

# MAINE STATE LEGISLATURE

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

**Volume III**

**Second Regular Session**

March 7, 2002 – April 25, 2002

**First Special Session**

November 13, 2002 - November 14, 2002

Pages 1771-2574

**Appendix**  
**House Legislative Sentiments**  
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ONE HUNDRED AND TWENTIETH LEGISLATURE  
SECOND REGULAR SESSION  
28th Legislative Day  
Tuesday, March 12, 2002

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

Prayer by Reverend Daniel M. Berry, III, Elm Street Congregational Church, Bucksport.

National Anthem by Skowhegan Area High School Band.

Pledge of Allegiance.

Doctor of the day, Art Dingley, D.O., Portland.

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

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The Journal of yesterday was read and approved.

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**COMMUNICATIONS**

The Following Communication: (S.P. 803)

**STATE OF MAINE  
120TH MAINE LEGISLATURE**

March 7, 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 Ward I. Graffam of Portland for reappointment and Robert S. Walker of Virginia Beach, VA and Capt. Susan J. Clark, Esq. of Cape Elizabeth for appointment as members of the Maine Maritime Academy, Board of Trustees.

Pursuant to P.L. 1975, Chapter 771, Section 428, 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.

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The Following Communication: (S.P. 804)

**STATE OF MAINE  
120TH MAINE LEGISLATURE**

March 7, 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 Jana LaPointe of Falmouth for reappointment and the Honorable Daniel E. Wathen of Augusta and Kathryn G. Underwood of Portland for appointment as members of the Maine Technical College System, Board of Trustees.

Pursuant to Title 20-A, §12705, 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.

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The Following Communication: (S.C. 619)

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

March 11, 2002

The Honorable Michael V. Saxl

Speaker of the House

2 State House Station

Augusta, ME 04333

Dear Speaker Saxl:

In accordance with Joint Rule 506 of the 120th Legislature, please be advised that the Senate today has confirmed the following nominations:

Upon the recommendation of the Joint Standing Committee on Judiciary the nomination of Honorable Donald H. Marden of Waterville, for reappointment as a Maine Superior Court Judge.

Upon the recommendation of the Joint Standing Committee on Judiciary the nomination of John David Kennedy of North Yarmouth, for appointment as a Maine District Court Judge.

Upon the recommendation of the Joint Standing Committee on Judiciary the nomination of Honorable John D. McElwee of Bryant Pond, for appointment as a Maine District Court Judge.

Upon the recommendation of the Joint Standing Committee on Judiciary the nomination of John B. Beliveau of Lewiston, for reappointment as a Maine District Court Judge.

Sincerely,

S/Pamela L. Cahill

Secretary of the Senate

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

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**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

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:

**HEALTH AND HUMAN SERVICES**

Bill "An Act to Ensure Maine Citizens in Recovery from Drug Addiction Equal Access to Public Assistance"

(H.P. 1665) (L.D. 2170)

Sponsored by Representative PEAVEY of Woolwich.

Cosponsored by Senator TURNER of Cumberland and Representatives: BRUNO of Raymond, KANE of Saco, NORBERT of Portland, SNOWE-MELLO of Poland, Senators: DAGGETT of Kennebec, SMALL of Sagadahoc, TREAT of Kennebec.

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

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**LEGAL AND VETERANS AFFAIRS**

Bill "An Act to Ensure Proper Disbursement of Matching Funds under the Maine Clean Election Act"

(H.P. 1664) (L.D. 2169)

Sponsored by Representative TUTTLE of Sanford.

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

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**TAXATION**

Bill "An Act to Provide Flexibility in the Rate of Interest Charged on Delinquent Taxes" (EMERGENCY)

(H.P. 1661) (L.D. 2166)

Sponsored by Representative SULLIVAN of Biddeford.

Cosponsored by Representatives: LAVERRIERE-BOUCHER of Biddeford, MCGOWAN of Pittsfield, WATSON of Farmingdale, Senator: GAGNON of Kennebec.

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

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Bill "An Act to Withdraw from the Texas Low-level Radioactive Waste Disposal Compact" (EMERGENCY)

(H.P. 1666) (L.D. 2171)

Sponsored by Representative SAVAGE of Buxton. (GOVERNOR'S BILL)

Cosponsored by Senator FERGUSON of Oxford and Representatives: BERRY of Belmont, RINES of Wiscasset, Senators: KILKELLY of Lincoln, TREAT of Kennebec.

Committee on UTILITIES AND ENERGY suggested.

Subsequently, the Bill was REFERRED to the Committee on UTILITIES AND ENERGY and the Committee on NATURAL RESOURCES, ordered printed and sent for concurrence.

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**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 Bill "An Act to Improve Public Safety by Regulating the Installation and Inspection of Fire Alarm Systems"

(H.P. 1663) (L.D. 2167)

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 item:

**Recognizing:**

the following members of the United States Wheelchair Curling Team: Sam Woodward, Loren Greenlaw, Doug Sewell, Danell Libby, Mary Weaver Dutch and Weston Smith, who placed 5th at the first World Wheelchair Curling Championships held in Sursee, Switzerland. The team is sponsored by the Belfast Curling Club and coached by Jeff Dutch. Representing the country in an international curling competition, the team made an incredible appearance without any prior contests with other wheelchair teams. We commend them for their dedication to the sport, wish them luck in future competition and extend our congratulations to them on this achievement;

(HLS 1018)

Presented by Representative WESTON of Montville.

Cosponsored by Senator LONGLEY of Waldo, Senator CATHCART of Penobscot, Senator TURNER of Cumberland, Senator TREAT of Kennebec, Senator GOLDTHWAIT of Hancock, Representative ASH of Belfast, Representative CHASE of Levant, Representative FOSTER of Gray, Representative COWGER of Hallowell, Representative THOMAS of Orono, Representative PERKINS of Penobscot.

On OBJECTION of Representative WESTON of Montville, was REMOVED from the Special Sentiment Calendar.

**READ.**

The SPEAKER PRO TEM: The Chair recognizes the Representative from Montville, Representative Weston.

Representative WESTON: Mr. Speaker, Ladies and Gentlemen of the House. This story of the USA Wheelchair Curling Team is sort of like a ripple that keeps going out and getting larger. It starts in Belfast with what I believe is the only curling team league in the entire state. It started with a couple, the Dutchs, who recruited others from around the state. These five others, team of six, then represented the entire United States in an international competition in Switzerland. Their hard work and dedication earned them fifth place in this competition. It is an honor this morning to congratulate this team for their great accomplishment. Thank you.

**PASSED** and sent for concurrence.

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on HEALTH AND HUMAN SERVICES reporting Ought to Pass as Amended by Committee Amendment "A" (S-454) on Bill "An Act to Implement the Recommendations of the Health Care Workforce Steering Committee"

(S.P. 711) (L.D. 1913)

Signed:

Senators:

LONGLEY of Waldo  
MARTIN of Aroostook

Representatives:

KANE of Saco  
FULLER of Manchester  
NUTTING of Oakland  
SHIELDS of Auburn  
BROOKS of Winterport  
LAVERRIERE-BOUCHER of Biddeford  
DUDLEY of Portland

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

Signed:

Senator:

TURNER of Cumberland

Representatives:

DUGAY of Cherryfield  
O'BRIEN of Augusta  
LOVETT of Scarborough

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-454)**.

**READ.**

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

---

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought Not to Pass** on Bill "An Act to Protect Children from Sexual Predators"

(H.P. 1482) (L.D. 1983)

Signed:

Senator:

O'GARA of Cumberland

Representatives:

POVICH of Ellsworth  
O'BRIEN of Lewiston  
BLANCHETTE of Bangor  
QUINT of Portland  
PEAVEY of Woolwich  
GERZOFKY of Brunswick  
MITCHELL of Vassalboro  
WHEELER of Bridgewater

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-881)** on same Bill.

Signed:

Senators:

McALEVEY of York  
DAVIS of Piscataquis

Representatives:

TOBIN of Dexter  
SNOWE-MELLO of Poland

**READ.**

Representative POVICH of Ellsworth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

---

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass pursuant to Resolve 1999, chapter 126** on Bill "An Act to Implement the Recommendations of the Commission to Study Domestic Violence"

(H.P. 1658) (L.D. 2163)

Signed:

Senator:

O'GARA of Cumberland

Representatives:

O'BRIEN of Lewiston  
BLANCHETTE of Bangor  
QUINT of Portland  
GERZOFKY of Brunswick  
MITCHELL of Vassalboro  
WHEELER of Bridgewater

Minority Report of the same Committee reporting **Ought to**

**Pass as Amended by Committee Amendment "A" (H-883)** pursuant to **Resolve 1999, chapter 126** on same Bill.

Signed:

Senators:

McALEVEY of York  
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth  
TOBIN of Dexter  
PEAVEY of Woolwich  
SNOWE-MELLO of Poland

**READ.**

Representative POVICH of Ellsworth moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

On motion of Representative MITCHELL of Vassalboro, **TABLED** pending the motion of Representative POVICH of Ellsworth to **ACCEPT** the Minority **Ought to Pass as Amended** Report and later today assigned.

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## CONSENT CALENDAR

### First Day

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

(S.P. 657) (L.D. 1849) Bill "An Act Regarding the Deferment of Loan Repayments for Remediation of Waste Oil Sites" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-458)**

(S.P. 687) (L.D. 1889) Resolve, Directing the Department of Education to Provide Adult Education and Other Support Services Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-456)**

(S.P. 741) (L.D. 2066) Bill "An Act to Expedite Employment in Maine Industry" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-459)**

(H.P. 1504) (L.D. 2007) Resolve, to Address the Crisis of a Shortage in Direct-care Staff in the Long-term Care System (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-886)**

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

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## CONSENT CALENDAR

### Second Day

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

(S.P. 684) (L.D. 1886) Bill "An Act to Reduce the Fee Structure for Class II Liquor Licenses" (C. "A" S-453)

(S.P. 712) (L.D. 1914) Bill "An Act to Make Minor Changes to the Maine Technology Institute's Statute and to Make Minor Changes to the Applied Technology Development Centers' Statute" (C. "A" S-452)

(S.P. 736) (L.D. 2047) Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2003" (C. "A" S-450)

(H.P. 1630) (L.D. 2132) Bill "An Act to Allow the Town of Lincoln to Adjust the Definition of Original Assessed Value for a Downtown Tax Increment Financing District" (EMERGENCY)

(H.P. 506) (L.D. 646) Bill "An Act to Establish the Maine Energy Advisory Council" (C. "A" H-882)

(H.P. 1426) (L.D. 1864) Bill "An Act to Increase the Number of 'Construction-manager-at-risk' Alternative Delivery Pilot Projects for School Construction and to Increase the Maximum Project Cost of Projects Eligible for Alternative Delivery" (C. "A" H-879)

(H.P. 1433) (L.D. 1930) Bill "An Act to Ensure the Fair Collection of Overpayments" (C. "A" H-884)

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

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**ENACTORS**

**Acts**

An Act Regarding Child Abandonment  
(S.P. 539) (L.D. 1670)  
(C. "A" S-447)

An Act to Amend the Uniform Commercial Code, Article 9-A  
(H.P. 1401) (L.D. 1840)  
(C. "A" H-857)

An Act to Clarify the Regulatory Authority of the Maine Forest Service Regarding Forestry-related Quarantines  
(S.P. 664) (L.D. 1855)  
(C. "A" S-446)

An Act to Amend the Laws Governing Background Checks on Prospective Adoptive Parents  
(H.P. 1507) (L.D. 2010)  
(C. "A" H-856)

An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Land for Maine's Future Board Under the Government Evaluation Act  
(H.P. 1650) (L.D. 2156)

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.

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**Resolves**

Resolve, to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags  
(S.P. 735) (L.D. 2046)  
(C. "A" S-449)

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.

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An Act to Protect Victims of Domestic Violence, Sexual Assault and Stalking

(H.P. 1515) (L.D. 2019)  
(C. "A" H-855; H. "A" H-866)

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. 502**

**YEA** - Andrews, Annis, Belanger, Berry DP, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Duncan, Dunlap, Duplessie, Duprey, Estes, Fisher, Foster, Gagne, Gerzofsky, Glynn, Gooley, Hall, Haskell, Hatch, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kasprzak, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Mailhot, Marley, Mayo, McDonough, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, 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, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winsor, Young.

**NAY** - NONE.

**ABSENT** - Ash, Bagley, Baker, Berry RL, Dudley, Dugay, Etnier, Fuller, Goodwin, Green, Hawes, Kane, Landry, Madore, Marrache, Matthews, McGowan, O'Brien JA, O'Brien LL, Pinkham, Smith, Tessier, Usher, Weston, Mr. Speaker.

Yes, 126; No, 0; Absent, 25; Excused, 0.

126 having voted in the affirmative and 0 voted in the negative, with 25 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

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On motion of Representative COLWELL of Gardiner, the House **RECONSIDERED** its action whereby Bill "An Act to Withdraw from the Texas Low-level Radioactive Waste Disposal Compact" (EMERGENCY)

(H.P. 1666) (L.D. 2171)

Was **REFERRED** to the Committee on **UTILITIES AND ENERGY** and the Committee on **NATURAL RESOURCES**.

On further motion of the same Representative, the Bill was **REFERRED** to the Committee on **UTILITIES AND ENERGY**, ordered printed and sent for concurrence.

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The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Cape Elizabeth, Representative McLaughlin who wishes to address the House on the record.

Representative **MCLAUGHLIN**: Mr. Speaker, Ladies and Gentlemen of the House. If I had been present yesterday during roll calls 498 through 501, I would have voted yea on all of them.

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The Speaker resumed the Chair.  
The House was called to order by the Speaker.

**ORDERS**

On motion of Speaker SAXL of Portland, the following Joint Resolution: (H.P. 1662) (Under suspension of the rules, cosponsored by President BENNETT of Oxford and Representatives: ANDREWS of York, ANNIS of Dover-Foxcroft, ASH of Belfast, BAGLEY of Machias, BAKER of Bangor, BELANGER of Caribou, BERRY of Belmont, BERRY of Livermore, BLANCHETTE of Bangor, BLISS of South Portland, BOUFFARD of Lewiston, BOWLES of Sanford, BRANNIGAN of Portland, BROOKS of Winterport, BRUNO of Raymond, BRYANT of Dixfield, BUCK of Yarmouth, BULL of Freeport, BUMPS of China, BUNKER of Kossuth Township, CANAVAN of Waterville, CARR of Lincoln, CHASE of Levant, CHICK of Lebanon, CHIZMAR of Lisbon, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, COLWELL of Gardiner, COTE of Lewiston, COWGER of Hallowell, CRABTREE of Hope, CRESSEY of Baldwin, CUMMINGS of Portland, DAIGLE of Arundel, DAVIS of Falmouth, DESMOND of Mapleton, DORR of Camden, DUDLEY of Portland, DUGAY of Cherryfield, DUNCAN of Presque Isle, DUNLAP of Old Town, DUPLESSIE of Westbrook, DUPREY of Hampden, ESTES of Kittery, ETNIER of Harpswell, FISHER of Brewer, FOSTER of Gray, FULLER of Manchester, GAGNE of Buckfield, GERZOFKY of Brunswick, GLYNN of South Portland, GOODWIN of Pembroke, GOOLEY of Farmington, GREEN of Monmouth, HALL of Bristol, HASKELL of Milford, HATCH of Skowhegan, HAWES of Standish, HEIDRICH of Oxford, HONEY of Boothbay, HUTTON of Bowdoinham, JACOBS of Turner, JODREY of Bethel, JONES of Greenville, KANE of Saco, KASPRZAK of Newport, KOFFMAN of Bar Harbor, LABRECQUE of Gorham, LANDRY of Patten, LAVERDIERE of Wilton, LAVERRIERE-BOUCHER of Biddeford, LEDWIN of Holden, LEMOINE of Old Orchard Beach, LESSARD of Topsham, LORING of the Penobscot Nation, LOVETT of Scarborough, LUNDEEN of Mars Hill, MacDOUGALL of North Berwick, MADORE of Augusta, MAILHOT of Lewiston, MARLEY of Portland, MARRACHÉ of Waterville, MATTHEWS of Winslow, MAYO of Bath, McDONOUGH of Portland, McGLOCKLIN of Embden, McGOWAN of Pittsfield, McKEE of Wayne, McKENNEY of Cumberland, McLAUGHLIN of Cape Elizabeth, McNEIL of Rockland, MENDROS of Lewiston, MICHAEL of Auburn, MICHAUD of Fort Kent, MITCHELL of Vassalboro, MORRISON of Baileyville, MURPHY of Berwick, MURPHY of Kennebunk, MUSE of South Portland, MUSE of Fryeburg, NASS of Acton, NORBERT of Portland, NORTON of Bangor, NUTTING of Oakland, O'BRIEN of Augusta, O'BRIEN of Lewiston, O'NEIL of Saco, PARADIS of Frenchville, PATRICK of Rumford, PEAVEY of Woolwich, PERKINS of Penobscot, PERRY of Bangor, PINEAU of Jay, PINKHAM of Lamoine, POVICH of Ellsworth, QUINT of Portland, RICHARD of Madison, RICHARDSON of Brunswick, RINES of Wiscasset, ROSEN of Bucksport, SAVAGE of Buxton, SCHNEIDER of Durham, SHERMAN of Hodgdon, SHIELDS of Auburn, SIMPSON of Auburn, SKOGLUND of St. George, SMITH of Van Buren, SNOWE-MELLO of Poland, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STEDMAN of Hartland, SULLIVAN of Biddeford, TARAZEWICH of Waterboro, TESSIER of Fairfield, THOMAS of Orono, TOBIN of Windham, TOBIN of Dexter, TRACY of Rome, TRAHAN of Waldoboro, TREADWELL of Carmel, TUTTLE of Sanford, TWOMEY of Biddeford, USHER of Westbrook, VOLENIK of Brooklin, WATERHOUSE of Bridgton, WATSON of Farmingdale, WESTON of Montville, WHEELER of Bridgewater, WHEELER of Eliot, WINSOR of Norway, YOUNG of Limestone, Senators: BROMLEY of Cumberland, CARPENTER of York, CATHCART of Penobscot, DAGGETT of Kennebec,

DAVIS of Piscataquis, DOUGLASS of Androscoggin, EDMONDS of Cumberland, FERGUSON of Oxford, GAGNON of Kennebec, GOLDTHWAIT of Hancock, KILKELLY of Lincoln, KNEELAND of Aroostook, LaFOUNTAIN of York, LEMONT of York, LONGLEY of Waldo, MARTIN of Aroostook, McALEVEY of York, President Pro Tem MICHAUD of Penobscot, MILLS of Somerset, MITCHELL of Penobscot, NUTTING of Androscoggin, O'GARA of Cumberland, PENDLETON of Cumberland, RAND of Cumberland, ROTUNDO of Androscoggin, SAVAGE of Knox, SAWYER of Penobscot, SHOREY of Washington, SMALL of Sagadahoc, TREAT of Kennebec, TURNER of Cumberland, WOODCOCK of Franklin, YOUNGBLOOD of Penobscot)

**JOINT RESOLUTION RECOGNIZING THE GIRL SCOUTS ON THE OCCASION OF ITS 90TH ANNIVERSARY**

WHEREAS, March 12, 2002, is the 90th Anniversary of the founding of the Girl Scouts of the United States of America; and

WHEREAS, the Girl Scouts is dedicated to inspiring girls and young women with the highest ideals of character, conduct and service to others so that they may become model citizens in their communities; and

WHEREAS, the Girl Scouts offers a variety of opportunities to develop life skills and strong values and provides a wide range of activities to meet girls' interests and needs; and

WHEREAS, founded by Juliette Gordon Low in 1912, with a group of only 18 girls, the Girl Scouts organization has grown to its current membership of more than 3 million girls. Nearly 18,000 girls participate in Girl Scouts in our State today; and

WHEREAS, in Girl Scouting, girls of all races and creeds are welcome and each girl has the opportunity to be an active participant and to speak, be heard, influence decisions and develop qualities of leadership; and

WHEREAS, adults who serve as leaders and advisers support girls in their efforts to become responsible and self-reliant and work in partnership with the girls, providing friendship, advice, encouragement and resources; now, therefore, be it

RESOLVED: That We, the members of the 120th Legislature now assembled in the Second Regular Session, take this opportunity to honor the ideals and accomplishments of the Girl Scouts organization on the occasion of its 90th Anniversary; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Abnaki Girl Scout Council and the Girls Scouts of Kennebec Council within Maine as an expression of our esteem.

**READ and ADOPTED.**

Sent for concurrence.

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**UNFINISHED BUSINESS**

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

Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2003" (EMERGENCY)

(H.P. 1526) (L.D. 2030)

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

PENDING - **PASSAGE TO BE ENGROSSED.**

Representative BUNKER of Kossuth Township **PRESENTED House Amendment "B" (H-885)**, which was **READ** by the Clerk.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. This is just a technical change to the operating budget to allow proper booking of Maine State Retirement credits to certain employees. Thank you.

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

Representative **BRUNO**: Mr. Speaker, I am not certain that this is just a technical amendment. I would ask for a clarification on germaneness of this issue to the operating budget of the Retirement System?

Representative **BRUNO** of Raymond asked the Chair to **RULE** if **House Amendment "B" (H-885)** was germane to the Bill.

Subsequently, the Bill was **TABLED** by the Speaker pending a **RULING OF THE CHAIR**.

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

**SENATE DIVIDED REPORT - Report "A" (5) Ought to Pass - Report "B" (5) Ought to Pass as Amended by Committee Amendment "A" (S-455) - Report "C" (3) Ought Not to Pass - Committee on INLAND FISHERIES AND WILDLIFE on Bill "An Act to Ban the Use of Aircraft While Hunting"**

(S.P. 746) (L.D. 2078)

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

**TABLED** - March 11, 2002 (Till Later Today) by Representative **COLWELL** of Gardiner.

**PENDING - ACCEPTANCE OF ANY REPORT.**

Representative **DUNLAP** of Old Town moved that the House **ACCEPT** Report "B" **Ought to Pass as Amended**.

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

Representative **TRAHAN**: Mr. Speaker, Members of the House. I stand and ask you to oppose the current motion and move on to Report "A" and I will explain why. Many times we pass legislation that we hope will do something, but actually does nothing. I think that this bill falls in that category if you accept the current motion. I will explain why.

This bill implies that if we pass this legislation, we would ban the use of aircraft while hunting. I believe that is appropriate and I will go on later to explain why, but I want to first explain to you why this report will not do that. We heard during the discussions on the Inland Fisheries and Wildlife Committee, several times, the department brought up the problem of enforcement if we adopted this report. This report would actually allow a person, when they fly in on a private aircraft, the same day that they are hunting, to hunt on that same day. You could imagine the difficulties for a law enforcement agent to prove without a confession that a person was hunting from an aircraft. They could say that they were flying into our camp to hunt and we happened to spot this bull moose and yes, I did shoot the bull moose, but I wasn't hunting, I was just flying into the camp. That is extremely difficult to prove and I think almost impossible.

Why I ask you to support the Report "A" is that I am opposed to anyone hunting from an aircraft. Imagine why a bull moose five or six years old with a humongous rack has survived to get to that point. They have been able to adapt to all of the technologies now available to a hunter, scopes that can see out hundreds if not thousands of yards, hearing devices that can hear animals from long distances, scents that allow the human scent

to be neutralized. All of these new modern technologies have allowed hunters to approach and kill older, more adaptable animals to those pressures. Now you bring in an aircraft. This animal has survived six or seven years. It has found a place to survive back in the woods away from man. You bring in an aircraft. You bring in an aircraft and an aircraft can go anywhere. It can fly into the most remote areas of our state and identify these trophy animals, which, by the way, are the seed of the future, the best of our crop of animals. The aircraft takes away all of what that animal has used for instincts during his life to survive. I believe that if we don't pass this Report "A," we will be endangering the future of our moose herd and our other big game animals. If you are going to do this, I believe we need to do it with some teeth in it. Don't allow a person to hunt on the day that they fly in. If we are going to pass legislation, I believe it needs teeth and that is why I ask you to defeat this current motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, urge you to vote against the motion in front of us. I want to go to the other motion, Ought Not to Pass. We don't have a problem in the state now with hunting from an aircraft. People that do have this luxury of flying in to these remote sporting camps throughout the State of Maine, these non-residents or even residents who might go up and scout for game during the hunting season. They go up. They scout and then they come back on the ground and then they go hunting. A lot of these flying services in the State of Maine help the warden service. Let me repeat that, help the warden service catch criminals on the ground. They go up and they fly around and they help the warden service catch the criminals on the ground.

I just have one question for you to ponder when you look at Report "A." What happens if that person or yourself or a relative from out of state comes in for a moose hunt, for example, and wants to fly in on a Sunday, but cannot because it is too foggy. The plane cannot get off the ground. He elects to go in on a Monday, which is the first day of hunting season. You spent close to \$300 on that license with one day already gone. Is that going to help you in capturing your game that you paid over \$300 for? Like I said, this is not a problem. If there are complaints, report them to the warden service. The warden service will try to take care of them. All this did is come from one person. The legislator put in the piece of legislation for that. There is no problem that we have now.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I would like to make this whole thing as simple as possible for people to understand. Under current law where I live along the banks of the Penobscot River, if I am driving along and I see a raft of golden eye ducks out there on my way to go duck hunting, am I hunting from the motor vehicle? No. If I was to poke my shotgun out the window and take aim and fire, I am hunting from the motor vehicle and that is prohibited under current statute. As far as motor vehicles, we have fairly specific overate acts that go along with hunting from a motor vehicle versus not. If you are driving along and you see a deer, you can stop and put on your blaze orange, get your gun and step 10 feet off the paved way and you are within the limits of the law. There is nothing in the law that speaks to using aircraft. This is what the original bill said, if you are in an airplane, you can't shoot from the airplane. If you are on the ground, someone in an airplane cannot help you be directed to where the animal is. Also, the original bill said that if you fly into a sporting camp or fly out, you



cannot hunt on the day that you fly in or fly out. I think for the purposes of what we are debating right now, I don't think that those of us on Report "B" felt that that was probably a really big deal. I think we had one complaint about this. There is some evidence that this is happening out there. In pursuit of a standard of fair chase, we felt that it was at least acceptable to say that we cannot hunt from an airplane or use an airplane to assist us. That is fairly consistent with how we handle hunting from motor vehicles. Where we diverge is whether or not you should be allowed to hunt on the same day that you fly in. There is that wiggle room that you could see a moose or a bear or a deer on your way to a sporting camp and then go to that place where you saw it and shoot.

I have spent some time in airplanes and it is pretty difficult to spot big game animals from an airplane, even a 1,500-pound moose. You have to really know what you are doing to look for them. There are flying services that offer this as a service. There are a few people that do it. I think it is an issue of fair chase, but is it something that we need to do to drop the water tight doors on and prevent people from using aircraft at all to get into sporting camps to go hunting. No, I don't believe so and that is the premise of Report "B." It simply makes what we do with aircraft consistent with what we do with every other aspect of hunting laws in regards to transportation. That is all we are trying to do. Very simple.

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

Representative **TRAHAN**: Mr. Speaker, Members of the House. Just to address some of the things that have been said. We did have some complaints and we did have some people come to the committee and talk about the individuals that are out there doing this. Just to address the previous speaker's attempt at clarifying the difference between aircraft and automobiles. I think to compare the two is like comparing this building to a smelting camp. They are totally different. An aircraft you can reach any place. You can fly in very low levels and see animals. You can't do that with an automobile. If you are driving down a road, you can't look out into a 15 year old clear cut and see a moose, but you can see that moose from an aircraft. That is the difference. This law is law in the State of Alaska. That is for a reason. You cannot hunt on the same day in that state for a good reason. This is a giant loophole in the law if you can fly on the same day that you are hunting. You can deny everything. If you are the one being chartered to do the flying, are you going to rat out your clientele? I don't think so, because you will never get another client like that again. You are leaving a giant loophole in the law. All I am saying to you is, if you are going to pass legislation, pass something that can be enforced. If you don't believe that it should be outlawed, hunting from an aircraft, then vote that way. I want you to know that if you pass Report "B," it cannot be enforced.

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

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. I am on the third report, Ought Not to Pass. It is not a huge deal to me. I lived in Alaska for many years and that law does exist up there. You can't hunt the day you are airborne. One reason I voted against the bill entirely was the chief warden was in front of our committee and I asked the chief warden, what is the problem we are trying to solve here? Is it a growing problem? Is it a problem? The chief warden said it was kind of a problem a few years ago in the Greenville area, which is the moosiest area and the most heavily hunted area for moose in the state. He said it was a problem, but it really has subsided. The problem has subsided. That is one reason I voted against it.

The other reason is, I think it needs more work in the committee. I think we need to have more input from the various guides and so forth. I don't think it got a full hearing and perhaps you are already confused enough by the debate here that you will vote no on both A and B. That is my hope. Thank you.

Representative **STEDMAN** of Hartland **REQUESTED** a roll call on the motion to **ACCEPT** Report "B" **Ought to Pass as Amended**.

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 Greenville, Representative Jones.

Representative **JONES**: Mr. Speaker, Ladies and Gentlemen of the House. I have a unique experience. I live on the shores of Moosehead Lake, which I am delighted to say is also in front of the largest seaplane base east of the Mississippi. Across from me is Inland Fisheries and Wildlife. I can tell you that I will be voting against this bill because it is not an issue. If it was an issue, obviously in the district I represent, I would be fully supportive of this change. We have an industry that is very fragile. The hunting and sporting industry certainly doesn't need to have another piece of legislation that can't be enforced. We have two wardens that fly in the State of Maine. I am not sure how they can even begin to enforce this in the first place. This is a bill that needs more study. If it is a tremendous issue out there, I have never received one letter or phone call. I do represent most of Piscataquis County along with Representative Annis.

Representative **HONEY** of Boothbay **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

Representative **TUTTLE** of Sanford moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative **DUNLAP** of Old Town **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

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

Representative **TRAHAN**: Mr. Speaker, Members of the House. What an unfortunate motion to make, in my opinion. I ask you to reflect for a moment on the message that we will be sending if we Indefinitely Postpone this bill. We will be putting our stamp of approval of the continued use of an aircraft in hunting an animal. I purposely avoided the ethical implications of hunting from an aircraft. I want you to think very long and hard about what we are allowing people to do. It does go on. Because people in Greenville don't call their Representative to say it is going on, doesn't mean it is not. Those very people that might be doing it aren't going to call up their representative and say we are doing this. I want you to think very clearly on the message we are sending. We are saying to the public that it is okay to take an aircraft and go out and find a creature, a wild animal, and direct someone to that animal with a radio and kill that animal. Is that hunting? I don't think it is. I am a hunter. I love the sport, but I remind you that it is a sport. There is some sport for the animal. The animal has an opportunity to get away, but with an aircraft, that animal does not. You can direct a person into that animal. You can walk them right up to it. In my opinion, we should not, as a body, put our stamp of approval on that type of hunting. I ask you to defeat the Indefinite Postponement motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 503**

YEA - Andrews, Blanchette, Bouffard, Buck, Bunker, Carr, Chase, Clark, Daigle, Dorr, Dugay, Duplessie, Duprey, Gagne, Goodwin, Gooley, Haskell, Jones, Kasprzak, Labrecque, Lovett, Lundeen, MacDougall, McGowan, McKenney, Mendros, Michaud, Perkins, Rosen, Schneider, Sherman, Stanley, Tessier, Tobin D, Tobin J, Tracy, Tuttle, Waterhouse, Wheeler EM, Wheeler GJ.

NAY - Annis, Belanger, Berry DP, Berry RL, Bliss, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Canavan, Chick, Chizmar, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Davis, Desmond, Dudley, Duncan, Dunlap, Estes, Etnier, Fisher, Foster, Fuller, Gerzofsky, Glynn, Green, Hall, Hatch, Heidrich, Honey, Hutton, Jacobs, Jodrey, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McKee, McLaughlin, McNeil, Michael, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Shields, Simpson, Skoglund, Snowe-Mello, Stedman, Sullivan, Tarazewich, Thomas, Trahan, Treadwell, Twomey, Volenik, Watson, Weston, Winsor, Young, Mr. Speaker.

ABSENT - Ash, Bagley, Baker, Hawes, Landry, Marrache, O'Brien LL, Pinkham, Smith, Usher.

Yes, 40; No, 101; Absent, 10; Excused, 0.

40 having voted in the affirmative and 101 voted in the negative, with 10 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

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

**ROLL CALL NO. 504**

YEA - Andrews, Berry RL, Bliss, Bouffard, Brannigan, Bruno, Bryant, Bull, Bunker, Canavan, Chick, Colwell, Cowger, Cummings, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fuller, Gagne, Gerzofsky, Green, Hatch, Hutton, Jacobs, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Mailhot, McDonough, McGlocklin, McKee, McLaughlin, Michaud, Mitchell, Norbert, Norton, O'Neil, Patrick, Perry, Pineau, Povich, Richard, Richardson, Rines, Savage, Sherman, Simpson, Sullivan, Thomas, Tobin D, Tobin J, Twomey, Volenik, Watson, Mr. Speaker.

NAY - Annis, Belanger, Berry DP, Blanchette, Bowles, Brooks, Buck, Bumps, Carr, Chase, Chizmar, Clark, Clough, Collins, Cote, Crabtree, Cressey, Daigle, Davis, Desmond, Dugay, Duncan, Duprey, Foster, Glynn, Goodwin, Gooley, Hall, Haskell, Heidrich, Honey, Jodrey, Jones, Kasprzak, Koffman, Labrecque, Ledwin, Lovett, Lundeen, MacDougall, Madore, Marley, Matthews, Mayo, McGowan, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, Paradis, Peavey, Perkins, Quint, Rosen, Schneider, Shields, Skoglund, Snowe-Mello, Stanley, Stedman, Tarazewich, Tessier, Tracy, Trahan, Treadwell, Tuttle, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Ash, Bagley, Baker, Fisher, Hawes, Landry, Marrache, O'Brien LL, Pinkham, Smith, Usher.

Yes, 60; No, 80; Absent, 11; Excused, 0.

60 having voted in the affirmative and 80 voted in the negative, with 11 being absent, and accordingly Report "B" **Ought to Pass as Amended was NOT ACCEPTED**.

Representative DUNLAP of Old Town moved that the House **ACCEPT** Report "A" **Ought to Pass**.

Representative MATTHEWS of Winslow **REQUESTED** a division on the motion to **ACCEPT** Report "A" **Ought to Pass**.

Representative WATERHOUSE of Bridgton **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass**.

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, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. Is it is my understanding that now the present motion before us would prohibit people who fly into their campsite from hunting on that day?

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 Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. To answer the question, the answer would be in the affirmative.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. Just briefly, I don't think anything is broke here. I urge you to vote no.

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

**ROLL CALL NO. 505**

YEA - Belanger, Berry RL, Bliss, Bowles, Brannigan, Bruno, Bull, Clough, Colwell, Cowger, Crabtree, Cressey, Cummings, Davis, Desmond, Dudley, Duncan, Dunlap, Estes, Etnier, Fisher, Foster, Fuller, Gerzofsky, Glynn, Green, Hall, Honey, Hutton, Jodrey, Kane, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Mailhot, Mayo, McGlocklin, McKee, McLaughlin, McNeil, Michael, Mitchell, Morrison, Muse C, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Paradis, Peavey, Perry, Richard, Richardson, Rines, Savage, Shields, Skoglund, Snowe-Mello, Stedman, Thomas, Trahan, Twomey, Volenik, Watson, Weston, Mr. Speaker.

NAY - Andrews, Annis, Berry DP, Blanchette, Bouffard, Brooks, Bryant, Buck, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Collins, Cote, Daigle, Dorr, Dugay, Duplessie, Duprey, Gagne, Goodwin, Gooley, Haskell, Hatch, Heidrich, Jacobs, Jones, Kasprzak, Labrecque, LaVerdiere, Lessard, Lovett, Lundeen, MacDougall, Madore, Marley, Matthews, McDonough, McGowan, McKenney, Mendros, Michaud, Murphy E, Murphy T, Muse K, Patrick, Perkins, Pineau, Povich, Quint, Rosen, Schneider, Sherman, Simpson, Stanley, Sullivan, Tarazewich, Tessier, Tobin D, Tobin J, Tracy, Treadwell, Tuttle, Waterhouse, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Ash, Bagley, Baker, Hawes, Landry, Marraché, O'Brien LL, Pinkham, Smith, Usher.

Yes, 69; No, 72; Absent, 10; Excused, 0.

69 having voted in the affirmative and 72 voted in the negative, with 10 being absent, and accordingly Report "A" **Ought to Pass** was **NOT ACCEPTED**.

Representative SAXL of Portland moved that the House **ACCEPT** Report "C" **Ought Not to Pass**.

Representative TRAHAN of Waldoboro **REQUESTED** a roll call on the motion to **ACCEPT** Report "C" **Ought Not to Pass**.

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 Report "C" **Ought Not to Pass**. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 506**

**YEA** - Andrews, Annis, Blanchette, Brooks, Buck, Bunker, Canavan, Carr, Chase, Chizmar, Clark, Cressey, Daigle, Dorr, Duncan, Duplessie, Duprey, Foster, Gagne, Goodwin, Gooley, Haskell, Jones, Kasprzak, Labrecque, Lovett, Lundeen, MacDougall, Madore, Matthews, McDonough, McKenney, Mendros, Michaud, Murphy E, Muse K, Perkins, Pineau, Povich, Rosen, Schneider, Sherman, Stanley, Tessier, Tobin D, Tobin J, Tracy, Treadwell, Tuttle, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

**NAY** - Belanger, Berry DP, Berry RL, Bliss, Bouffard, Bowles, Brannigan, Bruno, Bryant, Bull, Bumps, Chick, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Davis, Desmond, Dudley, Dugay, Dunlap, Estes, Etnier, Fisher, Fuller, Gerzofsky, Glynn, Green, Hall, Hatch, Heidrich, Honey, Hutton, Jacobs, Jodrey, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Mailhot, Marley, Mayo, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michael, Mitchell, Morrison, Murphy T, Muse C, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Paradis, Patrick, Peavey, Perry, Quint, Richard, Richardson, Rines, Savage, Shields, Simpson, Skoglund, Snowe-Mello, Stedman, Sullivan, Tarazewich, Thomas, Trahan, Twomey, Volenik, Watson, Weston, Young, Mr. Speaker.

**ABSENT** - Ash, Bagley, Baker, Hawes, Landry, Marraché, O'Brien LL, Pinkham, Smith, Usher.

Yes, 53; No, 88; Absent, 10; Excused, 0.

53 having voted in the affirmative and 88 voted in the negative, with 10 being absent, and accordingly Report "C" **Ought Not to Pass** was **NOT ACCEPTED**.

Representative DUNLAP of Old Town moved that the House **ACCEPT** Report "B" **Ought to Pass as Amended**.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** Report "B" **Ought to Pass as Amended** 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" (S-454)** - Minority (4) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Implement the Recommendations of the Health Care Workforce Steering Committee"

(S.P. 711) (L.D. 1913)

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-454)** 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-454)** in concurrence.

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

**HOUSE DIVIDED REPORT** - Majority (7) **Ought to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-883)** - Committee on **CRIMINAL JUSTICE** on Bill "An Act to Implement the Recommendations of the Commission to Study Domestic Violence"

(H.P. 1658) (L.D. 2163)

Which was **TABLED** by Representative MITCHELL of Vassalboro pending the motion of Representative POVICH of Ellsworth to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-883)** 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-883)** 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:

**UNFINISHED BUSINESS**

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

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

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

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

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

**TABLED** - February 27, 2002 (Till Later Today) by Representative NORBERT of Portland.

**PENDING** - Motion to **RECEDE** and **CONCUR**.

On motion of Representative MCKEE of Wayne, the House voted to **RECEDE**.

The same Representative **PRESENTED** House Amendment **"B" (H-891)** to **Committee Amendment "B" (H-782)**, which was **READ** by the Clerk.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. This amendment simply strips the emergency preamble. Just as a reminder to the members of the House, this bill provides funding for the Endowment Incentive Fund to match private donations for academic purposes at the University of Maine, the Technical College System and Maine Maritime. It is an excellent bill. Endowments allow institutions to fund scholarships and other academic purposes from interest derived from the growing endowments. The colleague who sits next to me, the good Representative from Bangor, Representative Baker, could not be here today and I urge you to follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

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

The SPEAKER: The Representative may pose his question.

Representative **CLARK**: Mr. Speaker, Men and Women of the House. To anyone that might answer, are out-of-state students eligible for the endowment?

The SPEAKER: The Representative from Millinocket, Representative Clark has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. Based on the prior activity in this body on LD 42 and its emergency preamble, we defeated this thing. It went down to the other body and came back in a different mode. I just would remind you that this is a carryover bill, so it has been around for a while. It is not a new issue. Initially it asked for \$14 million of general fund money to set up this endowment. It has now been reduced by the committee activity down to \$100,000, but this is general fund taxpayer money. The requirement or the request here is to set it aside in an endowment fund for the University and the Technical Colleges to be used for scholarships. Most other institutions that provide scholarship money through an endowment process raise it privately from their alumni mostly or from other philanthropic organizations. Based on the current economic situation in Maine, I just don't understand why we are willing or why we would put some of this general fund money into an endowment.

The idea of scholarships is certainly well founded. We do that. We do that three or four different places in the budget. We provide a big chunk of money to the University and essentially leave it up to the trustees to decide how to spend it. Certainly there are scholarship pieces in that. We have two or three other places that we provide scholarship opportunities to students in Maine. I think it is right to do that. When it comes to an endowment, I think the general situation out there is that this is money that should be raised privately. Certainly when the economy now is somewhat down, we have recovered partially apparently, but there are still substantial cuts in the budget. If you review those things and they amount to \$60 million in delays in cuts that are still in this budget, if you compare that with this proposal, I hope you will conclude, as I have, that this is something that we can't do now. I would urge that you would vote against the pending motion and against the motion to Recede. Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **BOWLES**: Mr. Speaker, Men and Women of the House. To anyone who might care to answer, I would like to know if there are any other situations where a state university has an endowment that has been created using public funds?

The SPEAKER: The Representative from Sanford, Representative Bowles has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. The answer to that question is yes, there are others. As I say, the good Representative from Bangor couldn't be here today, but I recall in her testimony that she did mention that. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I am somewhat confused when the good Representative from Acton, Representative Nass, started talking about the endowment. Do we not have other endowments in this budget, in particular technology endowments?

The SPEAKER: The Representative from Biddeford, Representative Sullivan has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. In response to the good Representative from Biddeford, that is certainly the case. I suppose we should be talking today about the proper use of endowment. We can talk about that all day long. However it is being used in relation to the technology piece, it has the nature of a fund of money that is set aside that is somehow restricted in its use. In this particular proposal, LD 42, I think we could apply the same criteria. Is this a fund of money, in this case from taxpayers, set aside for a specific use and thereby somewhat restricted? The answer to the question, I think, is yes, we have used that format elsewhere. I am not sure it is a better use of money. If the purpose of the question is to try to differentiate between the two, I think they are both bad. Hopefully that is helpful.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I rise today to support the motion and to support the idea of an Endowment Incentive Fund. I know that my good friend from Acton also supports increased educational opportunities for our high school students and college students here in Maine. In the previous vote on this bill, I was voting the other way. I was voting the other way for many of the same reasons that my friend from Acton just laid out. We do have a tight budget. We have to certainly live within our means. We don't have the great luxury of our friends in Washington of being able to borrow money from the social security fund for wherever they borrow it from to pass the latest round of corporate tax breaks that are going to hit us here in Maine. We don't have that ability, but we do have the ability to vote to increase educational opportunities for the high school students and for the young men and women of our state.

It is scaled back. It is tremendously scaled back from \$14 million to \$100,000. There is no question that I think most of us, in better times, would have supported the \$14 million figure, because it is inescapable. It is inescapable that although we lead the nation in high school graduation in our great state and we

have a K-12 system is excellent in the United States of America, we have a problem. Our problem is that our kids can't afford to go on to college. I would like to see this be a whole lot more money, but the fact is this \$100,000 bill will sit on the Appropriations Table and we will weigh it against further tax breaks or we will weigh it against investment in local construction projects or we will weigh it against any number of things and we will decide at the end of the day what level of importance it reaches. I do support this and I would urge my colleagues to follow my light. Thank you Mr. Speaker.

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. For those proponents of this, would you please answer this? How much can you expect the \$100,000 to do? What is the maximum you think you can get out of 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 Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I am very pleased to answer that question. A good example occurred with the \$4,000 that the University of Maine at Farmington received previously under the endowment incentive. It sounds like a small amount, but the development officer went out and raised a matching amount from a donor. He was so pleased with what we had done that he donated another \$100,000 as a result of it. The answer to that question is we don't know how much it will raise. It definitely will raise another \$100,000, but it could be many times that. That sounds like a good investment to me.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Rosen.

Representative **ROSEN**: Mr. Speaker, Ladies and Gentlemen of the House. Just so that you don't misunderstand and have the impression that there is no scholarship support now for the University of Maine System, there is an entity. The University of Maine Foundation does exist. The University of Maine Foundation has been quite successful in receiving private donations for named scholarships. There are several million dollars now under the control of the foundation. Certainly you could always argue that it isn't enough to meet the need, but you should not leave this discussion that you are hearing now with the impression that there is not currently a scholarship support mechanism to benefit the University of Maine System and a mechanism that has been quite successful in receiving private donations already.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. To anyone on the committee that might answer, didn't we already create an endowment fund for laptops, \$50 million or now a little less than that? Isn't that an endowment fund? We are talking about \$100,000 for kids from high school to go on to college. It sounds like a pretty fair exchange.

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

Representative **NASS**: Mr. Speaker, Men and Women of the House. Again, as in the case with the prior question, I don't think this is a good comparison between the endowment for the laptops and the endowment for the university. Although I think it is fair to say, at least in my opinion, it is probably a misuse of the word endowment in both cases. I am not sure it fits the description. To those who are interested in trying to compare one with the other, I don't think it is a good comparison either.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. I really wish that my friend and colleague, the Representative from Bangor were here to answer some of these questions, but I would like to take a quick look at a couple of the questions that have been posed. The definition of an endowment, at least I understand from the good Representative, she and I talked an awful lot about this in the past, is that this truly would be an endowment and that the principle would never be used, but the interest would be.

I look upon this particular piece of legislation, at least this amendment, as being, if you will, the student's rainy day fund. This is an opportunity for us to provide educational funding for students at the University of Maine. The question has been posed or at least a statement has been made that the University of Maine Foundation does give out scholarships. That is absolutely correct, but a point that needs to be made is that the University of Maine Foundation testified before Education and Appropriations in support of this legislation. I think it is time that we do this.

I believe also that we also need to bear in mind that I believe we are debating right now an amendment, which moves the funding of this to the next year, unless I am mistaken, that is what we need to be looking at. Thank you Mr. Speaker.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. My reason for questioning if we had another endowment is that I believe that this endowment is more in keeping with public policy and citizen direction than we have heard. We are embarrassed by our rate of high school graduates that choose not to go on to college. I believe this moves us with the citizens of Maine want us. I believe it moves us where we want to try to eliminate the brain drain, those people who leave the state to get an education and leave the state to find a good job.

I was told by my mother who did not have a college degree that people put their treasure where their heart is. My heart is in young people. My heart is in keeping Maine going. I believe this investment that has been scaled back in the given times is well worth it. I am willing to vote for this endowment where I may not be willing to vote for other endowments. I would ask you to please support this as we go along with public policy to encourage young people to stay here and continue their education. Thank you Mr. Speaker.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I want to touch on a couple of points. First off, we do know that our young people are leaving this state. We know it is because of our taxes and our regulations that make it hard to have jobs that they need. They are also leaving because they have a lot of student loans when they graduate and they can't find a job that pays them enough to pay off those student loans. Anything we can do to help lower the amount of

student loans that they need will certainly help, especially if it doesn't increase taxes or regulations.

We heard a lot about private institutions that have their own endowments. Private institutions raise all their money privately. We set a precedent in this state to give money to the University System. That is why we have a public institution. That has already been set. That is already in place. We already throw money at the University System. We have thrown money at other endowments. We heard the laptop and we created the Mitchell Endowment last year. This is an endowment that is guaranteed to get dollar for dollar contributions. Not we would like to, not someone gave us their word, but guaranteed to get matching contributions. 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 don't want to use the term "slippery slope" because I always thought that was just a poor excuse when you have no argument whatsoever. A question of fairness that is kicking around in my head here is, if we go ahead and pass this piece, shouldn't we go ahead and pass identical or at least a prorated amount for our technical colleges as well? Thank you Mr. Speaker.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. Just to answer that question, this will also go for the technical colleges as well. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Men and Women of the House. Just to clarify one little item. This is not a new endowment. This endowment already exists, but it was never fully funded at what the request was to begin with. This is just adding to that endowment. 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, Men and Women of the House. Just for factual information, does anyone know what the current endowment is at the University and how much scholarship money is available at the University at the present time?

The Chair ordered a division on the motion to **ADOPT House Amendment "B" (H-891) to Committee Amendment "B" (H-782)**.

Representative McKEE of Wayne **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-891) to Committee Amendment "B" (H-782)**.

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 adoption of House Amendment "B" (H-891) to Committee Amendment "B" (H-782). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 507**

YEA - Andrews, Blanchette, Bliss, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Fisher, Fuller, Gagne, Gerzofsky, Gooley, Green, Hall, Hatch, Honey, Hutton, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Marley, Matthews, Mayo,

McDonough, McGlocklin, McKee, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Murphy E, Muse C, Norbert, Norton, O'Brien JA, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Sherman, Simpson, Skoglund, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Trahan, Treadwell, Tuttle, Twomey, Volenik, Watson, Weston, Wheeler GJ, Mr. Speaker.

NAY - Annis, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Bruno, Buck, Bumps, Chase, Crabtree, Cressey, Daigle, Duncan, Duprey, Etnier, Foster, Glynn, Haskell, Heidrich, Jodrey, Kasprzak, Labrecque, MacDougall, Mailhot, McKenney, Morrison, Murphy T, Muse K, Nass, Nutting, Perkins, Rosen, Schneider, Shields, Snowe-Mello, Tobin J, Waterhouse, Wheeler EM, Winsor.

ABSENT - Ash, Bagley, Baker, Dugay, Goodwin, Hawes, Jacobs, Landry, Lovett, Marrache, McGowan, O'Brien LL, Pinkham, Smith, Usher, Young.

Yes, 95; No, 40; Absent, 16; Excused, 0.

95 having voted in the affirmative and 40 voted in the negative, with 16 being absent, and accordingly **House Amendment "B" (H-891) to Committee Amendment "B" (H-782) was ADOPTED**.

Representative MURPHY of Kennebunk **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "B" (H-782) as Amended by House Amendment "B" (H-891)** thereto.

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 Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House. I have always been supportive of higher education in Maine, whether it is the University campuses or the higher education, but people back home asked me, why is it when everyone runs for office they talk about how much they support local education, but when the Legislature goes home, that commitment in terms of priorities isn't there? I heard in the earlier debate the Majority Leader talking about a litany of things he didn't like. I am still waiting and I still and I remember the last session about GPA and cushion being a down payment. I remember the quote, "we will return." I am almost like a Phillipino native on the beach waiting for it to come back, the landing craft. I don't see the landing craft in sight. As these other issues come along, even though they are dear to my heart and I have been supportive, there is an absolute silence in this chamber about the commitment that we will not make or are not making and the property tax increases that are going to happen in every single district that you represent. Here we are moving along and we are spending the money and we are not able to settle the priorities and by the time we get to the end of this road, whether it is two weeks or four weeks, we will hear when it comes back to GPA adding to that down payment, sorry, we don't have the money. This is how it happens. I am waiting for that "we will return". I am waiting for that positive commitment to increase the GPA and increase the cushion. Until I hear that and I see that commitment, because there are many people in this chamber that gave their vote last year under the assumption that was going to happen. All you have to do is pick up the newspapers in the State of Maine and you are seeing the cut budgets, the scaled back programs. When we talk about commitment to education, we have superintendents, school boards, teachers and parents of children waiting to see what we are going to do. What we are doing is bill after bill. We are not keeping that commitment and when we get to the end of the trail, the money won't be there. We should have taken GPA cushion and passed that immediately after that reprojection, but now we are letting all



the new proposals siphon away that money and the commitment won't be there. That is why, on this vote, I am asking for a roll call and I will be voting no.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "B" (H-782) as amended by House Amendment "B" (H-891). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 508**

YEA - Blanchette, Bliss, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Honey, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Marley, Matthews, Mayo, McDonough, McGlocklin, McKee, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Norbert, Norton, O'Brien JA, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Simpson, Skoglund, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tuttle, Twomey, Volenik, Watson, Weston, Mr. Speaker.

NAY - Annis, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clark, Clough, Collins, Crabtree, Cressey, Daigle, Duncan, Duprey, Etnier,

Foster, Glynn, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, Labrecque, MacDougall, Mailhot, McGowan, McKenney, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, Perkins, Rosen, Savage, Schneider, Sherman, Shields, Snowe-Mello, Stanley, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Andrews, Ash, Bagley, Baker, Dugay, Goodwin, Hawes, Landry, Lovett, Marrache, O'Brien LL, Pinkham, Smith, Usher, Young.

Yes, 80; No, 56; Absent, 15; Excused, 0.

80 having voted in the affirmative and 56 voted in the negative, with 15 being absent, and accordingly **Committee Amendment "B" (H-782) as Amended by House Amendment "B" (H-891) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-782) as Amended by House Amendment "B" (H-891) thereto in NON-CONCURRENCE** and sent for concurrence.

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On motion of Representative O'NEIL of Saco, the House adjourned at 12.46 p.m., until 9:00 a.m., Wednesday, March 13, 2002.