

# 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  
30th Legislative Day  
Thursday, March 14, 2002

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

Prayer by Reverend Alison Andrea Jacobs, United Church of Christ at North Gorham.

Colors presented by the V.F.W. Post 3335 Color Guard, Jay.  
National Anthem by Thornton Academy Chamber Ensemble, Saco.

Pledge of Allegiance.

Doctor of the day, Laurel Coleman, M.D., Manchester.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Joint Order - Relative to Directing the Joint Standing Committee on Natural Resources to Report Out Legislation Regarding Solid Waste Disposal Facilities

(H.P. 1607)

**PASSED** in the House on February 13, 2002.

Came from the Senate **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

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**Non-Concurrent Matter**

Joint Order - Relative to Directing the Joint Standing Committee on Legal and Veterans Affairs to Report Out Legislation Regarding Malt Liquor Testing

(H.P. 1621)

**PASSED** in the House on February 20, 2002.

Came from the Senate **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion of Representative TUTTLE of Sanford, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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**COMMUNICATIONS**

The Following Communication: (H.C. 414)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND  
FORESTRY**

March 7, 2002

The Honorable Richard A. Bennett, President

The Honorable Michael V. Saxl, Speaker

120th Maine Legislature

State House

Augusta, ME 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Land for Maine's Future Board under the State Government Evaluation Act. In its review, the committee found that the board is operating within its statutory authority.

Sincerely,

S/Sen. Richard Kneeland

Senate Chair

S/Rep. Linda Rogers McKee

House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE**.

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The Following Communication: (H.C. 415)

**MAINE STATE LEGISLATURE**

**AUGUSTA, MAINE 04333**

**COMMITTEE STUDY TO REVIEW TRANSITION TO A NEW  
SCHOOL FUNDING FORMULA BASED ON THE ESSENTIAL  
PROGRAMS AND SERVICE MODEL**

March 4, 2002

The Honorable Richard A. Bennett, President

The Honorable Michael V. Saxl, Speaker

120th Maine Legislature

State House

Augusta, ME 04333

Dear President Bennett and Speaker Saxl:

Pursuant to the authority granted by the Legislative Council, during the First Regular Session of the 120th Legislature, the Joint Standing Committee on Education and Cultural Affairs has completed its Study to Review Transition to a New School Funding Formula Based on the Essential Programs and Service Model. We are pleased to submit the final report including recommended legislation. Copies of the report have been transmitted to the members of the Legislative Council and the Joint Standing Committee on Taxation. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Betty Lou Mitchell, Chair

S/Representative Shirley K. Richard, Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE**.

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The Following Communication: (S.P. 806)

**STATE OF MAINE**

**120TH MAINE LEGISLATURE**

March 11, 2002

Hon. John L. Martin

Senate Chair, Joint Standing Committee on

Natural Resources

Hon. Scott W. Cowger

House Chair, Joint Standing Committee on

Natural Resources

120th Legislature

Augusta, ME 04333

Dear Senator Martin and Representative Cowger:

Please be advised that Governor Angus S. King, Jr. has nominated Nancy C. Ziegler of South Portland for appointment and Ernest W. Hilton of Starks for reappointment as members of the Board of Environmental Protection.

Pursuant to Title 38, §341-C, these nominations will require review by the Joint Standing Committee on Natural Resources 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 **NATURAL RESOURCES**.

**READ** and **REFERRED** to the Committee on **NATURAL RESOURCES** in concurrence.

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The Following Communication: (S.P. 807)

**STATE OF MAINE  
120TH MAINE LEGISLATURE**

March 11, 2002

Hon. Peggy A. Pendleton

Senate Chair, Joint Standing Committee on  
State and Local Government

Hon. Martha A. Bagley

House Chair, Joint Standing Committee on  
State and Local Government

120th Legislature

Augusta, ME 04333

Dear Senator Pendleton and Representative Bagley:

Please be advised that Governor Angus S. King, Jr. has nominated Nelson E. Durgin of Bangor and Bent Schlosser of Vassalboro for appointments as members of the Civil Service Appeals Board.

Pursuant to Title 5, §7081, these nominations will require review by the Joint Standing Committee on State and Local Government 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 **STATE AND LOCAL GOVERNMENT**.

**READ** and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

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**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

Resolve, Authorizing Michelle Booker to Sue the State  
(H.P. 1672) (L.D. 2174)

Sponsored by Representative PERRY of Bangor.

Cosponsored by Senator SAWYER of Penobscot and Representatives: BLANCHETTE of Bangor, BROOKS of Winterport, LABRECQUE of Gorham, MAYO of Bath, NORTON of Bangor, Senators: BROMLEY of Cumberland, President Pro Tem MICHAUD of Penobscot.

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

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent for concurrence.

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the following members of the Dirigo High School Girls Basketball Team, of Dixfield, who have won the 2002 Class C State Championship: Monique Crawford, Nikki Turbide, Ashley Stone, Lyndsay Clark, Sheena Weston, Natalie Keene, Alexa Kaubris, Brooke Weston, Alyssa Burns, Liz Hebert, Samantha Averill, Mandy Law, Dana Burns and Kayleigh Daley; Coaches Gavin Kane, Rebecca Fletcher, Matt Clark and Tim Kane; Managers Cassandra Mitchell, Trisha Webber and Jamie Childs.

The Lady Cougars have won an unprecedented 8 straight Western Maine Class C regional tournaments. We extend our congratulations to the team on its achievements;

(HLS 1022)

Presented by Representative BRYANT of Dixfield.

Cosponsored by Senator FERGUSON of Oxford, Representative LaVERDIERE of Wilton, Representative BERRY of Livermore, Representative PATRICK of Rumford, Senator WOODCOCK of Franklin.

On **OBJECTION** of Representative BRYANT of Dixfield, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

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**In Memory of:**

John E. Newcomb, of Livermore Falls, husband of Paulette and father of Leah, Sarah and Matthew. He joined the Marine Corps in 1967 and served in Vietnam. He received the National Service Medal, Vietnam Service Medal with star, Vietnam Campaign Medal, Presidential Unit Citation, Combat Action Ribbon, Good Conduct Medal, Rifle Expert Medal and 2 Purple Hearts. He was a life member of D.A.V., AMVETS, American Legion Post No. 10 and was the Commander of V.F.W. Post 3335. He was a Maine Master Guide and a volunteer for the Special Olympics. He was an advocate for veterans and for his community. He will be missed and remembered by his family and grateful community;

(HLS 927)

Presented by Representative PINEAU of Jay.

Cosponsored by Representative BERRY of Livermore, Senator NUTTING of Androscoggin, Senator WOODCOCK of Franklin.

On **OBJECTION** of Representative PINEAU of Jay, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Jay, Representative Pineau.

**Representative PINEAU**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today in honor of a gentleman who was born four days after I was, whose path and my path parallel. John Newcomb was called to serve his country and did so during a time when conflict in this country, both overseas and here, in total turmoil.

I am going to talk about two items. One is colors. John Newcomb respected the colors. By the colors, I mean our national symbol, the American Flag and our state symbol, the State Flag, his Marine Corp. Flag and his unit colors. John was wounded in Vietnam and almost died in Vietnam. When we came home, we weren't greeted with brass bands. We weren't greeted at all. Very few of us even knew that we had comrades within our own communities that served in Vietnam. John Newcomb continued serving after he came home in many community projects. Quite obviously by the fact that he belonged to all these veteran's organizations, he didn't just belong to them. He supported them with all his energy, including all the energy of his family and his extended family.

John died in an automobile accident last fall at a time when he was doing so much for our veterans and for our community. Apparently our maker had another use for John. John is probably with us today doing something. It pleases me greatly to honor this American. I want to thank John's family for letting us at least have the opportunity to get to know John. Thank you Mr. Speaker.

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

Representative WHEELER: Mr. Speaker, Men and Women of the House. I would be remiss if I didn't stand up and say a few kind words. I knew John Newcomb. We have a hunting camp that wasn't too far from his, but we knew him as Trapper John. We enjoyed hunting the woods around his camp and especially afterwards going and visiting John and sitting down and talking to him and listening to his stories. He was just an all out nice guy. He is not only well known in his community, but he is well known throughout the state. The members of our hunting camp would definitely be upset if I didn't stand up and say that we will miss John and we enjoyed his company. Thank you.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I appreciate the Representative from Jay putting this sentiment forward. I would just like to say a few words about John Newcomb. I saw him as a person who is very involved in the community. He was involved with the veteran's issues. He continued to serve the community, whether it was supporting something the fire departments were doing or raising money for the local ambulance or individuals who were in need. He was always part of that effort through the area of veteran's organizations to make that happen.

I grew up with some of the family members. They are in the gallery. They knew how to live life. It is a great family. I hope I am considered a friend of his son Matthew. I am really proud of Matthew and how he has been doing.

Just last summer I lost my father and John Newcomb was part of the color guard that you saw today here and if you came to that funeral you saw John out there in the hot sun with the other gentlemen honoring another veteran, my father. I just remember at the cemetery, John was the commander of the VFW and he handed my mother the flag. I had thanked John for being there and for the unit to be there in that hot sun all afternoon. It was quite a long spell. I will never forget. He just said that it was my honor to be here. Your dad was a great person. He said it again. I knew he was serious. I will never forget that. I appreciated that. It was a short time after that John was taken from the community also. I know that the family and friends, the St. Rose is a pretty big church there in Jay, and there was standing room only. It was a testament to what he meant to the community and to his friends. He was a papermaker and worked in the mill. He was a sportsman and he knew how to live life. It is a great family that he had. Thank you for your patience, Mr. Speaker.

At this point, the House joined in a moment of silence.

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

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

Expression of Legislative Sentiment recognizing the members of the Dirigo H.S. Girls Basketball Team.

(HLS 1022)

Which was tabled by Representative BRYANT of Dixfield pending **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative BRYANT: Mr. Speaker, Ladies and Gentlemen of the House. I rise today to congratulate the Dirigo Lady Cougars for their unprecedented eight straight Class C Western Maine championships. I want today to let the young ladies know how much we appreciate their dedication and their hard work that these young girls continued to exhibit. We want them to know how proud their community is of their great sportsmanship and their great defense that has set them apart from the rest of the pack. As they say, a great offense will sell tickets, but a great defense will win championships. That is proven true again this year. Mr. Speaker, on behalf of the communities of Dixfield, Canton, Carthage, Peru and the greater Rumford Valley area, we want to congratulate our Lady Cougars for bringing home the gold once again. There is just one other thing, I would say to the young ladies on the team, we need you to bring home the gold ball next year, not only to break the jinx that is up in Bangor, but I would say that by then, Coach Kane is going to need another haircut. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative PATRICK: Mr. Speaker, Men and Women of the House. I, too, rise to congratulate Coach Kane and the entire staff and the Class E Lady Cougars for their championship win. As a Representative from Rumford, I have had the opportunity to see our gymnasium packed full with a standing room only crowd. That was because we were playing Dirigo. Dirigo is known throughout the league as the premier team any time a team has an opportunity to play them. They either bring their A game or they lose by 30 points.

As a member of the River Valley area, each and every community looks at Dirigo with pride. We are pleased to have them represent us as Class C champs. I thank the team, the coaching staff and the parents for giving us the opportunity to once again congratulate them for another Class C championship and we look forward to next year, them repeating as Class C champs and if along the way, they should happen to lose one game during the season, I hope it is in the regular season and I hope it is to the Mountain Valley Falcons. Congratulations and thank you.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act to Appropriate Funds for a Study to Determine the Feasibility of a Medical School in Maine" (EMERGENCY)

(S.P. 501) (L.D. 1588)

Signed:

Senators:

TURNER of Cumberland

LONGLEY of Waldo

Representatives:

O'BRIEN of Augusta

KANE of Saco

FULLER of Manchester

NUTTING of Oakland

LAVERRIERE-BOUCHER of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-438)** on same Bill.

Signed:

Representatives:

SHIELDS of Auburn  
BROOKS of Winterport

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.

**READ.**

On motion of Representative KANE of Saco, the Bill and all accompanying papers were **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

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Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by House Amendment "A" (H-799)** on Joint Order - Establishing the Commission to Study Issues Concerning School Bus Drivers

(S.P. 756)

Signed:

Senator:

EDMONDS of Cumberland

Representatives:

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

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

Signed:

Senators:

TURNER of Cumberland  
SAWYER of Penobscot

Representatives:

TREADWELL of Carmel  
MacDOUGALL of North Berwick  
DAVIS of Falmouth

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Joint Order **PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-799)**.

**READ.**

On motion of Representative BUNKER of Kossuth Township, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

**House Amendment "A" (H-799)** was **READ** by the Clerk and **ADOPTED**.

Subsequently, the Joint Order was **PASSED as Amended by House Amendment "A" (H-799)** in concurrence.

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Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-896)** on Bill "An Act to Ensure the Safety of Maine Children While Riding in a Vehicle"

(H.P. 1421) (L.D. 1867)

Signed:

Senators:

SAVAGE of Knox  
O'GARA of Cumberland  
GAGNON of Kennebec

Representatives:

FISHER of Brewer  
BOUFFARD of Lewiston  
WHEELER of Eliot  
McNEIL of Rockland  
MARLEY of Portland  
PARADIS of Frenchville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-897)** on same Bill.

Signed:

Representatives:

BUNKER of Kossuth Township  
COLLINS of Wells  
WHEELER of Bridgewater  
McKENNEY of Cumberland

**READ.**

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

On motion of Representative COLWELL of Gardiner, **TABLED** pending the motion of Representative FISHER of Brewer to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

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## CONSENT CALENDAR

### First Day

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

(S.P. 217) (L.D. 782) Bill "An Act to Ensure Health Maintenance Organization Accountability" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-463)**

(S.P. 622) (L.D. 1804) Bill "An Act to Improve the Accessibility and Affordability of Health Care Benefits in the State" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-464)**

(S.P. 729) (L.D. 1988) Bill "An Act to Increase the Length of Time in Which a Retired State Employee May Add a Dependent to the Employee's Maine State Health Insurance Plan" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-461)**

(S.P. 740) (L.D. 2064) Bill "An Act to Waive the Title Fee for Towed Abandoned Vehicles" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-462)**

(S.P. 753) (L.D. 2090) Bill "An Act to Clarify the Law Governing Unlawful Solicitation to Benefit Law Enforcement Agencies" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-457)**

(S.P. 767) (L.D. 2102) Bill "An Act to Implement the Recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-460)**

(H.P. 1465) (L.D. 1962) Bill "An Act to Reduce Pollution of Androscoggin Lake by Repairing and Altering the Existing State-owned Barrier on the Dead River in Leeds" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-902)**

(H.P. 1525) (L.D. 2029) Bill "An Act to Amend the Laws Regarding Public Health" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-904)**

(H.P. 1547) (L.D. 2050) Resolve, Regarding Legislative Review of Chapters I to IV: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a Major Substantive Rule of the Department of Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-905)**

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:

(H.P. 1626) (L.D. 2126) Resolve, Regarding Legislative Review of Chapter 1 - Requirements for Written Prescription of Schedule II Drugs, a Major Substantive Rule of the Department of Public Safety (EMERGENCY)

(H.P. 1520) (L.D. 2024) Bill "An Act to Improve the Safety Provided by the Underground Facilities Protection Law" (EMERGENCY) (C. "A" H-895)

(H.P. 1609) (L.D. 2107) Resolve, Regarding Legislative Review of Portions of Chapter 395 - Construction Standards and Ownership and Cost Allocation Rules for Electric Distribution Line Extensions, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) (C. "A" H-894)

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

(H.P. 1454) (L.D. 1951) Bill "An Act to Increase the Permit Fees for Pulling Events" (C. "A" H-898)

On motion of Representative WATERHOUSE of Bridgton, was **REMOVED** from the Second Day Consent Calendar. The Committee Report was **READ**.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the **Ought to Pass as Amended** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from 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, Ladies and Gentlemen of the House. Could somebody explain exactly what this does? It says increase the permit fee of pulling events. Could somebody tell me what that increase is?

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 Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I think the total fiscal note on that is around \$4,000. It allows for better supervision of the pulling events.

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

**ROLL CALL NO. 510**

**YEA** - Ash, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Canavan, Carr, Chizmar, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Gooley, Green, Hatch, Hawes, Hutton, Jodrey, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McKee, McLaughlin, McNeil, Michaud, Murphy E, Murphy T, Muse C, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Twomey, Usher, Volenik, Watson, Weston, Winsor, Young, Mr. Speaker.

**NAY** - Andrews, Annis, Belanger, Berry DP, Buck, Bunker, Chase, Chick, Clark, Clough, Collins, Crabtree, Cressey, Davis, Dugay, Duprey, Glynn, Hall, Haskell, Heidrich, Honey, Jacobs, Jones, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, McGowan, McKenney, Mendros, Michael, Mitchell, Muse K, Nass, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Snowe-Mello, Stedman, Tobin J, Trahan, Treadwell, Tuttle, Waterhouse, Wheeler EM, Wheeler GJ.

**ABSENT** - Bagley, Baker, Bumps, Goodwin, Landry, Madore, Marrache, Morrison.

Yes, 94; No, 49; Absent, 8; Excused, 0.

94 having voted in the affirmative and 49 voted in the negative, with 8 being absent, and accordingly the **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-898)** 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-898)** and sent for concurrence.

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

**ENACTORS  
Acts**

An Act Regarding Public Charities, Nonprofit Corporations and Conversions of Nonprofit Entities to For-profit Entities (H.P. 1307) (L.D. 1770) (C. "A" H-869)

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

On motion of Representative **BUCK** of Yarmouth, was **SET ASIDE**.

The **SPEAKER**: The Chair recognizes the Representative from Yarmouth, Representative Buck.

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

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

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. To anyone who can answer, could somebody please briefly explain what this bill does?

The SPEAKER: The Representative from Yarmouth, Representative Buck has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Wilton, Representative LaVerdiere.

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. This is a bill that is fairly complicated in terms of the detail, but in substance what it basically does is it governs the situations in which a non-profit entity wishes to convert to a for-profit entity. If you have, for instance, a hospital that has for the past 100 years been a non-profit entity and has had the benefit of not paying taxes and the benefit of being a non-profit charity that people contribute to, if that hospital decides to sell itself to a for-profit conglomerate from overseas or wherever, then the method that is used to examine the transaction to make sure that the public interest is being protected is outlined in this bill. It is there to ensure that the public's interest is well protected. The public's interest in this is several. One of them is that, in fact, we have given that entity a preferred status for the past x-number of years and we want to make sure that the public who has given them that preferred status will have some ability to be able to direct where the proceeds of that sale will be used. The proceeds of that sale will be used for the charitable purposes for which the original entity was created. This is a very good bill. It is the result of long negotiations between approximately 30 parties, the Maine Hospital Association, the Maine Medical Association, the Maine Bar Association. There were approximately 30 separate groups that spent a huge amount of time of the summer and over the fall and into the spring of this year working this bill so that they could come to a compromise. What we have here is the result of that compromise and has been signed off by each of those groups as being a reasonable way in which we can make sure that the public's interest is well protected. Thank you Mr. Speaker.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. The good Chair of the Judiciary Committee is right on a number of things. This is a very complicated bill. It does a lot of things, way too many things, as far as I am concerned. Myself and a number of other committee members who voted Ought Not to Pass have concerns with the expansion of the AG's powers in these affairs. Originally when I looked at the bill when I first came before the committee, my question like a lot of us asked, what is the problem? What has happened in the past that would bring a bill of this complexity and sweeping changes forward? I did not personally have those answers satisfactorily answered to me to warrant me to support this bill. Any transactions that have less than \$50,000 have to have notice to the Attorney General's Office. Any transactions involving assets from \$50,000 to almost a half a million have to get approval from the Attorney General's Office. I believe that a lot of this came about from a court case dealing with the Maine Education Organization loans where the Attorney General's Office made the argument that any non-profit that had public funds in it was a public charity and the AG had authority over that entity. The court, before they decided that issue, there was a settlement, so the court never addressed that issue. This is an attempt to sweep those organizations under the AG's auspices and power and control. I consider it unnecessary. Mr. Speaker, I ask for the yeas and nays.

Representative **WATERHOUSE** of Bridgton **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: 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. 511**

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

**NAY** - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Carr, Chase, Chick, Clough, Collins, Crabtree, Cressey, Daigle, Duncan, Duprey, Foster, Glynn, Haskell, Heidrich, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, McKenney, McNeil, Mendros, Michael, Murphy E, Murphy T, Muse K, Nass, Nutting, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Treadwell, Waterhouse, Weston, Winsor, Young.

**ABSENT** - Bagley, Baker, Bumps, Goodwin, Landry, Madore, Marrache, Morrison, Tessier.

Yes, 90; No, 52; Absent, 9; Excused, 0.

90 having voted in the affirmative and 52 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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**Resolves**

Resolve, Appropriating Funds for the Seeds of Peace International Camp

(H.P. 1434) (L.D. 1931)  
(C. "A" H-859)

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

On motion of Representative **KASPRZAK** of Newport, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. I will be very brief. This bill when it began was very, very repulsive. It asked that the state pay property taxes for a camp in the state, which I thought was incredible. It is still bad. This bill would give \$10,000 to a camp in the state of Maine for scholarships. I don't know what we are doing in this business. I would ask that you would support me in voting against this passage. Thank you.

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



**ROLL CALL NO. 512**

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

NAY - Bowles, Buck, Chase, Clough, Duprey, Foster, Haskell, Jodrey, Kasprzak, MacDougall, Nutting, O'Brien JA, Pinkham, Sherman, Stedman, Tobin J, Treadwell, Waterhouse.

ABSENT - Bagley, Baker, Bumps, Goodwin, Landry, Madore, Marrache, Morrison, Muse K, Tessier.

Yes, 123; No, 18; Absent, 10; Excused, 0.

123 having voted in the affirmative and 18 voted in the negative, with 10 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

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**ORDERS**

On motion of Representative DUDLEY of Portland, the following Joint Order: (H.P. 1671) (Cosponsored by Senator McALEVEY of York and Representatives: BERRY of Livermore, BROOKS of Winterport, DUGAY of Cherryfield, FULLER of Manchester, KANE of Saco, LAVERRIERE-BOUCHER of Biddeford, NUTTING of Oakland, O'BRIEN of Augusta)

ORDERED, the Senate concurring, that the Task Force to Study the Creation of a Registry of Personal Care Attendants is established as follows.

**1. Task force established.** The Task Force to Study the Creation of a Registry of Personal Care Attendants, referred to in this order as the "task force," is established.

**2. Task force membership.** The task force consists of 9 members appointed as follows: the President of the Senate shall appoint 2 Senators; the Speaker of the House shall appoint 5 members of the House; the President of the Senate shall invite the participation of one member of the public who represents a provider of services to mentally retarded persons; and the Speaker of the House shall invite the participation of one member of the public who represents families of mentally retarded persons. When making the appointments, the President of the Senate and the Speaker of the House shall give preference to members who serve the on Joint Standing Committee on Health and Human Services.

**3. Task force chairs.** The first named Senator is the Senate chair of the task force and the first named member of the House is the House chair of the task force.

**4. Appointments; convening of task force.** All appointments must be made no later than 30 days following the passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the task force shall call and convene the first meeting of the task force, which must be no later than June 1, 2002.

**5. Meetings; duties.** The task force may meet up to 5 times. The task force shall hold its meetings at various locations in the State, to be determined by the chairs. The task force shall gather information and request necessary data from public and private entities in order to assess the need for a registry of personal care attendants who work with mentally retarded persons.

**6. Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the task force.

**7. Compensation.** Members of the task force who are Legislators are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the task force.

**8. Report.** The task force shall submit its report that includes its findings and recommendations, including suggested legislation, to the Legislative Council no later than November 6, 2002.

**9. Extension.** If the task force requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the task force terminates.

**10. Budget.** The chairs of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget. Upon request from the task force, the Executive Director of the Legislative Council shall promptly provide the task force chairs and staff with a status report on the task force's budget, expenditures incurred and paid and available funds.

Reference to the Committee on **HEALTH AND HUMAN SERVICES** suggested.

**READ and REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent for concurrence.

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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.

An Act to Promote Equity Among Health Care Clinics  
(S.P. 128) (L.D. 404)  
(C. "B" S-403)

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

PENDING - **PASSAGE TO BE ENACTED**.

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

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HOUSE REPORT – Ought to Pass Ought to Pass as Amended by Committee Amendment "A" (H-794) – Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act Regarding Horse Racing"

(H.P. 253) (L.D. 289)

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

PENDING – ACCEPTANCE OF COMMITTEE REPORT.

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

The Bill was READ ONCE. Committee Amendment "A" (H-794) 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-794) and sent for concurrence.

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HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (H-887) - Minority (6) Ought Not to Pass - Committee on LABOR on Bill "An Act to Protect the Rights of Maine Citizens Under Collective Bargaining Agreements" (EMERGENCY)

(H.P. 1595) (L.D. 2098)

TABLED - March 13, 2002 (Till Later Today) by Representative BUNKER of Kossuth Township.

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

On motion of Representative NORBERT of Portland, the Bill and all accompanying papers were COMMITTED to the Committee on LABOR and sent for concurrence.

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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)

TABLED - March 5, 2002 (Till Later Today) by Representative MUSE of South Portland.

PENDING - PASSAGE TO BE ENACTED.

On motion of Representative MUSE of South Portland, the rules were SUSPENDED for the purpose of RECONSIDERATION.

On further motion of the same Representative, the House RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

On further motion of the same Representative, the rules were SUSPENDED for the purpose of FURTHER RECONSIDERATION.

On further motion of the same Representative, the House RECONSIDERED its action whereby Committee Amendment "A" (H-818) was ADOPTED.

On further motion of the same Representative, Committee Amendment "A" (H-818) was INDEFINITELY POSTPONED.

The same Representative presented House Amendment "A" (H-893), which was READ by the Clerk.

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 turn this into a pachyderm-sized argument. However, I was challenged. Somebody didn't think I could work that in there. However, I know it is odd and it is awkward and it is a bad time of year to be debating a water district bill. These are generally rubber stamped items. They come and go and we all vote one way and then switch our lights to give somebody a hard time. I got a phone call from our city manager on this particular bill because when the board of trustees for the Portland Water District voted on this, their vote was a 7 to 4 vote to change their charter for their representation. What they did was they are looking at establishing their board of trustees by population. Where that becomes unfair is when you start to look at consumption by a city such as South Portland, who not to mention the hotels, motels and Maine Mall, but when you take into consideration National Semiconductor and Fairchild Semiconductor who each use in excess of one million gallons of water per day, then the unfairness of the system becomes blatantly clear. I hope that we can go ahead and pass this amendment that will strictly look at consumption. Thank you Mr. Speaker.

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

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

Representative LABRECQUE: Mr. Speaker, Ladies and Gentlemen of the House. This bill is not unlike what we go through when we reapportion the state and determine our districts. It is a horrendous undertaking. It is contentious to say the least. For a number of years the Portland Water District has tried to have equal representation of its users within their board of trustees. As the number of users have grown, this is becoming a more and more difficult job. There is another whole piece to this usage that we haven't even discussed and that is the water consumption that is used by those people who also contract their sewage disposal with Portland Water District. I do not believe that we should be passing this amendment. I think we need to go back to the original intent and allow the district to have even distribution of its trustees by population. I ask you to follow my light.

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

Representative BLISS: Mr. Speaker, Men and Women of the House. I agree with the good Representative from Gorham, we should push for equal representation based on usage. It is for that reason exactly that I support Representative Muse's amendment. Usage is more than the number of people who live in any community that uses the water. South Portland is clearly the most commercial, most industrial user of the water in the Portland Water District. Those two businesses alone that Representative Muse cited each use more than one million gallons of water every single day. The people that use that water aid all of Maine in what they do. It is only fair that we take that into consideration as part of the usage when we figure out how to allocate the seats on the trustees. The Public Utilities Commission is eminently fair. It is eminently appropriate to figure out the best way to draw those boundary lines. I would certainly encourage your support of Committee Amendment "A" and make this really a fair representation on the Portland Water District. Thank you.

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. I agree that the PUC is eminently fair, but they execute the policies that we send to them to execute. To send to them a policy that says, we want to apportion trustees based on consumption is not a fair policy. They would certainly execute that policy for us, but it would not be a fair policy. Can you imagine if this House was apportioned based on the number of trees in a district, the number of businesses in a district? We might as well call it the I-95 Corridor House. We don't apportion Representative bodies based on non-human, non-population numbers. People vote. Open faucets don't vote. I am going to ask you now to reject this amendment on the grounds that one person one vote is the fair way to have a representative democracy. I would like to point out as well that we could spend all day talking about statistics. We could spend all day talking about proportionality and the relative proportions of one municipality within the district. Last year the district was expanded. The trustees of the district thought that it was in the best interest of the district and its inhabitants to expand the district, increase the customer base to reduce rates possibly for everybody. That expansion was voted on by the trustees back in February 2001. That expansion by its nature, but including more citizens within the district would change the proportions of the representation across the district. It would require a reallocation of trustees. I just want you to know that when that vote was taken to expand the water district, their trustees from South Portland along with all the other trustees of the water district voted unanimously to expand the district. At this time we need to reject this amendment and go forward with the principle of one person one vote. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Belmont, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. We could take about the statistics here. Let's talk about one of the stats that exists here and that statistic is this. South Portland has not been removed from the possibility of having two representatives. It simply says that South Portland and Cape Elizabeth are paired together and have two representatives. Nothing prevents that. If we base this on consumption, then I would suggest as I did in committee, we did not rubber-stamp this piece of legislation. As for the statistics, for the population factors, and when I stand here and look at the population factors and look at the coefficient which produces a unit of one. It does not change what has been proposed in this bill. What would change it is if you based it upon consumption, because at that point in time, it might be possible here for one thing to remove representation from all of the outlying areas or I would suggest that the people who live close to the Paine Road, and I grew up close to the spigot of Paine Road to go open that spigot quite often and increase the consumption by Scarborough. That is exactly what we are talking about here.

The right way in this process is by capital asset distribution. Population is more aligned with capitol asset distribution than is usage. Thank you sir.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. The issue of redistricting has somehow or other become muddied by the original bill. I don't believe that was the intent. In fact, I believe this amendment that we are considering moves us closer to the intent of looking at the actual population and redistributing.

Let me provide you a very brief example. We currently have 11 elected water district trustees for the Portland Water District. The City of South Portland has two elected representatives. The City of Portland has four and the Town of Cape Elizabeth shares their representative with Gorham and Scarborough. The census figures that have changed in the last 10 years show that the City of South Portland's population has gone up. We have increased moderately in the last decade. It is about 100 people. The City of Portland's population has gone down. They have less people, according to the 2000 census than the 1990 census. Under the proposal that was originally before this House prior to this Committee Amendment, it called for South Portland losing half a trustee position. If, in fact, this bill has to do with reapportionment due to population, why would a city, the City of South Portland whose population increased, be losing representation at the Portland Water District when our neighboring city, Portland, who has four trustees, whose population decreased moderately during that 2000 census period, why would their representations stay the same? I think the answer is very apparent. There are other factors that are being changed other than just the population. There are other things being taken into consideration.

The good Representative from South Portland, Representative Muse, presented an amendment that I believe keeps things on par with the way that South Portland had entered the water district. It looks toward keeping it fair, elected by towns. I can tell you that this, in fact, is not a distribution based upon population, the plan that was originally in front of you. If you reject this amendment, we will go back to a plan that does, in fact, not distribute based solely on population. I had asked committee members on Utilities, I had given them information on a letter. When I had seen the committee vote on population figures and had explored the options of proposing an amendment today, which would be solely by population. We would divvy it up just like we do State Representative districts. Some would be shared amongst municipalities and some wouldn't. I was told that that practically couldn't work. We could never distribute Portland Water District trustees in the same way we allocate State Representatives and State Senators, one man, one vote.

Based on the fact that we are not going to do it that way, I think we should continue to do it the way that we have done it, basing it on consumption and then popularly elect them within the municipalities. I don't think it is correct that South Portland's population has gone up and Portland's population has gone down, but my city loses representation. I think that comes into affect.

Additionally, I would like to bring to the body's attention that the Portland Water District trustees did not endorse this unanimously as was portrayed by an earlier speaker. I have the minutes in front of me from the November 26, 2000 Portland Water District trustee meeting. In fact, the vote was seven to four, seven in favor of this and four against. Those trustees that were against were the two representatives from South Portland, those being Peter Larson and Jim Olger. The representative to the Portland Water District from Westbrook, David Haskell and the representative from Portland, Mr. Dipietro. You had actually four trustees feel that this plan, the original plan that was in front of you, was unfair. It was going to skew the Portland Water District and that is why this amendment is before us today. I urge you to follow my light in support of it. Thank you.

Representative **LABRECQUE** of Gorham **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-893)**.

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 "A"

(H-893). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 513**

YEA - Annis, Bliss, Cressey, Desmond, Dorr, Duplessie, Duprey, Fuller, Glynn, Hall, Jones, MacDougall, Marley, Mendros, Michael, Muse C, Muse K, O'Brien JA, Richard, Shields, Tracy, Waterhouse.

NAY - Andrews, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Dudley, Dugay, Duncan, Dunlap, Estes, Etnier, Fisher, Foster, Gagne, Gerzofsky, Goodwin, Gooley, Green, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, Mailhot, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Murphy T, Nass, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Povich, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Simpson, Smith, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

ABSENT - Bagley, Baker, Bumps, Landry, Madore, Marrache, Morrison, Quint, Skoglund.

Yes, 22; No, 120; Absent, 9; Excused, 0.

22 having voted in the affirmative and 120 voted in the negative, with 9 being absent, and accordingly the motion to **ADOPT House Amendment "A" (H-893) FAILED.**

Subsequently, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-818)** was **INDEFINITELY POSTPONED.**

**Committee Amendment "A" (H-818) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-818).**

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. 112 voted in favor of the same and 13 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act Concerning Confidentiality of Investigations by the Commission on Governmental Ethics and Election Practices

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

TABLED - March 6, 2002 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - **PASSAGE TO BE ENACTED.**

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

Resolve, to Continue the Study of the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families (EMERGENCY)

(H.P. 1556) (L.D. 2058)  
(C. "A" H-847)

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

PENDING - **FINAL PASSAGE.**

On motion of Representative BUNKER of Kossuth Township, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-847) was ADOPTED.**

The same Representative presented **House Amendment "A" (H-903)** to **Committee Amendment "A" (H-847)** which was **READ** by the Clerk.

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

Representative **BUNKER:** Mr. Speaker, Ladies and Gentlemen of the House. (H-903) simply removes the emergency. As many of you know, we have already debated this subject on both sides. It failed Enactment to and because of the 101 requirement, this simply removes the emergency.

Representative **TREADWELL** of Carmel **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-903)** to **Committee Amendment "A" (H-847).**

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 "A" (H-903) to Committee Amendment "A" (H-847). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 514**

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

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, McKenney, McNeil, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Baker, Bumps, Desmond, Fisher, Landry, Madore, Marrache, Morrison, Richard.

Yes, 90; No, 51; Absent, 10; Excused, 0.

90 having voted in the affirmative and 51 voted in the negative, with 10 being absent, and accordingly **House Amendment "A" (H-903)** to **Committee Amendment "A" (H-847) was ADOPTED.**

**Committee Amendment "A" (H-847) as Amended by House Amendment "A" (H-903)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-847) as Amended by**

House Amendment "A" (H-903) thereto in **NON-CONCURRENCE** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-892)** - Minority (6) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act to Safeguard Volunteer Firefighters' Regular Employment" (H.P. 1449) (L.D. 1946)

TABLED - March 13, 2002 (Till Later Today) by Representative BUNKER of Kossuth Township.

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

On motion of Representative BUNKER of Kossuth Township, the Bill and all accompanying papers were **COMMITTED** to the Committee on **LABOR** and sent for concurrence.

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

#### REPORTS OF COMMITTEE

##### Divided Report

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-901)** on Bill "An Act to Regulate Lead Smart Renovators and Lead Sampling Technicians" (H.P. 1439) (L.D. 1936)

Signed:

Senators:

MARTIN of Aroostook

SAWYER of Penobscot

Representatives:

ANNIS of Dover-Foxcroft

BAKER of Bangor

TOBIN of Windham

KOFFMAN of Bar Harbor

COWGER of Hallowell

CLARK of Millinocket

DUPLESSIE of Westbrook

TWOMEY of Biddeford

DAIGLE of Arundel

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

Signed:

Representative:

CRABTREE of Hope

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-901)** 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-901)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

##### Divided Report

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act to Ensure the Public Benefits of Solid Waste Facilities" (H.P. 1502) (L.D. 2005)

Signed:

Senators:

MARTIN of Aroostook

SAWYER of Penobscot

Representatives:

ANNIS of Dover-Foxcroft

COWGER of Hallowell

DAIGLE of Arundel

DUPLESSIE of Westbrook

CRABTREE of Hope

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-900)** on same Bill.

Signed:

Representatives:

BAKER of Bangor

TOBIN of Windham

KOFFMAN of Bar Harbor

CLARK of Millinocket

TWOMEY of Biddeford

**READ.**

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

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

#### SENATE PAPERS

The following Joint Resolution: (S.P. 808)

#### **JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO PROVIDE FULL ANNUAL OPERATING FUNDING FOR ACADIA NATIONAL PARK**

WE, your Memorialists, the Members of the One Hundred and Twentieth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the Congress of the United States, as follows:

WHEREAS, Acadia National Park is Maine's most visited natural destination, with approximately 3 million annual visits, and is one of the most heavily used parks in the National Park System; and WHEREAS, Acadia National Park is among the most beautiful places in Maine and its Atlantic shore represents 25% of the Maine coastline that is available for public use and enjoyment; and

WHEREAS, Acadia National Park generates \$132,000,000 in direct economic benefits to the Mount Desert Island region and many additional millions of dollars in indirect benefits throughout Maine, making the park's 45,000 acres of land and easements among the most economically productive natural assets in the State; and

WHEREAS, Acadia National Park has conducted a rigorous financial analysis leading to a business plan that demonstrates an average operating annual budget that supplies only 47% of what is needed to operate the park in compliance with laws and regulations; and

WHEREAS, Acadia National Park's annual operating budget shortfall is the 3rd largest calculated to date in the 40 national parks that have undertaken business plans; and

WHEREAS, Acadia National Park's total annual operating budget need is approximately \$14,000,000, and additional millions of

dollars are needed for anticipated park operations at Schoodic Point; and

WHEREAS, Acadia National Park has 121 full-time equivalent employees but needs 230 full-time equivalent employees to execute the park's mission in accordance with laws and regulations; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge the President of the United States and the Congress of the United States to increase the annual budget of Acadia National Park to amounts that will meet the park's full operational needs, including the needs of Schoodic Point; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

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

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

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-896)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (H-897)** - Committee on **TRANSPORTATION** on Bill "An Act to Ensure the Safety of Maine Children While Riding in a Vehicle"

(H.P. 1421) (L.D. 1867)

Which was **TABLED** by Representative COLWELL of Gardiner pending the motion of Representative FISHER of Brewer to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

Representative KASPRZAK of Newport **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 PRO TEM**: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. The bill before you right now is a rare example of a divided report out of Transportation. We hardly ever get those. We either love them or we hate them.

The idea that children need booster seats when they reach a certain age is actually shared by the committee. We do not disagree in that entire committee that those seats are not a benefit. Where we depart from the sponsor is that, should the state, by its might and by the force of its laws, require every parent to put their child in that kind of a seat. It is a philosophical difference.

The proponents are very dedicated in their belief that these seats are necessary. The sponsor is very dedicated in his beliefs. Somehow they learned all by themselves about the benefits of these child seats. If I had grandchildren that size, I would want them in that seat also. They learned about this without benefit of any law. They did not need a law to teach them that child seats were beneficial. For some reason, I think it is unfortunate, they don't seem to believe that the rest of the population is either smart enough or care enough about their children to put them in these seats.

If we could get to the Minority Report and defeat this Majority Report, we would have a Resolve that requires the Public Safety Department to apply for a federal grant.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Representative Marley. For what reason does the Representative rise?

Representative **MARLEY**: Thank you Mr. Speaker. Point of order. We are discussing the Majority Ought to Pass Report, not the Minority Report.

On **POINT OF ORDER**, Representative **MARLEY** of Portland asked the Chair if the remarks of Representative McKENNEY of Cumberland were germane to the issue.

The **SPEAKER PRO TEM**: Would the Representative keep his remarks to the Majority Report? Thank you. The Representative may proceed.

The Chair admonished that Representative McKENNEY of Cumberland stay as close as possible to the issue.

Representative **MCKENNEY**: Thank you Mr. Speaker. The point is well taken. I tried to slip that in there. The same people that would defend choice in other areas of their life are not willing to give parents the choice on how to protect their children. That is a parent's job.

If I could draw your attention to one of the handouts that crossed your desk, it was the pink one that was written by Maureen Clark. Down at the bottom it says, one mother asked me, how do you get Jacob to stay in his booster seat? Well, I would ask, how do you get Jacob to brush his teeth? How do you get him to go to bed at night? How do you get him to eat his spinach? You are the parent and that is your job to get that done. The only lawmaking body that most children need is their parents. This goes on, I didn't give them a choice. How do we get all Maine's children riding safely in booster seats? Don't give them a choice. If we enact this, we are not giving the parents a choice on how to protect their children. Thank you.

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

Representative **MARLEY**: Mr. Speaker, Ladies and Gentlemen of the House. I am the sponsor of this bill and I am part of love fest down in the Transportation Committee. The good Representative from Cumberland, Representative McKenney, is correct. We typically come out with unanimous reports. I feel that what Representative McKenney said as far as we all agree that booster seats are probably the best way to protect children. He made several points that I would like to address and then I would like to talk about why this issue has become important to me. The first one that Representative McKenney talked about was that somehow the people that were out here advocating, that came forward to testify on this bill, found out about it without there being a law. He is right, but unfortunately the numbers are that about 89 percent, the high 80s, of children zero to four are currently in child safety seats. That number falls to 6 percent from four to eight years of age into a booster seat. Obviously this is an education piece that is missing. They are obviously part of that 6 percent that are doing it.

The people that came here and were the advocates and fortunately a number of them were parents and a number of them were firefighters, EMTs and police officers who have seen first hand the tragedies of when a child is in an accident and a preventable injury or death has occurred that could have been prevented. They came forth because not through just the education piece, but they have seen first hand the tragedies.

There is another piece that is going around on your desk that is a fuchsia color, that says the United States Senate unanimously supported Antoine's Law. It is by a Republican Senator. Let's be honest, the United States Senate very rarely does anything unanimously. That is a bill that will encourage states to this exact same thing, mandate booster seats. The

reason Antoine's Law is named Antoine's Law, is a young boy in Washington State was killed, his mother did not understand the importance of booster seats and through his death, she has become a national advocate of this. That is how a lot of people have come to this issue.

For myself, a gentleman from AAA came to me and we were discussing safety and transportation one day last year. He said that if you are really looking at safety, you should look at the numbers, they are staggering, of children four to eight that are killed. From that point I started talking to people. I went to a seatbelt subcommittee. I met these first responders and the stories they tell you are heart wrenching. I will guarantee you that the majority, I can't think of one single parent, that if they could do over again and put that child in the safety seat after they had been seriously injured or killed, that they wouldn't make the decision again.

A cosponsor is Senator Bennett. We had two bills going in and the department had a bill in and it was all wrote into that.

The other piece I would like to speak about is just the sheer numbers. For kids four to 14, motor vehicle crashes are the number one killer. Nationally that is about 2,500 children under the age of 14 that are killed and it is close to 300,000 are seriously injured. In Maine those numbers are about 25 children that are killed or seriously injured. Every day that is six children killed and 800 seriously injured. If this was a disease, we would be putting millions of dollars into this to address this issue. This is a very simple void that is in the law. That brings up another point that Representative McKenney made. Why do we need to tell parents how to take care of their children? This is already a mandate. This body, under the understanding of all the information at the time, mandated that children 0 to 18 are to wear seatbelts. From 0 to 4 they have to be child safety seats. There is this large void that has come to the attention of all the safety advocates, law enforcement and public health that from 4 to 8, we have mandated, you and I, the legislators of this state, have mandated that we put them into an unsafe position. All this law does is it takes the information from organizations such as the Center for Disease Control, the National Highway Traffic Safety Administration, AAA, Maine Medical Association, the Public Health Association of Maine, the Maine Chapter of American Academy of Pediatricians, law enforcement agencies, health organizations and parents have all said to put them into child safety seats. Save these children's lives. It is very simple. We are not mandating anything that we are not already mandating. All we are doing is trying to save a child's life. We talk about clichés, slippery slope, I won't be long, which I have and I apologize, but what we also say around here is if this saves one child's life. This will be a true bill that will save a child's life. I certainly hope that you will support the Majority Report. Thank you.

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

Representative CLOUGH: Mr. Speaker, Ladies and Gentlemen of the House. I think we all agree that we would want to take all reasonable precautions to protect our children and our grandchildren, but this bill is totally unenforceable. It would require that an officer making a stop would have to be able to determine the weight and the age of a child before they could issue a summons. They would have to require a birth certificate and carry bath scales in their car. I have grandchildren and great grandchildren that are eight years old. What do I do if I get a call and I am the only one available and one of these children is sick at school and needs to be picked up? I don't know what they weigh. I know how old they are, but I don't know what they weigh

and it changes it every week. I ask you to vote against the pending motion and go on to pass the bill as amended.

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

Representative BOUFFARD: Mr. Speaker, Men and Women of the House. I am a grandfather and I am asked once and a while to go and pick up my grandchildren. Before I do, I go over to my daughter-in-law's house and get the proper seating facility so that I can transport that grandchild. If you read the other pink sheet that was distributed by another one of the representatives, you will find down there on the bottom that it says, car crashes are the leading killer of children from four to 14 years old. It is the leading killer of children from four to 14 years old. I would venture to say that the majority of those statistics are because the children are not properly seated. They are not properly belted in the car by the parents for fear of whatever, being late for a meeting or anything else. I think that because of the fact that we have a bill now that will protect children, making it mandatory that between a certain age they must be properly seated, that it will save lives, children's lives. I would say to all of you members that have grandchildren and are needed to transport them, that you make sure that you seat them properly in that car.

Another issue that I want to say about it is if anyone watched some of the CBS News two days ago, they even showed a segment on there that because the middle seat in the backseat has only a lap belt that that also is very dangerous for a child to be sitting in that middle seat and be tossed around bodily when there is an accident. This bill isn't going to help that because that lap belt does not protect your child in a safety seat. It just goes to show that now, finally and federally, there are people that are looking at how very much that we misuse our own children by seeing to it that they are not protected the way that they should be. This is a good bill. It is too bad that it didn't have a Majority Report. I think it should have and I would urge every one of you to pass this law as quickly as possible. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House. This is not a perfect world. If it were, you could get a loan for a house with no down payment. You could get a suitcase of money. You could even get Cal Ripken to play catch with your son, but this is an imperfect world where education and such causes alone does not work. Federal legislation is referred to by my good friend, the Representative from Portland, unanimous on the part of the Senate. That speaks volumes. Before you vote today, if you will, please just close your eyes and focus on the child between those ages of four to 14 that you love and then vote accordingly. If this saves one life, it is worth voting for. Vote green. Thank you.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I view this argument as not being about statistics, not whether these seats are a good or bad thing. We heard comments about mandates or other mandates. One of the things that I got involved in politics for and serving for was to get rid of some of these mandates that interjected themselves into what I considered private, personal decisions, especially when it came to parents dealing with their children. It is a parent's responsibility, as was mentioned earlier, and using the police power of the state to save one child, to me, is not a good way to approach those things. I always considered up here when you hear the expression, if it saves one child, as an absolutist's argument. Good heavens, ladies and gentlemen, what kind of laws could we not pass if that was the criteria for getting your

vote. You could actually get a bill passed up here to lower the speed limit on the turnpike to 30 miles an hour. Certainly one child or one person would be saved if you did that. Please take into consideration that the people back home, the parents who these children belong to and who love them dearly, can make these decisions by themselves. They don't need our help. I do agree with educating the public in the statistics of these seats saving children. That would be the proper way to go. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. As you know yesterday there was an officer in the hallway, Sergeant Tom Barren from the York Police Department who I had the pleasure of graduating from high school with. He was a very big advocate of this legislation. Tom is not an advocate for this legislation because he has nothing else to do. It is because it is a problem. He knew the question of, how enforceable will it be for police officers would come up so he asked me if I could read a little line that he had written in his testimony to the rest of the House. "As a police officer with 18 years of experience, my answer to this question is that it is both an enforceable and an educational tool. Officers will have little difficulty in identifying children who should be in a booster seat. As with any new law, both the public and police will need to be educated on this issue. Officers regularly attend law update classes, which would be in a forum for identifying non-users of booster seats." What they are trying to do, the advocates of this legislation is an effort to close the gap that currently exists in our child passenger safety seat law, ladies and gentlemen. They are trying to increase the booster seat usage from 6 percent to at least 50 percent. It is not about saving one child. If my calculations are correct, 6 percent to 50 percent would be more than one child. I urge the House to please bear with us and think about what we all need to do is educate each other on the usage of booster seats and vote with the Majority Ought to Pass as Amended Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. I wasn't going to speak on this, but the more I listened to the debate, I thought that I would. I am a grandfather. I have five grandchildren. I think my good friend from Cumberland and fellow party member triggered me off a little bit with the power and the might of the government. We use the power and the might of the government every day. What is taxation? None of us want to pay taxes, but we are forced to pay taxes. I think it is a righteous cause to save kids lives. I know when I have my five grandchildren in the car, I think that is why I have lost most of my hair. I think it is a very, very necessary bill. It completes the idea to make kids safer in cars. We must all realize, and if you are my age, driving is more dangerous today. When I leave my motel and come to Augusta to the State House, this is kind of a dangerous little thing at 7:30 or 8:00. It is like Beech Ridge Speedway. I urge that you vote for this. Thank you.

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

Representative **LOVETT**: Mr. Speaker, Ladies and Gentlemen of the House. This isn't about rights. This bill isn't about power being taken away from us. This bill is about children. We have a law on the books already about buckling up. I feel like the grandmother of this bill because I have been preaching child safety seats for so many years that I don't want it to go on record. This bill is about four to eight year olds. I have driven with a lot of four to eight years old, if they are only in a safety belt, they want to get up on their knees to look out the car

window and that is where the problem is coming from. You cannot restrain a child that is improperly fitted to any seat unless you have the proper equipment. These booster seats do work. They have saved many lives. I would recommend to you that you follow my light and let's keep safety as our priority in this and let's stop the rhetoric of rights and power. It is children's lives. I thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from York, Representative Andrews.

Representative **ANDREWS**: Mr. Speaker, Men and Women of the House. In my other life, I ran an emergency room for 14 years. I saw first hand what the use of seatbelts properly applied can do, how it can save lives and I have also seen the result of improper use of seatbelts and the damage that it can do to the human body. It is not a pretty sight.

One of my fellow legislators here stated that we shouldn't be mandating to parents what they should do. The state has already seen fit to mandate that we will use seatbelts. That is there already. Unfortunately, there is a hole in this law and this can cause further damage to the children in this age group. We already have the law, but it is not a good law because it leaves open the possibility of more injury to our youth. We need to protect our young people. Thank you.

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

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. We all know the list of laws that we could pass that would save one child's life would approach infinity. We know that. Every one of which would supplant our wisdom or the wisdom of the parents with our wisdom. We do it quite often and sometimes it is wise. This is a well-meaning law in front of us, but it is very ill conceived. We talk constantly about education. The prime sponsor of this bill, I believe, is an educator, as are many of my colleagues here in this chamber. My question through the Chair is, what have been the efforts towards educating the parents about this apparently severe crisis? What have been the efforts in the last year or two or whenever we discovered this loophole towards educating the people? We should always educate before we mandate. Thank you.

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

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The SPEAKER: The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Mr. Speaker, Men and Women of the House. I would like to answer the good Representative from Penobscot's question. Education has been done. I think everybody on the Transportation Committee deals that education is very important. I am a teacher, education, education, education. That deals with a lot of issues. Obviously money has been an issue. The funding is not there. The states and towns have provided information at town halls and DMVs and etc. There have been a number of venues to parents. There are classes for doctors, nurses, police officers and people who will come in contact with parents and hospitals where they discuss the importance of child safety seats in general. A lot of the advocates that are here today were actually in Augusta with a child passenger safety class. They will become the people who will go around to these regional areas for free. You will see flyers and things on the radio saying, come in and have your child safety seats checked. We are doing it. There is education out there. The problem is that parents feel that up to age four they



are following the law. That is what the education is talking about. We need to provide more education.

Let me just refer to a study. I think it will make it even clearer. A recent National Highway Transportation Safety Administration study found that nine out of 10 parents believed that by following their current state law, they were taking the necessary steps to keep their children safe while riding in a car or a truck. This is a clear indication that parents obviously look to the law for guidance to do what is right and with the expectations that it is the safest. There is education out there, but unfortunately, the education is looking specifically at what the law is. The law right now is zero to four and it is not addressing that gap that I think has been so eloquently addressed and is not protecting those children. Once again, I hope that you will support the Majority Report. Thank you.

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

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. I congratulate the authors of this bill on an extremely well intentioned bill. I have a kind of a three-pronged question I hope somebody can answer. Number one, is this going to be an enforcement nightmare for tourists, which we have abundance of? Number two, is this going to be a terrible burden for a large family with a very low income? Number three, is there provisions for school buses and vans that carry the very small children? Thank you.

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 Lovett.

Representative LOVETT: Mr. Speaker, Men and Women of the House. I would like to address part of that. Is it going to be a financial burden? No. There are plenty of organizations that have booster seats available. Every baby that leaves a hospital in this state, before the parents can take that child out of the hospital, they make sure that they have an adequate safety seat, baby seat, to take that baby out. If they can't afford it, they are given one. The problem is, it is between four and eight that we are seeing problems and it is the weight that we are seeing the problems. That was my answer to Representative Shields.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative DUPREY: Mr. Speaker, Men and Women of the House. It is very rare that I break from my conservative colleagues, but I must on this matter. In 1991, my wife was driving my two daughters to Virginia Beach. She hit some ice and flipped the car a few times. They all crawled out of there without a scratch. We had our six year old in a booster seat. I don't know if it was required by law back then, but it seems like it made sense to me. Yes, it was my choice that I put my child in that. The cop did say that if the child wasn't in a booster seat, she probably could have snapped their neck because of the force of the flipping.

Another reason is we, my wife and I, own a daycare center. We have 40 children in Bangor. All the time my wife is constantly after parents to put their kids in booster seats, because we know the importance of it. Yes, it is their choice, but their response to that is, the law says that I don't have to. It may not be enforceable, but if it gets the parents to want to do this, yes, it will help them. It is a child. It is not a choice. It is important. I am consistent when it comes to children's matters. I know I am going to get some flack from my conservative colleagues, but I really think that this is important. I applaud Representative Marley on this one. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Mr. Speaker, Ladies and Gentlemen of the House. Yesterday there was an editorial in the *Lewiston Sun Journal* relating to driver habits and what we are not doing on the highway these days. In other words, not obeying the laws. This included tailgating. They talked about running red lights. They talked about speeding and other issues. I am sure that we are all aware of what is happening out on the highway. Several teenagers have died on Maine highways in the last two weeks. We don't seem to get it. We are our own worst enemies obeying the laws and obeying the laws does save lives. Booster seats can help, but let's look at the cause of accidents. We need to work harder at obeying our common sense highway safety laws. Thank you.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. I can only echo the remarks of the good Representative from York, Representative Andrews, who was my first instructor as an EMT a few years back. As many of you know, I have been an emergency medical technician for over 25 years. I have seen a lot of stuff over those years. If any of you have any doubt about which report to support, I will bring you out with me the next time I have a four year old who is paralyzed from the neck down in the emergency room. I will let you answer the questions, from his grandparents about why this little boy will never walk or move his arms again. That is why I ask you to please support the Majority Report.

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

Representative FISHER: Mr. Speaker, Men and Women of the House. I am rising today not to prolong the argument on one side or the other. I think you have all made up your mind and most of you want to vote. What I do want to say is that I want to clear up the misconception. This is a unanimous committee report. If you look at your bible today, you will see that all 13 of us support an Ought to Pass bill. There is a difference in methodology, but do not forget that the Transportation Committee wants you all to make sure that you know that child safety is a very important part of daily life here in the State of Maine. It has risen, it has lifted the awareness of this problem. My good friend from Portland has done a great job of bringing this issue to the forefront. He should be praised for it. Thank you.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. Institutional memory time. Almost a decade and a half ago's floor leaders, then Representative John Diamond from Bangor and I introduced the first successful seatbelt bill that became law. The information that exists in this Majority Report, we did not have then. If we did, we would have done it then. We have it now. We need to do it now. I would urge you to vote for the Majority Report.

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. 515**

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bull, Canavan, Carr, Chase, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Fuller, Gerzofsky, Glynn, Gooley, Green, Hall, Haskell, Hatch, Hawes,

Heidrich, Honey, Hutton, Jacobs, Jodrey, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McKee, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richardson, Rines, Rosen, Shields, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler GJ, Young, Mr. Speaker.

NAY - Bowles, Bryant, Buck, Bunker, Clough, Collins, Cressey, Foster, Gagne, Kasprzak, Labrecque, MacDougall, McGlocklin, McKenney, Mendros, Michael, Muse K, Nass, Nutting, Perkins, Pinkham, Savage, Schneider, Sherman, Smith, Snowe-Mello, Stedman, Tracy, Treadwell, Waterhouse, Wheeler EM, Winsor.

ABSENT - Bagley, Baker, Blanchette, Bumps, Goodwin, Jones, Landry, Madore, Marrache, McGowan, Morrison, Richard, Trahan.

Yes, 106; No, 32; Absent, 13; Excused, 0.

106 having voted in the affirmative and 32 voted in the negative, with 13 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-896)** 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-896)** and sent for concurrence.

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

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On motion of Representative PINEAU of Jay, the House adjourned at 12:42 p.m., until 9:00 a.m., Friday, March 15, 2002 in honor and lasting tribute to John E. Newcomb, of Livermore Falls.