purchase of Manufacturing Equipment Applies Equitably

(S.P. 133) (L.D. 457)
(C. "B" S-412)

An Act to Make Minor Substantive Changes to the Tax Laws

(S.P. 666) (L.D. 1870)
(C. "A" S-429)

An Act Relating to the Dissemination of Intelligence and Investigative Information

(S.P. 697) (L.D. 1899)
(C. "A" S-433)

An Act to Amend the Boundaries Between Ripley and St. Albans

(H.P. 1429) (L.D. 1926)
(C. "A" H-825)

An Act to Protect Police Horses

(H.P. 1435) (L.D. 1932)
(C. "A" H-834)

An Act to Promote Organ Donation

(H.P. 1448) (L.D. 1945)
(C. "A" H-840)

An Act to Modify Investment-related Insurance Company Provisions of the Maine Insurance Code

(H.P. 1475) (L.D. 1976)
(S. "A" S-439 to C. "A" H-812)

An Act Regarding Fire Safety Laws for Residential Care Facilities

(H.P. 1494) (L.D. 1997)
(C. "A" H-833)

An Act to Require Additional Transportation Information on the Maine Chemical Inventory Reporting Form

(H.P. 1564) (L.D. 2069)
(C. "A" H-836)

An Act to Aid Fire Departments in Meeting Mandatory Reporting Requirements

(S.P. 776) (L.D. 2112)

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

Resolves

Resolve, to Study School Administrative Unit Organization in Maine

(S.P. 733) (L.D. 2043)
(H. "A" H-843 to C. "A" S-428)

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

An Act to Update the Department of Defense, Veterans and Emergency Management Laws

(H.P. 1288) (L.D. 1752)
(C. "A" H-837)

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

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

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

An Act to Promote Safety of Families through the Workplace

(H.P. 1463) (L.D. 1960)
(C. "A" H-841)

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

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

The same Representative **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 PRO TEM: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 492

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

NAY - Collins, Cressey, Duprey, Kasprzak, McKenney, Muse K, Stedman, Waterhouse.

ABSENT - Bagley, Baker, Lovett, Mendros, Murphy E, Schneider.

Yes, 137; No, 8; Absent, 6; Excused, 0.

137 having voted in the affirmative and 8 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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 Recognizing Representative Robert Duplessie, Westbrook

(HLS 968)

TABLED - March 4, 2002 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING - **PASSAGE**.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Norbert.

Representative **NORBERT**: Mr. Speaker, Ladies and Gentlemen of the House. It is my great privilege today to stand and recognize one of our own, the good Representative from Westbrook, Representative Duplessie, on the occasion of his retirement from his long and distinguished career as a professional firefighter. Twenty-eight years of putting his life on the line for citizens of Portland. Twenty-eight years of hard uncertain duty in skills learned over the course of that service. The tragic events of last September have really brought into sharp relief the importance and the love and affection of Americans toward our professional firefighters. We have known for a long time the courageous acts they are capable of, but that really brought into sharp relief how important they are to us and, frankly, how often they go as unsung heroes in our society. I

stand today to sing the praises of a hero and that is Bob Duplessie.

As the sentiment point out, he has been commended for his bravery in the line of duty, also his experience as president of the association and also as a legislative advocate for the association. Up here in the halls of this building where many folks got to know him and where in turn he got to know the ins and outs of this process up here in Augusta. It is with great pride that I know the Portland Delegation joins me in recognizing Bob and we commend him on his steadfast principles to the union and to working people throughout the City of Portland. Bob, we wish you only the best and we are confident that you are going to find excellent ways to spend all this free time you are going to have now since you are rarely here. Best wishes to you and thank you for a job well done. We are proud of you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Usher.

Representative **USHER**: Mr. Speaker, Men and Women of the House. I echo the good comments from the Representative from Portland. Bob has been a good dedicated public servant and also a good friend. During Bob's 20 years in the legislative halls, he has helped the Portland Firefighters and the state firefighters in improving their educational programs, finding funding for all of the educational programs. When you discuss the firefighting problems throughout the state, Bob is well aware of everything that is going on. This is going to be helpful in his future years as he is a retired man as of last Friday. I know when I retired I found out that I am doing more and more each day. I don't think we ought to use that work retire anymore, because it seems to be we are just taking a new job and Bob is going to do well in his new job.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I would like to join in conveying my appreciation to Bob regarding his advocacy of fire protection issues and his help to the Criminal Justice Committee, which has oversight over these issues. We are very impressed and whenever there is an issue regarding fire services, Bob and his colleagues turn out in mass and we usually have to rent a larger hall. We hope that you enjoy your retirement Bob, but we know you will be a presence in these halls. Thank you again. Good luck.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I, too, would rise and congratulate my good friend of 25 years or more for Bob Duplessie in his years of service to firefighters. I can remember Bob the first day that I served in the Legislature a number of years ago when he was fighting for the firefighters then as I am sure he will as long as he is here and after.

As a point of order, Mr. Speaker, eight years ago I put in this same sentiment on Bob Duplessie's retirement. I would pose a question through the Chair if I could. I would pose a question to the good Representative from Westbrook, Representative Duplessie, is he finally going to retire or will the order reappear in eight years?

The SPEAKER PRO TEM: The Representative from Sanford, Representative Tuttle has posed a question through the Chair to the Representative from Westbrook, Representative Duplessie. The Chair recognizes that Representative.

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. I want to thank all my colleagues for the kind words this morning. The answer to Representative Tuttle's question is, I guess time does fly when you start getting

older. That was actually six years ago, but it already eight to him. At that time, that is when I retired as the President of the Firefighters Union. John had thought I had retired from the fire department so he did put in a sentiment for me at that time from the Sanford Fire Department. It was cosponsored by the good Senator from Portland, Senator Rand. I told Senator Rand that she should know better than just to follow John along. Sometimes he can lead you astray. I thank him for doing that six years ago and thanks for the kind words. Thank you.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. Unfortunately the good gentleman got up ahead of me, but I also wanted to step forward and congratulate my good friend from Westbrook and just remind the body that not only Westbrook and Cumberland County is proud of Representative Duplessie, but also the Town of Vassalboro, I specifically say North Vassalboro, if I may stray, Bob got me out of many hot situations and his brother John. I have known Representative Duplessie longer than most her. We grew up together and he was like a big brother to me and still acts that way today. Thank you Mr. Speaker.

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

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

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-441)** - Committee on **TAXATION** on Bill "An Act to Amend the Laws Relating to Development Districts"

(S.P. 725) (L.D. 1966)

TABLED - March 4, 2002 (Till Later Today) by Representative NORBERT of Portland.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

On motion of Representative GREEN of Monmouth, the Bill and all accompanying papers were **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "B" (S-435)** - Minority (4) **Ought to Pass** - Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Certain Educational Requirements for Licensed Social Workers"

(S.P. 709) (L.D. 1911)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT B" (S-435)**.

TABLED - February 28, 2002 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. The purpose of this bill is to reverse changes that were made in the First Regular Session of the 120th Legislature when we passed LD 987. The changes implemented

by passage of LD 987 are schedule for implementation on June 30, 2002.

The law, if implemented, would allow only people with a bachelors of social work to qualify for a license in social work. This would eliminate the option of hiring professionals trained in other related disciplines from being hired as conditional social workers and would result in an acute shortage of social workers throughout the state.

One individual presented the following testimony: "We hired seven new social workers since July 2001. Of 25 candidates with bachelors degrees, four had bachelors of social work. One lived over two hours away and two did not return contact. There are not enough bachelors of social work to fill positions."

Only approximately 17 percent, 400 out of the 2,300, licensed social workers in Maine are bachelor's level. The businesses that the employ licensed social workers do not see a difference in the practice of bachelors of social work versus bachelors of other similar disciplines. The Licensing Board is not saying that there is a problem with quality. The question is being asked, what exactly are we fixing?

Allowing this law to go into effect will create a serious shortage of social workers and this will have a significant adverse impact on children and families. Families will go without needed services while graduates with degrees in psychology and other related degrees will have a tougher time finding work.

We should be encouraging, not discouraging, people who want to work in a health care setting. We are told that there have been no complaints with regard to performance of LSW's from other disciplines. Quite the contrary, we heard many glowing reports of the excellent job that these people are doing every day.

Opponents of LD 1911 say that this bill represents a step backward for public safety, but not a single safety issue was reported to the committee.

I ask you to vote against the motion of Ought to Pass as amended and support the Minority Ought to Pass Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I have a lot of respect for the good Representative from Scarborough, Representative Clough, but I think we are missing the point here. We have a shortage of physicians. We don't suggest that physician assistants will be doing the job of a doctor. That would be wrong if we were do dumb down, if you will, the requirements for any licensing job. What this bill does, however, is simply move the sunset provision from June 30, 2002 until September 30, 2003. Meaning that nothing changes about the way a person will be licensed for social work. There are two ways to be licensed for social work currently. You can have a degree in social work or a degree in a related field. Either way, you can be issued a conditional license and given two years to complete all the requirements. That still remains in effect. In fact, all the way up until September 30, 2003 you can still get a conditional license even if you don't have a degree in social work. What we merely did here was move the sunset provision, which a prior Legislature put in place, to September 30, 2003 in order to give approximately 30 stakeholders, let me list who they are, MSEA, Department of Human Services, the Social Workers Association and other various groups, time to come together and figure out what ought to be the right requirements for purposes of getting a license in social work. That is all it does. It changes nothing. Today if you pass this bill, you are merely extending the sunset provision, as I said, to September 30, 2003. We ask that you give this group of stakeholders the opportunity to work out the differences between the parties and if they can come up with a solution for better than

we have been able to consider at this state, then we ought to adopt it. If not, then it is right for the next Legislature to consider, but nothing changes. If we extend out the grandfathering, if you will, the sunset provision, nothing will change. People going into social work today or a year from now will still be able to get into social work even if they don't have a degree in social work. That is really the issue here. I would ask that you accept the Majority Ought to Pass Report. Thank you.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Tessier.

Representative **TESSIER**: Mr. Speaker, Men and Women of the House. I would urge you to accept the Majority Ought to Pass as Amended Report. I am a social worker and I can vouch that there is a significant difference between a trained social worker at the bachelor's level and someone who receives a degree in another profession.

The issue here is that everyone believes that they can be a social worker. Why not call us a social worker. The issue should be that if you are not trained as a social worker, then you should have another title, which may be caseworker or coordinator. There are many other possibilities. The title of social worker should be reserved for social workers who are formally trained. Social work is a profession, just as medicine, nursing and pharmacy are all considered professions in social work. Why should we be treated differently? You wouldn't take a nurses aide and call them a nurse that is for sure. You would not call a pharmacist assistant a pharmacist. There is a set curriculum for social workers. When you receive a bachelor's degree in social work, you have met a national standard that has been published. Your training is very different than others to include, we will say, a bachelor's degree is psychology. A social worker who has had at least one year of training in the field, that is not true of the other degrees that you may receive and then work into the social work field. The social worker coming into the field is trained significantly different and at a higher degree than others. I would ask that you accept the Majority Ought to Pass Report. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **STEDMAN**: Mr. Speaker, Men and Women of the House. An earlier speaker suggested that this bill would extend the sunset provision. I guess I am confused as to what that means. It looks like in the amendment that it extends the deadline when these requirements go into affect, not when they are terminated. Could I have that explained please?

The SPEAKER: The Representative from Hartland, Representative Stedman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I will try to answer that question. Currently there are two ways to obtain a social worker's license. First, to have a degree in social work. Secondly, to have a degree in a related field. If you have a degree in a related field, you are given approximately two years in order to comply with what the board considers the appropriate standards in education

and tie them in with respect to social work and so forth. If you have that time in within two years, you meet the qualifications of good moral character and all the other associated training, you are then given and conferred the social worker's license upon you. By extending out to September 30 of 2003 everyone who has a degree in a related field can apply for a conditional social worker's license and have that two years they need in order to come up with all the qualifications that are necessary in order to get the license under the board's requirements. Moving out and extending that sunset provision allows people with the conditional license, those with related degrees, not degrees in social work, but related degrees to still get a social worker's license as long as they meet the qualifications of the board. We are extending out that period of time to September 30, 2003 in order to give these interested parties the opportunity to come up with a resolution, which is mutually agreed upon by everyone. Thank you.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. A year ago I made a mistake, a big mistake. When we get back home many times we look back through the roll calls and look at the issue and we get distance from Augusta back to our districts and we begin to, in some cases, get more information. There are usually a list of votes or issues that you made a mistake on and you wish that you could do over again.

Six years ago when I first went to serve on this committee, the chairman was former Representative Marc Vigue. He tried to lay out a standard for us as we looked at licensing. He said the number one question you have to ask is, does it impact the public, the health and safety of the public? He said you find that out by, are there complaints? Are there court cases? Are there complaints? Is there an angry group of citizens at the hearing? Third, and most importantly, is that change in licensing being done to create a barrier or a hurdle or an exclusion for entry into the profession? What we are dealing with at that point, usually, is a decline in the number of people to provide the service and then we are also looking at a financial windfall when that occurs. If you remember your Economics 101, reduce the supply and the price goes up.

Representative Vigue had given us very good advice at that time. If you do not hit those standards, then that is it, period. Close the hearing and move on. The mistake I made a year ago was that I didn't do my full homework as a committee member in terms of getting a handle on this issue and what are the consequences of the decision? A red light or a red flag didn't go up for me when the public didn't appear. Remember that complaint, is there a problem other than in the profession? The public didn't show. The public didn't write. The public didn't call. We didn't ask basic questions that if you set up this exclusion on 100 percent of those that are currently certified, how many will be excluded? If we had asked that question, the answer is 78 percent. There are 78 percent who currently can be licensed or excluded. That means that the track of bachelor's degree only is 22 percent.

The other question that we didn't ask or I didn't ask is, what is the cost? What is the fiscal note? The State of Maine, Department of Human Services and many other departments have a requirement for federal funds that in place licensed social workers must be in that position. If you go out to the residential homes in your district, whether they are serving adults or they are serving children, those grants have in place licensed social workers. When this bill was brought forward, which basically says let's go back before we made that mistake and start all over again and get the information rather than trying to correct it after the fact and maybe put a band aid on, just putting it off to another

Legislature, let's go back and maybe get the facts and get the costs.

At this hearing, the public was there. Residential centers probably from every one of your districts testified and the good Representative from Scarborough had indicated that when they advertise how difficult it is to get a licensed social worker to even apply. That population of licensed social workers at 100 percent of the population cannot meet the need. This bill proposes to restrict it to those coming in to 22 percent. No one has answered the question yet, if your grant contract for a residential home or services specifies licensed social worker and we change the definition, do they lose the grants?

You have a letter and I want to commend MSEA because they understand very much the cost. We have monies coming into that department from the US Government. That language includes licensed social workers. Will we lose those dollars or will we scramble for the next year or two to try to get them to substitute new language? Do you want to take that risk? Up until that change order we saw the consequences of percentage changes and what it does to the residential centers and what it does to health care providers. Do you want to take that gamble to leave here in April and not know whether those federal funds are going to come into the department or they are going to come into your residential centers?

I think the other mistake that I made, and it is really important that we do disclosure, every time that I have talked on an education issue or a teacher issue, I repeat that I am a teacher. I always let you know up front if I wear a variety of hats. Many times on teaching issues I would tell you that I have a legislator hat on. I think the mistake that occurred a year ago was that we had licensed social workers who were legislators who either brought the bill or serve on the committee and I thought they had their legislative hat on and they really have that hat on of licensed social worker with a bachelor degree. That makes it real confusing for us. Whatever committee you sit on as a member when you appear before them and you have something that involves your profession and your profession is very near to you, you really have to separate out what hat you are wearing because we all trust each other and the judgment that we are bringing to the Legislature.

Over the last six years I have served on that committee for four years. I have probably come in contact with almost every licensing board. Some of them really get along well and some have internal squabbles that are unbelievable. Some of them it is because of personalities. In some cases it is national organizations that are taking national issues and forcing them down into the state level and then creating chaos here. In some cases it is groups within that licensing area who want to exclude or shut out or toss out others that they think are inferior in terms of their education or their experience.

Prior to the passage of the law, as it was explained by our good chairman, there were two tracks. If you went the bachelor degree route in social work and had the degree, then you were automatically licensed. If you went in a related field, it could be sociology, psychology or all the different degrees that involve working with adults or children, then, I'm sorry I don't have the number of hours, but it is substantial the number of hours in internship that you need to do and then you need to pass the national test to become a licensed social worker. You may have gone another track and you had more hurdles to jump over, but if you successfully did the internship in the field working as a social worker supervised and you took a very difficult national test, then you are a licensed social worker. If you serve on any committee that is dealing with federal grants and as you look at those contracts with the federal government or if you are an advocate in

the regional area for residential or day services that receive grants from the state or the federal government, you better be concerned about the law that got passed last year.

We are basically being told that if we pass this report, what we are doing is extending it another year plus. I was always taught that if you are going to dance, you have to have two people willing to dance. In my observation of last year and this year is that one of these two parties that needs to negotiate is just like they are back in junior high with their backs against the bleachers refusing to go out onto the floor. That is not just an observation.

In that organization let me tell you the rules and how they treat the two different groups. The first, if you are a licensed social worker and you went the related field route, jumped the extra hurdles, your dues are higher. Two, if you join that organization and you went the related field, you have to wait five years to have a vote in that organization. If you are in a related field and jumped the extra hurdles, you can never hold office in that organization. These two groups are going to sit down and negotiate in good faith. Higher dues, five years to vote and you can never hold office in the organization. If you vote for the report that is on the floor, all you are doing is you are putting this off to the next Legislature. It is almost like an old Laurel and Hardy movie when they look at each other and say, how did we ever get into this mess. That is the mess we are in right now.

The only people that testified in favor were those that have bachelor degrees in social work and also, the university educators offering courses toward a bachelor degree in social work. With that change in the law, that will be the only track that you can go. There is actually a second windfall or a bonanza for those particular university educators. I made a mistake a year ago. The bill originally started out to correct that mistake and go back to ground one. What it says at that point is that if you are a licensed social worker with a bachelor degree, you have to sit down with licensed social workers who came from a related field. You both are equal. You both have an equal voice at the table.

If you pass the report that is before us, it is like watching a basketball game. That 22 percent that want to exclude the 78 percent, all they have to do is dribble the ball.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Richardson. For what purpose does the Representative rise?

Representative **RICHARDSON**: Mr. Speaker, I rise for purposes of germaneness to the debate.

On **POINT OF ORDER**, Representative RICHARDSON of Brunswick asked the Chair if the remarks of Representative MURPHY of Kennebunk were germane to the issue.

The SPEAKER: The Chair would remind members that the pending question is acceptance of the Majority Ought to Pass as Amended Report. LD 1911 regarding certain educational requirements for licensed social workers and that all debate must be regarding the Ought to Pass Report. The Representative may proceed.

The Chair admonished that Representative MURPHY of Kennebunk stay as close as possible to the issue.

Representative **MURPHY**: Thank you Mr. Speaker. Before I was interrupted, I was addressing an analogy about the extension of the deadline, which is the basic heart of the report that is on the floor. I would urge you with this great unknown as to what the fiscal cost is, regionally and to the state, that you not make the mistake that I made a year ago. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Laverriere-Boucher.

Representative **LAVERRIERE-BOUCHER**: Mr. Speaker, Ladies and Gentlemen of the House. I don't wish to prolong this

and to go off on tangents, however, I feel there are a few facts that I would like to bring up. The federal rule of reimbursement is set by DHS here in Maine. DHS can change the rules from requesting all reimbursed people for Medicaid reimbursable services from LSWs to licensed caseworkers or licensed whatever. It is not a federal law that we have LSW as licensed service providers. It is a state rule that can be changed by DHS.

Also, the amounts of licensed social workers conditional in the state as of December 1 is 818. The licensed social worker number is 1,677. There is a lot more licensed social workers than has been said in the past debates. I also want to say that today's bill strictly allows service, social service organizations, an opportunity to collaborate and come up with a workable solution. That is all that this amended bill is asking today. I ask you to support this. This encourages people to get together and talk and come up with a resolution that will be in the best interests of everyone concerned. Thank you.

The SPEAKER: The Chair recognizes the Representative from Mapleton, Representative Desmond.

Representative **DESMOND**: Mr. Speaker, Distinguished Colleagues of the House. I am the sponsor of LD 987 that was introduced in the first session of the 120th Legislature speaking to educational requirements needed to become licensed social workers. This bill was signed by Governor King and passed into law September 21, 2001. This law takes affect in June of this year. I consider this an educational issue. Like any other profession, social workers need to upgrade their knowledge and skills. The people who entrust their well being to a social worker want to be ensured that the social worker is qualified. The law now requires individuals in this area of public service to meet necessary standards in health care.

LD 1911, as it stands now, would be a step backward in raising the bar of licensed social workers to a truly professional level and would be a detriment in attracting qualified individuals to this profession. The amendment to LD 1911 only changes the date of implementation from June 2002 to September 2003 giving all parties the opportunity to come together for some agreement. I urge you to support Ought to Pass on this amended report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. I haven't been directly involved in the development of this particular bill, but I have been a professional social worker for over 40 years. I have a PHD and a master's degree in social work. I served on the licensing board for a number of years. This is a profession that is constantly attempted to adapt to the times, to retain some degree of professionalism, professional standards for education and licensure so that it could hold up to the general public a very clear notion of what is a social worker. Some 10 or 15 years ago with a view to accommodate accessibility and to improve, particularly the quality of services in nursing facilities, there was a great deal of flexibility afforded those that were in the field and calling themselves social workers without any background or training or whatever in order to improve and yet not discriminate against those who were already working in the field of social workers. The LSW was established. What we are seeing today in this bill is a continued effort to improve the quality and the accountability of the profession to the public and at the same time to guarantee reasonable access to people who want to come into the profession and to have access to professional services. That is what this is all about. This is a dynamic profession that is attempting to be responsive and it is far from a guild that is developing walls of professionalism. I urge you to support this bill, the Ought to Pass Majority Report as

another way to strengthen the profession and to strengthen its accountability to the public. Thank you.

Representative SHIELDS of Auburn **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**: The Chair recognizes the Representative from Lewiston, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Men and Women of the House. I think that there is at this time a serious problem in regards to the delivery of social work services in the State of Maine. I certainly would not hold to the fact that social work can only be delivered by people with this specific degree. The problem with this bill as we have heard by the people who one year ago voted on it was the supposition that it had been reviewed by people totally out in the field doing social work. I do not believe that is what happened. This was a bill that was pushed through by people who knew exactly what they were doing with the time requirements that they wanted it to happen. I do not believe by extending this for one year only, it is like saying that this is all you are going to get of the pie. We are going to give you another year, but you are still only going to get that amount of the pie. We need to not pass this today. We need more than one year for the people who are doing social work and the future people that will be doing social work that come from the various helping professions, not exclusively a bachelors in social work or a masters in social work to be able to only do the work in that field. There are insufficient numbers of people going into the field from that area that will, in fact, give us the needed people to take care of all of the areas that need the help. Please remember what you are doing is you are cutting off a needed supply. You are limiting, in fact, only a few. I think we probably need something along this line, but we need more time. I don't think this bill came before the human service area, it came before another area, which is intended to regulate. What does regulation mean to most of us? It means only a few and I will raise the cost. We absolutely need more time in order to study this and have it be a law that people can really live with and the cost can be paid. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Ladies and Gentlemen of the House. I could not agree more with the previous speaker. We do need more time. That is exactly what we are doing here. We are giving 30 stakeholders, the Department of Human Services, the association and all kinds of licensed social workers the opportunity to come together and come up with a resolution and that is exactly what we are doing here. I don't want anyone to be under a false impression that there is not enough time. September 30, 2003 gives plenty of time. I think back when I graduated with a bachelor's degree in government and politics and then I wanted to become a CPA. What did I need to do become a CPA? It was well spelled out by the Certified Public Accountant Board. I went and spent two years at night going to school and getting the requirements. I didn't ask to become a CPA ahead of the training that was necessary. I didn't ask to become a CPA nor would anyone hire me, if, in fact, I didn't have the credentials that were necessary. I couldn't agree more with the speaker who spoke previously. I do think more time is needed and that is exactly what MSEA and all other concerned parties were looking for. I would ask you to support the Majority Ought to Pass as amended Report.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. We have heard that if we give a time extension that maybe this will be able to reach resolution. In order for groups to sit down and negotiate with each other, there has to be mutual respect. One of the other questions that Chairman Vigue had taught us six years back was, what does the profession have to say? The organization which represents these licensed social workers at the hearing, we asked, had you polled your organization? They had said no. The reason they didn't poll the organization is 22 percent of that organization wanted a special category for themselves. You don't poll when you know you are outnumbered three to one or four to one. Is that the kind of respect that you think you are going to see if you extend this another year? The only way that both tracks can negotiate with respect is to say no on this report and have them start fresh.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Laverriere.

Representative **LAVERRIERE-BOUCHER**: Mr. Speaker, Ladies and Gentlemen of the House. I apologize for getting up a second time, but the professional organization did not poll its members because the professional organization was not part of this at the beginning. They were not really knowing that this was going on. We did pull them into it halfway through.

I wanted to make a point concerning the related fields. I have a masters in social work. I have a bachelors in social work also. I have worked with people from different fields. I would never say that someone with a bachelor's degree in sociology or a bachelor's degree in psychology is not as good in the field of social services as I am. I would just say that they are different. It is a different approach. It is not a better or worse approach. It is a different approach. I really want to say this in a very clear way. I would never say that social work is better. I would just say it is different approach. It is like if you go to the physician and you decide to go to an osteopathic doctor. You are going to get medical services, however, it is a different approach than a medical doctor. It is not worse. It is not better. It is just different. In this group that we are getting together, hopefully after this session, to discuss the different needs and the resolution to come to, we are hoping to have a license for the other categories. It would enable everyone in these other fields to continue working in the jobs they are. First of all, everyone is going to grandfathered into it. There is no losing of that license. New people coming into the field will be able to get a license as a caseworker or case manager or whatever it is going to be called and they will be allowed to work in the social fields just like social workers, side by side. It is just a different approach. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. In the few years that I have been here, we have looked at educational standards and upgrades for land surveyors, teachers and ed techs within the educational field. We have social workers that are teachers in the schools. I would not say that they should be able to be social workers without an understanding of the middle school of the adolescents. Because there is a shortage, you do not lower the standards. Too often we do that. We have bad public relations and messages that there are people not qualified in the field. No one should pull away from standards and education, land surveyors, social workers or teachers. We have a way that you can get a conditional license within the teaching field, but you must be taking courses at the time. You can have a BS or a BA and not in education and receive a conditional license from the state and then be taking classes at the same time in the educational credits for that. It would appear that this social worker organization

would like to do the same thing. Simply moving a deadline so that people can continue working in a way to better a profession and to add credibility. I need to tell you as a teacher that I am insulted when I am told that I cannot put professional down on surveys when they ask my occupation. I am a teacher, but not a professional. I consider myself a professional and the college bills showed me that. We should not shy away from education, be it for land surveyors, social workers, teacher and perhaps even for lawmakers. I ask you to support this bill and allow the social workers to continue to make progress to this for another year. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. The waters seem to be a little muddied and for those who might not grasp all this, and I am not sure I do, I would like to ask my question through the Chair. To anyone who can answer this, what is the difference between passing the bill alone and passing the bill with the amendment on it?

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I will try to answer that. If you pass the bill alone without the amendment, you are in effect turning back the clock to the previous law without implementing LD 987, I believe it is. If you pass the bill with the amendment, you are not really passing the bill at all. All the contents of the bill are eliminated and you are just setting the time for implementation ahead one year and LD 987 get implemented a year from now.

The SPEAKER: The Chair recognizes the Representative from Baileyville, Representative Morrison.

Representative **MORRISON**: Mr. Speaker, Ladies and Gentlemen of the House. My background happens to be education. I am on the Business and Economic Development Committee. I was opposed to this bill, not that I am against standards. Obviously in the education field anyone who wants to improve standards and to improve the profession, I am quick to say yes. I was on this one last time around. However, my major concern was the professor from UMPI, one of the finer higher education institutions in the state, I asked her a specific question about the internship. I think they set an unreasonable standard. Somebody in a related field, psychology, sociology, child development or whatever, that relates very well to the social work field for sure, in order to become a licensed social worker and wants to, for example, jump into that and get that license, the internship. I said, do you have to go back to school? Do you have to work five or 10 years in the field? Does that mean you have to take time off? Do you have families, children and so forth with no paycheck coming in to go back to college to get that internship and be supervised? I got the impression and that was the statement she gave to me, yes you do. I said that is not fair. As far as taking an engineer as principal in a school, I wouldn't hesitate to take an engineer out of the field without an education degree and put them in a math classroom. I think it would be a big plus. I think the education field is recognizing that now. You have some very well qualified people. I think those people with degrees in psychology, child development and those areas I think are very qualified to be social welfare people. I think the standard was a little bit too high as far as I was concerned. If they wanted to go back and say, let's supervise them in the field

to get that license, that would be fine. I wouldn't have a problem with that. I have a problem with the internship and how they were going to work that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I apologize. Only one other bill have I stood up twice on. I needed to correct some statements. At the present time we have a professional in our building and that professional does not have a degree in education. They have another degree, but must go through the same standards to take their conditional license and that is at a loss of pay as they work on that. We also have the ETECH Program. Indeed to become a teacher, regardless of your professional degree, you must have a conditional license and it is allowed by the state only until you earn and meet the standards to be an educator. You may do that with or without receiving pay for a year. If you want to do your student teaching and take courses, you do it without pay. If you want to use that conditional license as your student teacher, you must take a master's degree in education and you are actually going to get a master's degree in education. I cannot let that go with the idea that teachers will now let anyone come in because there is a shortage of teachers. You still must come in and meet the state certification requirements to hold a degree to teach after the conditional license time period has expired. Thank you.

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

Representative **HAWES**: Mr. Speaker, Men and Women of the House. As a graduate with a bachelor's degree in psychology who has worked in social work, I ask you to support this Majority Report. There are many reasons why we lack applicants or perhaps have inappropriate applicants for social work and I can guarantee you that having engineers apply are not one of them.

This Majority Report simply gives more time for affected parties to plan the implementation of the law that we have passed. I urge you to support the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Baileyville, Representative Morrison.

Representative **MORRISON**: Mr. Speaker, Ladies and Gentlemen of the House. Maybe I didn't make myself clear enough. I don't disagree with the speaker before the last one about certification. If you come into the education field, you are not fully certified. You do get a conditional certification. You must work your way up to become fully certified by taking courses or whatever until you meet the standards. I think I said the same thing before that I thought the same thing could happen in the social work field. A person can come in in a related field, for example, and then do the requirements. My problem was the requirement was too stiff. I don't think a person that is in there five or 10 years and is married can take the time off to go into an internship. Why can't they be supervised on the job? We can do it in education. They do do it. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. Has there been anybody in this body who has not spoken on this bill? If the answer is no, I suggest we vote.

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. 493

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

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, McKenney, McNeil, Mendros, Michael, Morrison, Murphy T, Muse C, Muse K, Nass, O'Brien JA, O'Brien LL, Peavey, Perkins, Pinkham, Rosen, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Baker, Lovett, Murphy E, Schneider.

Yes, 92; No, 54; Absent, 5; Excused, 0.

92 having voted in the affirmative and 54 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "B" (S-435) 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 "B" (S-435) in concurrence.**

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

An Act to Create a Digital Library to Meet the Educational, Research, Business and Economic Needs of Maine (EMERGENCY)

(H.P. 1102) (L.D. 1471)
(C. "B" H-767)

TABLED - February 12, 2002 (Till Later Today) by Representative ETNIER of Harpswell.

PENDING - **PASSAGE TO BE ENACTED.**

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. 110 voted in favor of the same and 6 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Support the State's Homeless Youth

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

TABLED - February 14, 2002 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING - **PASSAGE TO BE ENACTED.**

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

SENATE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass** - Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Allow Mechanics Licensed by the Manufactured Housing Board to Install and Maintain Oil Tanks"

(S.P. 686) (L.D. 1888)

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

TABLED - February 28, 2002 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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

BILL HELD

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

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

- In House, **PASSED TO BE ENACTED.**

HELD at the Request of Representative MUSE of South Portland.

On motion of Representative MUSE of South Portland, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED.**

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

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-853)** - Minority (4) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Delay the Date by Which the Use of Tokens or Tickets is Required for Games of Chance at Agricultural Fairs" (EMERGENCY)

(H.P. 1552) (L.D. 2055)

Which was **TABLED** by Representative COLWELL of Gardiner pending **ACCEPTANCE** of either Report.

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

Representative CHIZMAR of Lisbon **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. 494

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno,

Bryant, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Clark, Clough, Collins, Colwell, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Glynn, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marley, Matthews, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michael, Michaud, Mitchell, Morrison, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Pinkham, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Chizmar, Cote, Honey, Mayo, Povich, Smith.

ABSENT - Bagley, Baker, Gerzofsky, Goodwin, Lovett, Marrache, Mendros, Murphy E, O'Brien LL, Peavey, Tessier.

Yes, 134; No, 6; Absent, 11; Excused, 0.

134 having voted in the affirmative and 6 voted in the negative, with 11 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-853)** 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-853)** and sent for concurrence.

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

COMMUNICATIONS

The Following Communication: (H.C. 401)

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

March 5, 2002

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333-0002

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1 (I), I have temporarily appointed Representative William S. Norbert of Portland as a member of the Joint Standing Committee on Banking and Insurance for the duration of the absence of Representative Lisa Marraché of Waterville.

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

Sincerely,

S/Michael V. Saxl

Speaker of the House

READ and ORDERED PLACED ON FILE.

On motion of Representative CLARK of Millinocket, the House adjourned at 11:57 a.m., until 9:00 a.m., Wednesday, March 6, 2002.