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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
FIRST REGULAR SESSION
32nd Legislative Day
Monday, March 18, 2002

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

Prayer by Reverend Thomas Potter, Jr., Christ Church, Congregational (N.A.C.C.C.), Damariscotta.

National Anthem by Wescustago Youth Chorale, North Yarmouth.

Pledge of Allegiance.

Doctor of the day, John Burton, M.D., Falmouth.

The Journal of Friday, March 15, 2002 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 418)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 12, 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 Education and Cultural Affairs from the review and evaluation of the Educational Leave Advisory Board under the State Government Evaluation Act. In its review, the committee finds that the Educational Leave Advisory Board is operating within its statutory authority.

Sincerely,

S/Sen. Betty Lou Mitchell

Senate Chair

S/Rep. Shirley Richard

House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 419)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 13, 2002

The Honorable Richard A. Bennett

President of the Senate

The Honorable Michael V. Saxl

Speaker of the House of Representatives

120th Maine Legislature

State House

Augusta, Maine 04333-0003

Dear President Bennett and Speaker Saxl:

Pursuant to the Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Education and Cultural Affairs with respect to the review and evaluation of the University of Maine System.

The committee has concluded that the University of Maine System is operating in accordance with its statutory authority and is fulfilling its statutory mandate.

Sincerely,

S/Senator Betty Lou Mitchell

Senate Chair

S/Representative Shirley K. Richard

House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 420)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 13, 2002

The Honorable Richard A. Bennett

President of the Senate

The Honorable Michael V. Saxl

Speaker of the House of Representatives

120th Maine Legislature

State House

Augusta, Maine 04333-0003

Dear President Bennett and Speaker Saxl:

Pursuant to the Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Education and Cultural Affairs with respect to the review and evaluation of the Maine Maritime Academy.

The committee has concluded that the Maine Maritime Academy is operating in accordance with its statutory authority and is fulfilling its statutory mandate.

Sincerely,

S/Senator Betty Lou Mitchell

Senate Chair

S/Representative Shirley K. Richard

House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 421)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 13, 2002

The Honorable Richard A. Bennett

President of the Senate

The Honorable Michael V. Saxl

Speaker of the House of Representatives

120th Maine Legislature

State House

Augusta, Maine 04333-0003

Dear President Bennett and Speaker Saxl:

Pursuant to the Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Education and Cultural Affairs with respect to the review and evaluation of the Maine Technical College System.

The committee has concluded that the Maine Technical College System is operating in accordance with its statutory authority and is fulfilling its statutory mandate.

Sincerely,

S/Senator Betty Lou Mitchell

Senate Chair
S/Representative Shirley K. Richard
House Chair

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

The Following Communication: (H.C. 422)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 12, 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 Health and Human Services from the review and evaluation of the Maine Emergency Medical Services under the State Government Evaluation Act. In its review, the committee finds that the Maine Emergency Medical Services is operating within its statutory authority.

Sincerely,

S/Sen. Susan Longley
Senate Chair

S/Rep. Thomas Kane
House Chair

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

The Following Communication: (S.P. 809)

STATE OF MAINE

120TH MAINE LEGISLATURE

March 11, 2002

Hon. Betheda G. Edmonds
Senate Chair, Joint Standing Committee on Labor
Hon. George H. Bunker, Jr.

House Chair, Joint Standing Committee on Labor
120th Legislature

Augusta, ME 04333

Dear Senator Edmonds and Representative Bunker:

Please be advised that Governor Angus S. King, Jr. has nominated Dennis L. Libby of Windham as the Labor Representative to the Maine Unemployment Insurance Commission.

Pursuant to Title 26, M.R.S.A. §1081, this nomination will require review by the Joint Standing Committee on Labor 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 **LABOR.**

READ and **REFERRED** to the Committee on **LABOR** in concurrence.

The Following Communication: (S.C. 629)

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

March 15, 2002

The Honorable Michael V. Saxl
Speaker of the House
2 State House Station
Augusta, ME 04333

Dear Speaker Saxl:

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

Upon the recommendation of the Joint Standing Committee on Education and Cultural Affairs the nomination of Lyndel J. Wishcamper of Freeport, for appointment to the University of Maine Board of Trustees.

Upon the recommendation of the Joint Standing Committee on Education and Cultural Affairs the nomination of Gregory G. Cyr of Portage, for reappointment to the University of Maine Board of Trustees.

Sincerely,

S/Pamela L. Cahill

Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act to Ensure Consistent Regulation of Air Emissions in the State"

(H.P. 1675) (L.D. 2176)

Sponsored by Representative DAIGLE of Arundel.

Cosponsored by Senator PENDLETON of Cumberland and Senators: MARTIN of Aroostook, SAWYER of Penobscot.

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

Committee on **NATURAL RESOURCES** suggested and ordered printed.

REFERRED to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent for concurrence.

Pursuant to Statute

Joint Standing Committee on State and Local Government
Representative McDONOUGH for the **Joint Standing Committee on State and Local Government** pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Joint Standing Committee on State and Local Government Pursuant to Reviews Conducted under the State Government Evaluation Act"

(H.P. 1676) (L.D. 2177)

Be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the members of the Cape Elizabeth High School Girls Swim Team, who won the State Class A Swim Championship. The 19 qualifiers from the undefeated 2001-2002 40-member team took 9 of the 12 events, setting 5 meet and 4 state records. In the course of a spectacular season with Coach Kerry Kertes, the team had 2 academic all-state members and 18 all-American times in 9 events. We extend our congratulations to the team on its victory;

(HLS 1023)

Presented by Representative McLAUGHLIN of Cape Elizabeth. Cosponsored by Senator BROMLEY of Cumberland, Representative BLISS of South Portland.

On **OBJECTION** of Representative McLAUGHLIN of Cape Elizabeth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

CONSENT CALENDAR

First Day

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

(S.P. 669) (L.D. 1873) Bill "An Act to Amend the Tax Laws" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-444)**

(H.P. 1634) (L.D. 2137) Resolve, Regarding Legislative Review of Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass**

(H.P. 1643) (L.D. 2148) Resolve, to Require the Maine Fire Protection Services Commission to Report Regarding Methods to Improve the Recruitment and Retention of Firefighters and the Provision of Healthcare Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(H.P. 1458) (L.D. 1955) Bill "An Act to Allow Federal Law Enforcement Officers to Enforce Maine Statutes" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-927)**

(H.P. 1474) (L.D. 1975) Bill "An Act Concerning Student Threats Against School Personnel" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-922)**

(H.P. 1506) (L.D. 2009) Bill "An Act to Amend the Laws Concerning Specialty License Plates" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-928)**

(H.P. 1557) (L.D. 2059) Bill "An Act Regarding Site Selection Criteria for Parking for State Facilities" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-916)**

(H.P. 1560) (L.D. 2062) Bill "An Act to Clarify the Use of Municipal Rate of Growth Ordinances" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-918)**

(H.P. 1571) (L.D. 2076) Resolve, Regarding Legislative Review of Amendments to Chapter 305, Permit by Rule Standard and Chapter 310, Wetland Protection Regarding Cutting and Removal of Vegetation, Major Substantive Rules of the

Department of Environmental Protection (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-920)**

(H.P. 1590) (L.D. 2095) Resolve, Regarding Legislative Review of Portions of Chapter 10, Section 17(A)(2), (3) and (6), Standards for the Clearing of Vegetation for Development, Major Substantive Rules of the Maine Land Use Regulation Commission within the Department of Conservation (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-919)**

(H.P. 1613) (L.D. 2110) Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 2002-2003" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-914)**

(H.P. 1618) (L.D. 2117) Resolve, Regarding Legislative Review of Chapter 691, Section 3-A, Siting Restrictions for New Facilities, a Major Substantive Rule of the Bureau of Remediation and Waste Management within the Department of Environmental Protection (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-917)**

(H.P. 1639) (L.D. 2142) Bill "An Act to Change the Governing Board of the George Stevens Academy in Blue Hill" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-921)**

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

(S.P. 795) (L.D. 2150) Bill "An Act to Facilitate Water Well Drilling if Necessitated by Current Conditions" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-469)**

On motion of Representative FISHER of Brewer, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-469)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-469)** in concurrence.

CONSENT CALENDAR

Second Day

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

(H.P. 1635) (L.D. 2138) Resolve, Regarding Legislative Review of Portions of Chapter 750: Standardized Health Plans, Part II HMO Guidelines, a Major Substantive Rule of the Department of Professional and Financial Regulation (EMERGENCY)

(H.P. 1436) (L.D. 1933) Resolve, to Establish a Blue Ribbon Commission to Address Financing of Long-term Care Costs (C. "A" H-910)

(H.P. 1450) (L.D. 1947) Resolve, Concerning Unfunded Mandates in the Provision of Mental Health and Mental Retardation Services (C. "A" H-909)

(H.P. 1473) (L.D. 1974) Bill "An Act to Create and Fund a Household Hazardous Waste Collection System" (C. "A" H-913)

(H.P. 1522) (L.D. 2026) Bill "An Act to Transfer Responsibility for Determining Eligibility for the Elderly Low-cost Drug Program from the Department of Administrative and Financial Services to the Department of Human Services" (C. "A" H-911)

(H.P. 1538) (L.D. 2041) Bill "An Act to Control Internet 'Spam'" (C. "A" H-906)

(H.P. 1546) (L.D. 2049) Bill "An Act to Authorize the Transfer of Development Rights" (C. "A" H-912)

(H.P. 1572) (L.D. 2077) Bill "An Act to Require Logging Contractors to Notify Landowners and Employees of the Cancellation of Workers' Compensation Insurance Coverage" (C. "A" H-907)

(H.P. 1580) (L.D. 2089) Bill "An Act Concerning the Disposal and Storage of Cremains" (C. "A" H-908)

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.

ENACTORS

Emergency Measure

An Act to Promote the Health of Maine Women and Girls

(H.P. 1510) (L.D. 2013)

(C. "A" H-875)

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

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. If you will recall, I spoke on this bill last time it came through and I haven't changed my mind. I know, I tend to do that from time to time. Whereas, I am a woman. Whereas, women live longer than. Whereas, this bill discriminates against men. Whereas, I don't believe in discrimination against men. Whereas, all women are created equal and this bill discriminates against some types of women. Whereas, the issues addressed by this bill are already taxpayer funded. Whereas, there is no accountability for taxpayer funds already received and spent. Whereas, we are in tight economic times, I, Representative Kasprzak, firmly resolve to vote against this and all such legislation as long I have the power to do so. I would encourage other honorable members of the 120th Legislature to do so as well. Thank you.

Representative **KASPRZAK** of Newport **REQUESTED** a division on **PASSAGE TO BE ENACTED**.

The Chair ordered a division on **PASSAGE TO BE ENACTED**.

Representative **GOOLEY** of Farmington **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.

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

ROLL CALL NO. 516

YEA - Andrews, Annis, Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark,

Collins, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Sherman, Shields, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Twomey, Usher, Volenik, Weston, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Berry DP, Bowles, Buck, Clough, Crabtree, Cressey, Duprey, Foster, Gooley, Haskell, Jodrey, Kasprzak, MacDougall, McKenney, Mendros, Pinkham, Snowe-Mello, Stedman, Trahan, Treadwell, Waterhouse, Winsor.

ABSENT - Bagley, Chase, Daigle, Dorr, Duplessie, Labrecque, Landry, Lundeen, Marrache, Michael, Muse C, Muse K, Perry, Schneider, Tobin J, Tuttle, Watson.

Yes, 112; No, 22; Absent, 17; Excused, 0.

112 having voted in the affirmative and 22 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Allow the Town of Lincoln to Adjust the Definition of Original Assessed Value for a Downtown Tax Increment Financing District

(H.P. 1630) (L.D. 2132)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Address the Crisis in Direct-care Staff in the Long-term Care System

(H.P. 1504) (L.D. 2007)

(C. "A" H-886)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Establish the Energy Resources Council

(H.P. 506) (L.D. 646)

(C. "A" H-882)

An Act Regarding the Deferment of Loan Repayments for Remediation of Waste Oil Sites

(S.P. 657) (L.D. 1849)

(C. "A" S-458)

An Act to Increase the Number of Alternative Delivery Pilot Projects for School Construction and to Increase the Maximum Project Cost of Projects Eligible for Alternative Delivery

(H.P. 1426) (L.D. 1864)
(C. "A" H-879)

An Act to Ensure the Fair Collection of Overpayments

(H.P. 1433) (L.D. 1930)
(C. "A" H-884)

An Act to Amend the Laws Governing Eligibility for General Assistance

(H.P. 1466) (L.D. 1963)
(C. "A" H-878)

An Act to Expedite Employment in Maine Industry

(S.P. 741) (L.D. 2066)
(C. "A" S-459)

An Act to Implement the Recommendations of the Committee to Study Access to Private and Public Lands in Maine

(H.P. 1594) (L.D. 2097)
(C. "A" H-889)

An Act to Designate the Great Salt Bay Marine Shellfish Preserve

(H.P. 1667) (L.D. 2172)

An Act to Implement the Recommendations of the Joint Standing Committee on Criminal Justice Regarding the Review of the Department of Public Safety under the State Government Evaluation Act

(H.P. 1670) (L.D. 2173)

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

Resolves

Resolve, Directing the Department of Education to Provide Adult Education and Other Support Services

(S.P. 687) (L.D. 1889)
(C. "A" S-456)

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

An Act to Fund the Endowment Incentive Fund

(H.P. 33) (L.D. 42)
(H. "B" H-891 to C. "B" H-782)

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

On motion of Representative BOWLES of Sanford, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The SPEAKER: 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. 517

YEA - Andrews, Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Collins, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dudley, Dugay, Dunlap, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine,

Lessard, Lovett, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Mendros, Michaud, Mitchell, Murphy E, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Shields, Simpson, Skoglund, Smith, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Trahan, Twomey, Usher, Volenik, Weston, Wheeler GJ, Young, Mr. Speaker.

NAY - Annis, Berry DP, Bowles, Bruno, Clark, Clough, Crabtree, Cressey, Daigle, Duncan, Duprey, Foster, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, MacDougall, McKenney, Morrison, Murphy T, Nass, Nutting, Perkins, Pinkham, Rosen, Sherman, Snowe-Mello, Tobin D, Treadwell, Waterhouse, Wheeler EM, Winsor.

ABSENT - Bagley, Chase, Dorr, Duplessie, Goodwin, Labrecque, Landry, Lundeen, Marrache, Michael, Muse C, Muse K, Schneider, Tobin J, Tuttle, Watson.

Yes, 102; No, 33; Absent, 16; Excused, 0.

102 having voted in the affirmative and 33 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Expression of Legislative Sentiment recognizing the Cape Elizabeth High School Girls Swim Team.

(HLS 1023)

Which was tabled by Representative McLAUGHLIN of Cape Elizabeth pending **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative McLaughlin.

Representative **MCLAUGHLIN**: Mr. Speaker, Men and Women of the House. We have in the gallery right now a remarkable, outstanding group of young women. They are fantastic swimmers. They were noted by the media as perhaps being the best swim team so far ever in the State of Maine. I think a fair number of members here can identify with what the coach was dealing with this year. I know a lot of you folks have been coaches of young people throughout your careers. Coach Curtis said to me that his major concern this season was that he not do anything to mess up with these young women because they were such a fantastic group of talent. Thank you Mr. Speaker.

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

Representative **BLISS**: Mr. Speaker, Men and Women of the House. One hundred years ago in another lifetime, I was a swimming and water polo coach at a high school in southern California. I thought my team was terrific and they won their league and they were wonderful. I looked at their times and this Cape Elizabeth group of outstanding women put all of their times to shame. This is a unique group of women. This is an amazing swim team. We should all be extremely proud, even those of us who are not from Cape Elizabeth because these women, collectively, shine for the State of Maine. I join my colleague, the good Representative from Cape Elizabeth in congratulating them on their outstanding contributions and achievements and I welcome them here to visit with us today. Thank you Mr. Speaker.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. It is with a great deal of pleasure that I

rise today to congratulate the swim team. They beat out Bangor, but they did it with honor. They are a great team and everybody in the State of Maine should be duly proud of these wonderful young ladies. Thank you.

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

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

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

ORDERS

On motion of Representative DUNLAP of Old Town, the following Joint Order: (H.P. 1677)

ORDERED, the Senate concurring, that the Joint Standing Committee on Inland Fisheries and Wildlife report out, to the House, a bill implementing the recommendations of the Maine Land Use Regulation Commission and municipalities regarding surface water uses.

READ and PASSED.

Sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Report of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the County Jail Prisoner Support and Community Corrections Fund"

(S.P. 810) (L.D. 2175)

Reporting **Ought to Pass** pursuant to Joint Order 2001, S.P. 768.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 541) (L.D. 1672) Bill "An Act to Create the Washington County Development Authority" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-468)**

(S.P. 703) (L.D. 1905) Bill "An Act Authorizing the Transfer of Rights from Schedule Brook Bridge to Henderson Brook Bridge" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-471)**

(S.P. 724) (L.D. 1965) Bill "An Act to Amend the Animal Health and Disease Control Laws" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-470)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

MATTER PENDING RULING

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

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

TABLED – March 12, 2002 by Speaker SAXL of Portland.

PENDING – **RULING** of the Chair.

Subsequently, Representative BUNKER of Kossuth Township **WITHDREW House Amendment "B" (H-885)**.

The Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** and the Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-451)** on Bill "An Act to Create a Pilot Project to Fully Implement the Maine Medical Marijuana Act of 1998"

(S.P. 183) (L.D. 611)

Signed:

Senators:

LONGLEY of Waldo
TURNER of Cumberland
MARTIN of Aroostook

Representatives:

DUGAY of Cherryfield
O'BRIEN of Augusta
KANE of Saco
FULLER of Manchester
NUTTING of Oakland
SHIELDS of Auburn
BROOKS of Winterport
LAVERRIERE-BOUCHER of Biddeford

DUDLEY of Portland

O'BRIEN of Lewiston

QUINT of Portland

PEAVEY of Woolwich

SNOWE-MELLO of Poland

GERZOFISKY of Brunswick

MITCHELL of Vassalboro

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

Signed:

Senators:

McALEVEY of York
O'GARA of Cumberland
DAVIS of Piscataquis

Representative:

LOVETT of Scarborough
POVICH of Ellsworth
BLANCHETTE of Bangor
TOBIN of Dexter
WHEELER of Bridgewater

Came from the Senate with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-451)**.

READ.

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

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. This report is a product of a joint committee activity between the Health and Human Services and Criminal Justice Committees. It has had a long, and at time tortuous history, as we have attempted to craft a bill that, on the one hand, humanizes the plight of those who suffer from serious illnesses that can be ameliorated through the use of marijuana on the one hand. On the other hand, to acknowledge the constraints imposed by federal law, both on possession, those who use and supply and also prescribe. It is a very dicey process. The original proposal that came out of the committee in the first session of the 120th, was to establish a network of centers for distribution, which would be physician prescribed and monitored and regulated in a way that we thought that most accurately reflected the will of the people of Maine as expressed in the referendum a year ago November.

That has been the beacon that has guided the joint committees. We have looked at attempting to respond to the expressed will, explicitly expressed will, of the people of Maine and responding with some compassion and sensitivity to the plight, the medical plight of these folks.

What was more difficult in the joint committees as we struggled with it, was to deal with the federal laws, which constrained, most recently in California, the development of the kinds of centers that we had originally proposed.

The bill that is before us today is a significantly stripped back version of what we had set out to do. We don't believe, many of us, the majority on the report, don't believe that we are able, at this time to fulfill the intent as expressed by the people in the referendum to the extent that they would have liked. That would have been the centers. On the other hand, we did not feel that we could challenge the realities of federal law and to put patients, suppliers and sometimes family members and prescribers in conflict with federal law and all the potential consequences that might come from that. It is a significantly stripped back version that focuses primarily on authorizing and defining who is an eligible provider on behalf of a patient. It is somebody who is involved in that person's life who is overseeing and assisting in the oversight, at least, of the person's medical treatment and is a major caretaker in the ill person's life. It defines the usable amount of marijuana, increasing from one and a quarter to two and a half ounces. It provides an affirmative defense for the patient so that the patient doesn't have to legally worry that they are going to be prosecuted because of complying with the constraints of this law.

It also provides an affirmative defense for a designated caregiver who is attempting to provide or supply the necessary to meet the medical needs. There are others who, I am sure, will speak to both sides of this issue. This appears to be eminently reasonable attempt to respond to the will expressed by the people of Maine. Thank you Mr. Speaker.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-451)** 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**.

Representative **CARR** of Lincoln **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

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 Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 518

YEA - Ash, Baker, Berry RL, Bliss, Brannigan, Brooks, Bryant, Bull, Canavan, Chick, Chizmar, Colwell, Cowger, Crabtree, Cummings, Daigle, Dorr, Dudley, Duplessie, Duprey, Estes, Etnier, Gagne, Gerzofsky, Green, Hall, Hawes, Hutton, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, MacDougall, Mailhot, Marley, McDonough, McGlocklin, McKee, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Quint, Richardson, Rines, Savage, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Twomey, Volenik, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Blanchette, Bouffard, Bowles, Bruno, Buck, Bumps, Bunker, Carr, Clark, Clough, Collins, Cote, Cressey, Davis, Desmond, Duncan, Dunlap, Fisher, Foster, Glynn, Goodwin, Gooley, Haskell, Hatch, Heidrich, Honey, Jacobs, Jodrey, Kasprzak, Lovett, Madore, Matthews, Mayo, McKenney, Morrison, Murphy E, Murphy T, Nass, Povich, Richard, Rosen, Sherman, Stedman, Tobin D, Trahan, Treadwell, Usher, Waterhouse, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Chase, Dugay, Fuller, Labrecque, Landry, Lundeen, Marrache, McGowan, Muse C, Muse K, Schneider, Tobin J, Tuttle, Watson, Weston.

Yes, 79; No, 56; Absent, 16; Excused, 0.

79 having voted in the affirmative and 56 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-451)** in concurrence.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, March 15, 2002, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Prohibit a Convicted Sexual Offender From Acquiring Custody or Obtaining Visitation Rights Without Adult Supervision"

(H.P. 1468) (L.D. 1969)

TABLED - March 11, 2002 (Till Later Today) by Representative LaVERDIERE of Wilton.

PENDING - PASSAGE TO BE ENGROSSED.

On motion of Representative LaVERDIERE of Wilton, the Bill and all accompanying papers were **COMMITTED** to the Committee on **JUDICIARY** and sent for concurrence.

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

The **SPEAKER:** The Chair recognizes the Representative from Westbrook, Representative Duplessie who wishes to address the House on the record.

Representative **DUPLESSIE:** Mr. Speaker, Men and Women of the House. If I had been present for roll calls 516 and 517, I would have voted yea on both of them.

On motion of Representative MURPHY of Berwick, the House adjourned at 11:49 a.m., until 9:00 a.m., Tuesday, March 19, 2002.