

# 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**  
**Index**

ONE HUNDRED AND TWENTIETH LEGISLATURE  
FIRST REGULAR SESSION  
38th Legislative Day  
Tuesday, March 26, 2002

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

Prayer by Doctor James L. Haddix, All Souls Congregational Church, Bangor.

National Anthem by Morse High School Jazz Singers, Bath.

Pledge of Allegiance.

Doctor of the day, John Braxton, M.D., Cape Elizabeth.

The Journal of yesterday was read and approved.

**SENATE PAPERS**

Bill "An Act to Ensure that 25% of Workers' Compensation Cases with Permanent Impairment Remain Eligible for Duration-of-disability Benefits in Accordance With the Workers' Compensation Act"

(S.P. 822) (L.D. 2202)

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

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

**Non-Concurrent Matter**

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)

(H.P. 1590) (L.D. 2095)

(C. "A" H-919)

**FAILED** of **FINAL PASSAGE** in the House on March 25, 2002.

Came from the Senate **FINALLY PASSED** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

Bill "An Act to Amend the Laws Relating to Development Districts"

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

Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in the House on March 5, 2002.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-441) AS AMENDED BY SENATE AMENDMENT "A" (S-503)** thereto in **NON-CONCURRENCE**.

On motion of Representative GREEN of Monmouth, the House voted to **ADHERE**.

**COMMUNICATIONS**

The Following Communication: (S.C. 677)

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

March 25, 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 State and Local Government the nomination of Nelson E. Durgin of Bangor, for appointment to the Civil Service Appeals Board.

Upon the recommendation of the Joint Standing Committee on State and Local Government the nomination of Bent Schlosser of Vassalboro, for appointment to the Civil Service Appeals Board.

Sincerely,

S/Pamela L. Cahill

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 678)

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

March 25, 2002

The Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate Adhered to its previous action whereby it Indefinitely Postponed a Joint Order Directing the Joint Standing Committee on Legal and Veterans Affairs to Report Out a Bill Regarding Malt Liquor Testing (H.P. 1621) .

Sincerely,

S/Pamela L. Cahill

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

**ORDERS**

On motion of Representative BROOKS of Winterport, the following Joint Order: (H.P. 1708)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Utilities and Energy report out, to the House, legislation to amend the charter of the Winterport Water District to increase its debt limit.

**READ and PASSED.**

Sent for concurrence.

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

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the following members of the Jay High School "Tigers" Boys Basketball Team, winners of the State Class C Basketball Championship: Ryan DiPompo, Justin Wells, Zach Charles, Byron Johnson, Josh Armandi, Dana Armandi, Derek Armandi, Ryan Ouellette, Tyrell Waldon and Brian Fournier; Coach Steven Hamilton; Assistant Coaches Brad Hamilton, Aaron St. Pierre and

Wade Morrill; and manager Katie Mitchell. We extend our congratulations to the team on its accomplishment;

(HLS 1071)

Presented by Representative PINEAU of Jay.

Cosponsored by Senator WOODCOCK of Franklin.

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

**READ** and **PASSED** and sent for concurrence.

---

**Recognizing:**

Elizabeth Soucy, of Jay, who was named one of Maine's top 2 youth volunteers for 2002 by the Prudential Spirit of Community Awards, a nationwide program honoring young people for outstanding acts of volunteerism. We extend our appreciation to Elizabeth for her commitment to the people of this State and congratulate her on her receiving this award;

(HLS 1073)

Presented by Representative PINEAU of Jay.

Cosponsored by 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. It pleases me tremendously to present these young people to the House. The Jay High Tigers Basketball Team are not only a team, but they showed that they are a family in playing this sport. In the tenth hour of one game down by 10 points with three minutes to go, this team just played like they normally play and won the game. In the eleventh hour with just a few seconds to go and down, again, they surmounted all these obstacles and won and deserved this accolade. I think it is a tribute to our community that they have chosen as their standard the sixth player, rather than honoring the first five. They honor whoever is going to come in and bail them out of their tough situations. There has always been a sixth player. I think these players need to acknowledge that the person who put all of this together is their coach, Steve Hamilton who had them play like a family. The community responded.

In the other sentiment for Elizabeth Soucy, it is tremendous to be able to stand here and be able to tell you the young people are committed to civic action, to being involved, not being me first. Elizabeth has always, in all her endeavors, included the entire community. She is a community activist. She will move on and be a tremendous asset in any community where Elizabeth will reside. Also, there were only two students in the State of Maine chosen for this award. One was a young man from Winterport, Nathan Miller, who I understand couldn't be here today was also on that very cherished list. Thank you ladies and gentlemen.

**PASSED** and sent for concurrence.

---

Representative LaVERDIERE of Wilton assumed the Chair.

The House was called to order by the Speaker Pro Tem.

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**Recognizing:**

Ralph Gabarro, of Dover-Foxcroft, upon his receiving the 2002 Maine Business Leader of the Year award, presented by Mainebiz. Mr. Gabarro has been the Mayo Regional Hospital CEO since 1997, and under his direction the groundbreaking for the \$8 million construction and renovation project at the hospital

was started. He has demonstrated a commitment to the community while exemplifying business success. We extend our congratulations to him on his receiving this award;

(HLS 1098)

Presented by Representative ANNIS of Dover-Foxcroft.

Cosponsored by Senator DAVIS of Piscataquis.

On **OBJECTION** of Representative ANNIS of Dover-Foxcroft, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Dover-Foxcroft, Representative Annis.

Representative **ANNIS**: Mr. Speaker, Ladies and Gentlemen of the House. Ralph Gabarro is my boss in my other life. Working for Ralph is like working with another team member. He is quiet, unassuming and always interested in what you, as an individual, have to say. He started a program I call Lunch with Ralph. Each month several members from the staff are asked to have lunch with the CEO. The invitees range from kitchen staff to nursing staff. No employee is overlooked. During these luncheons one is allowed to beef about a problem, offer solutions or just sit back and take it all in. Anyway, it is his method for encouraging a smooth running facility.

During the holidays he stands in the cafeteria for all three shifts handing out bonuses to every staff member. It is his way of personally saying, thanks, for a job well done. I could go on for hours saying what a pleasure it is working for Ralph and what a source of pride Mayo Regional Hospital is to me and the other 400 employees, but I won't. We don't have all day and there is more important work to do. Please see me later. Thank you Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Greenville, Representative Jones.

Representative **JONES**: Mr. Speaker, Ladies and Gentlemen of the House. I wanted to personally extend my congratulations to Ralph Gabarro upon receiving the 2002 Maine Business Leader of the Year Award presented by Mainebiz. Piscataquis County has certainly been well served over the years by Mr. Gabarro. As the good Representative from Dover-Foxcroft just mentioned, he is the CEO of Mayo Regional Hospital, but we are also very proud to have him as CEO for Charles A. Dean Memorial Hospital in the Town of Greenville. His keen knowledge of health care for Piscataquis County and the State of Maine is truly outstanding. I want to personally congratulate him. Thank you.

**PASSED** and sent for concurrence.

---

**Recognizing:**

the following members of the 2001 Falmouth High School Varsity Boys Soccer Team, which has won the Class B State Championship: Jeff Davis, J. D. Duncan, Eric Petersen, Zack Rand, Dan Berg, Mike Carmody, Ryan Guay, Luke Magnusson, Brendan May, Garrett Weliever, Justin Armstrong, Jon Cronin, Patrick Halligan, Zack Jones, Chris Keeler, Ben Piper, Billy Roth, Alex Shaw, Carter Waite, Ray Baston, Hobson Bradford, Chris Davis, Leif Madsen, Jimmy Velas and Will Barns; Coach David A. Halligan, Jr.; Assistant Coach Todd Whitcomb; and Manager Chris Keach. The team has won back-to-back state championships in 2000 and 2001. We extend our congratulations and best wishes to the team on its victory;

(HLS 1100)

Presented by Representative DAVIS of Falmouth.

Cosponsored by Senator TURNER of Cumberland, Senator BRENNAN of Cumberland.

On **OBJECTION** of Representative DAVIS of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

**Recognizing:**

the following members of the 2001 Falmouth High School Varsity Girls Soccer Team, which has won the Class B State Championship: Emily Mason, Kristina Grimaldi, Amanda Dougherty, Meghan Guay, Ashley Higgins, Springli Payeur, Amy Banks, Meredith McArdle, Elizabeth Bruen, Ashley Beaulieu, Melissa Joyce, Arielle DeRice, Stephanie Gonzales, Chelsea Cote, Hillary Arris, Hannah Monn, Whitney Huse, Lindsay Monn, Sara Farnum and Marisa Berne; Coach Melissa Anderson; Assistant Coach Andy Pappas; and Manager Meaghan White. This is the team's first state championship. We extend our congratulations and best wishes on its victory;

(HLS 1101)

Presented by Representative DAVIS of Falmouth.  
Cosponsored by Senator TURNER of Cumberland, Senator BRENNAN of Cumberland.

On **OBJECTION** of Representative DAVIS of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

**Recognizing:**

the following members of the Brunswick High School Boys Basketball Team, who have won the 2002 State Class A Championship: Justin Alexander, Kris Koerber, Rory Murphy, Ralph Mims, Mike Lobikis, Dan Hammond, Nick Duffy, Adam Williams, Brendan Gagnon, Drew Pelletier, Joe Laprad, Taylor Caron, Matt Baribeau and Tyler Zamore; Managers Christina Youland, Courtney Hammond and Mary Beth Kirby; Head Coach Todd Hanson; Assistant Coaches Fred Koerber, Jeremy Bate and Dan Cooper; Athletic Director Rick Crawford; and Principal Bruce Cook. We extend our congratulations to the members of the team on their victory and extend our best wishes on their future endeavors;

(HLS 1102)

Presented by Representative RICHARDSON of Brunswick.  
Cosponsored by Representative GERZOFKY of Brunswick, Representative SCHNEIDER of Durham, Senator EDMONDS of Cumberland, Senator DOUGLASS of Androscoggin.

On **OBJECTION** of Representative RICHARDSON of Brunswick, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I objected to (5-11) to recognize a magnificent team on a magnificent season. I wanted to indicate that initially when this game was won, I came in on Monday and I was congratulated as the State Representative from Brunswick about how well the team did. I thought initially that was fairly odd that I would be congratulated since I did not play on the team. I had no connection to it. I thought more about it and I understood exactly what people were saying to me. In fact, this team is a product of our town. I couldn't be more proud of that fact.

I want to go on just to recognize briefly the fact that there are volunteer coaches in the Rec Department who contributed to this victory. I am very proud and happy for their accomplishments. There are teachers here today and also back home who were a part of this winning ingredient. There were schoolmates, parents, cheerleaders, team managers and others who all contributed to this team victory. I couldn't be more proud for all of them. It was, in effect, a town win. It was also a game at the Civic Center against Deering High School, which will be remembered for a long time. There was stifling defense and I thought as I sat there just in the second row about how well Drew Pelletier, Nick Duffy and Mike Lobikis played defense in that game. It made me proud. It made the town proud because by the time Deering High School figured out what was going on with the smothering defense that was played, they were too far behind to ever catch up. I am very proud of this team. I am proud of the way they played together. I think they focused. They were the number one team all season long. I know what that is like to have that bull's eye on your back. Every game that you go into is the game of the year for the other team. Despite the fact that there was so much focus on their team, they came out with a victory, not just in the championship game, but they were undefeated throughout the season. I am, again, very proud of their accomplishments, as they should be.

I am also very proud of the fact that Coach Hanson decided to come to Brunswick High School. He has done a very fine job with this team this year and the teams in the past. It is my hope that he stays to do well in the future. I want to recognize two people, which I think are the heart and soul of that team. That is Dan Hammond and Ralph Mims. They did a fabulous job with the decision making by Ralph on the court about whether to distribute the ball or keep it himself and Danny Hammond who shut down the best player in the state. I couldn't be more proud of them.

I would like you to help me recognize the Brunswick High School Team, which sits in the gallery right now, on their accomplishments for this year. Thank you on behalf of the people of Brunswick. Thank you.

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

Representative **GERZOFKY**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, want to rise to thank the Dragons. They had some fire in them and they know how to kick butt. Thank you very much.

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

Representative **NORBERT**: Mr. Speaker, Ladies and Gentlemen of the House. Let me extend my congratulations, too, on behalf of the Portland Delegation. It was, after all, Deering High School that met you in the finals. You played a terrific game. Naturally, those of us in the Portland Delegation were a bit disappointed, but you shouldn't be. It was a terrific game and I commend you and your coaches. I must tell you that there was a little internal family squabble. My sister teaches English at your high school, Mary Norbert. I am sure some of you have had her. She was very pleased with your win even though she graduated from Deering High School. Again, on behalf of the Portland Delegation, we say congratulations.

**PASSED** and sent for concurrence.

**Recognizing:**

the following students from the Loring Job Corps Student Government Association: Clarence Smith, President; Cokette George, Secretary; Adam Bates, Treasurer; Rowmaine Charles, Sergeant at Arms; April Buxton, Secretary; and Zach Lemire, Treasurer, for their dedication and hard work with the student body, senior citizens and community at large. We thank them for their numerous hours of community service;

(HLS 1104)

Presented by Representative YOUNG of Limestone.

Sponsored by Senator KNEELAND of Aroostook.

On **OBJECTION** of Representative YOUNG of Limestone, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Limestone, Representative Young.

Representative **YOUNG**: Mr. Speaker, Ladies and Gentlemen of the House. It is my privilege this morning to welcome the Loring Job Corps Government Association here in our State Capitol. This center is located on Loring Commerce Center. It was established in 1996 and is operating at full capacity 378, students of which 10 percent are from the State of Maine. These students here are from New York, Connecticut, New Hampshire, Rhode Island and we have one from Eliot, Maine. I have had the opportunity of attending one of the luncheons put on by the culinary class at Loring. It is really outstanding what they are doing for training out there. Also, I witnessed a commercial license for truck drivers. This is another field they have opened up recently. They are to be commended for what they are doing. Also, I commend them this morning for their service in the communities, municipalities and to their elderly. Please help me in welcoming them here to our state capitol. Thank you.

**PASSED** 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 2001 Falmouth High School Varsity Boys Soccer Team.

(HLS 1100)

Which was tabled by Representative DAVIS of Falmouth pending **PASSAGE**.

Subsequently, the Expression of Legislative Sentiment was **PASSED** 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 2001 Falmouth High School Varsity Girls Soccer Tea.

(HLS 1101)

Which was tabled by Representative DAVIS of Falmouth pending **PASSAGE**.

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

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. I would like to congratulate the Falmouth Boy's Soccer Team and the Falmouth Girl's Soccer Team. This is a back-to-back championship for the boys and especially Coach David Halligan who has been a winning coach since he came to Falmouth. Prior to that he was in Cape Elizabeth where he also was a winning coach. I also would like to congratulate the Assistant Coach Todd Whitcomb and Manager Chris Keach. The

real winning tradition started with Coach Halligan and I can't say enough about him.

I would like to congratulate the girl's coach, Melissa Anderson, Assistant Coach Andy Pappas and Manager Meaghan White. They have made Falmouth very proud of them, both winning the championship in the same year. I was on the school board and Mr. Halligan had just come to Falmouth High when I was voted in in the 1980s. I would really like to congratulate the men and women's soccer team at Falmouth High School. You have made us proud.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Phase Out Community Income Considerations from the School Funding Formula"

(S.P. 9) (L.D. 1)

Signed:

Senators:

MITCHELL of Penobscot

ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison

SKOGLUND of St. George

WATSON of Farmingdale

ESTES of Kittery

CUMMINGS of Portland

STEDMAN of Hartland

ANDREWS of York

WESTON of Montville

LEDWIN of Holden

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

Signed:

Senator:

NUTTING of Androscoggin

Representative:

DESMOND of Mapleton

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

**READ.**

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

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-472)** on Bill "An Act Relating to Subdivision Review and Title Search Procedures"

(S.P. 779) (L.D. 2119)

Signed:

Senators:

MARTIN of Aroostook

SHOREY of Washington

SAWYER of Penobscot

Representatives:

KOFFMAN of Bar Harbor

COWGER of Hallowell

CLARK of Millinocket

DAIGLE of Arundel

DUPLESSIE of Westbrook  
ANNIS of Dover-Foxcroft

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-473)** on same Bill.

Signed:

Representatives:

TOBIN of Windham  
TWOMEY of Biddeford  
CRABTREE of Hope

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-472) AS AMENDED BY SENATE AMENDMENT "A" (S-487)** thereto.

**READ.**

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

On further motion of the same Representative, **TABLED** pending his motion 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:

(H.P. 1509) (L.D. 2012) Bill "An Act to Expand the Maine Seed Capital Tax Credit Program" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1014)**

(H.P. 1553) (L.D. 2056) Bill "An Act to Strengthen the Laws Governing Inspections of Boilers, Pressure Vessels, Elevators and Tramways" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1010)**

(H.P. 1620) (L.D. 2122) Bill "An Act to Fairly Assess Sales Tax on Vehicles" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1013)**

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

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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**ENACTORS**

**Emergency Measure**

An Act to Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and to Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003

(H.P. 1587) (L.D. 2092)  
(C. "A" H-949)

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

On motion of Representative NORBERT of Portland, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

---

**Emergency Measure**

An Act to Amend the Maine Overtime Pay Provisions Regarding Certain Drivers and Drivers' Helpers

(H.P. 1611) (L.D. 2108)  
(C. "A" H-999)

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

On motion of Representative NORBERT of Portland, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

---

**Emergency Measure**

Resolve, to Provide Access to Personal Care Assistant Home Care Services

(H.P. 1437) (L.D. 1934)  
(C. "A" H-997)

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. 130 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate. **ORDERED SENT FORTHWITH.**

---

**Acts**

An Act Regarding the Repatriation of Native American Remains

(H.P. 1443) (L.D. 1940)  
(C. "A" H-975)

An Act to Ban the Use of Aircraft While Hunting

(S.P. 746) (L.D. 2078)  
(C. "B" S-483)

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

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

(H.P. 1288) (L.D. 1752)  
(C. "A" H-837; H. "C" H-946)

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

On motion of Representative NORBERT of Portland, was **SET ASIDE.**

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

---

An Act to Give the Department of Administrative and Financial Services, Bureau of General Services Discretion Regarding Building Codes

(S.P. 671) (L.D. 1874)  
(C. "A" S-432)

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

On motion of Representative WATERHOUSE of Bridgton, was **SET ASIDE.**

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

Representative **WATERHOUSE**: Thank you Mr. Speaker, I have had my questions answered on this bill.

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

---

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

An Act to Amend the Maine Overtime Pay Provisions Regarding Certain Drivers and Drivers' Helpers  
(H.P. 1611) (L.D. 2108)  
(C. "A" H-999)

Which was **TABLED** by Representative NORBERT of Portland pending **PASSAGE TO BE ENACTED**.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. Just a short note to read in the record. The purpose behind the emergency preamble to this legislation centers around the retroactive nature of the exemption created in Subsection G, which is included in order to avoid the filing of multiple lawsuits regarding Maine Overtime Law and its application to Maine's Interstate Truck Driving Industry. A trucking industry in Maine is an interval part of the state's economy, which delivers 95 percent of all finished products to Maine businesses and consists of more than 1,200 companies and employs over 20,000 drivers. The Labor Committee believed that such retroactive affect was both important and necessary. Giving this legislation immediate affect will provide for the ordinary process of rulemaking to move forward and to allow for the education of the industry to provide for the smooth transition to the Washington State Model, which in accordance with the act will become effective September 1, 2003. Thank you.

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. 121 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate. **ORDERED SENT FORTHWITH**.

---

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

**UNFINISHED BUSINESS**

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

**JOINT ORDER** - Relative to the Joint Standing Committee on Marine Resources reporting out to the House a Bill Dealing with One-time License Transfers of Sea Urchin Drag Licenses  
(H.P. 1705)

**TABLED** - March 25, 2002 (Till Later Today) by Representative NORBERT of Portland.

**PENDING - PASSAGE.**

Subsequently, the Joint Order was **PASSED** and sent for concurrence.

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**JOINT ORDER** - Relative to the Joint Standing Committee on Criminal Justice reporting out to the House a Bill adding a representative of a statewide association of fire chiefs to the Emergency Medical Services' Board  
(H.P. 1703)

**TABLED** - March 25, 2002 (Till Later Today) by Representative NORBERT of Portland.

**PENDING - PASSAGE.**

Subsequently, the Joint Order was **PASSED** and sent for concurrence.

---

**JOINT ORDER** - Relative to Directing the Joint Standing Committee on Legal and Veterans Affairs to Report Out Legislation Regarding Reimbursement for Stolen Lottery Tickets  
(H.P. 1699)

- In House, **PASSED** on March 20, 2002.

- In Senate, **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

**PENDING - FURTHER CONSIDERATION.**

On motion of Representative TUTTLE of Sanford, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

---

Bill "An Act Regarding the Payment of Severance Pay"

(H.P. 1551) (L.D. 2054)

- In House, Report "A" (8) **OUGHT TO PASS AS AMENDED** of the Committee on **LABOR READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-929) on March 19, 2002.

- In Senate, Report "B" (4) **OUGHT NOT TO PASS** of the Committee on **LABOR READ** and **ACCEPTED** in **NON-CONCURRENCE**.

**PENDING - FURTHER CONSIDERATION.**

Representative BUNKER of Kossuth Township moved that the House **ADHERE**.

Representative TREADWELL of Carmel moved that the House **RECEDE AND CONCUR**.

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

Representative **BUNKER**: Mr. Speaker; Men and Women of the House. We obviously debated this at length a few days ago. This body passed it and moved it forward. I would ask you all to stick to your votes and to vote down this Recede and Concur and move on to my prior motion of Adhere. Thank you.

Representative DUNLAP of Old Town **REQUESTED** a division on the motion to **RECEDE AND CONCUR**.

The Chair ordered a division on the motion to **RECEDE AND CONCUR**.

A vote of the House was taken. 44 voted in favor of the same and 72 against, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **ADHERE**.

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**HOUSE DIVIDED REPORT** - Majority (7) **Ought to Pass as Amended by Committee Amendment "B" (H-947)** - 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 20, 2002 (Till Later Today) by Representative COLWELL of Gardiner.

**PENDING - ACCEPTANCE OF EITHER REPORT.**

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative **HUTTON**: Mr. Speaker, Men and Women of the House. This bill is an attempt to protect our volunteer firefighters from losing their job if they are fighting a fire for their town. It is something very basic. It simply says that a firefighter



cannot be fired from his or her regular job if they are on a call when they are supposed to report for work. The Labor Committee added some good amendments to the original bill. The call has to be verified by the town fire chief or official. The agreements between the employers and towns that exist at this point would continue to exist. It allows for exceptions for other emergency personnel, such as law enforcement, medical personnel and utility workers if they are being called to another emergency. Finally, this law would be reviewed in 2005 by the Legislature.

Some have said that this is a local issue. We have only heard of one incident. In 1999 another legislator, Sumner Jones, introduced similar legislation. That time it was Pittsfield and this time it was Bowdoinham. Who is next? In fact, this is a national issue. Seven other states have various forms of this legislation. According to the National Volunteer Firefighters Council, Massachusetts, Ohio, West Virginia, Oregon, California, Pennsylvania and Texas has a form of this legislation.

I would just like to give you an idea of how this would affect Maine. I am going to read, I don't do this, because I don't always agree with reporters. Sometimes I think they misconstrue the facts a little bit. I hope there is nobody listening. Bonnie Washuk from the *Sun Journal* did some great research last fall on the issue. You all have, or at least had, if it is not in the semi-circular file, a copy of it. It has volunteer firefighter's facts. "In Maine 90 percent of all firefighters are volunteers. Of the 12,000 firefighters in Maine, 11,000 are volunteers. In 1999, the state survey concluded that volunteer firefighters in Maine saved the state \$50 million per year. That is \$50 million to our communities. Sixty communities, including Auburn, rely on both full-time and volunteer firefighters and another 400 communities have only volunteers." This has a wide impact on our state.

Our volunteer firefighters are the first line of defense in our communities. If there is a crisis, they are called to action: We count on them to do so many things in our community. They fight fires. They cut down trees in ice storms so that people can get through. They rescue people in distress. In the post-9-11 future, who knows what they will be expected to face. The reality is our rural communities cannot afford full-time firefighters. In fact, MMA submitted testimony and I would just like to read a quote from the end. "They support the removal of resistances or obstacles and should be removed in so far as possible." To protect our communities we need trained citizens to volunteer, but we all need to contribute to their efforts by local tax dollars for training, inexpensive training from the state and with a little help from our businesses so that when a volunteer firefighter is late for work, that volunteer firefighter isn't unemployed. I urge you to vote yes and do our part to help these valuable volunteers and help our communities. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. This is a very well intended bill, but I think it misses the mark. I will try to explain why. The good Representative from Bowdoinham brought out a lot of statistics which are true. I think that most communities in the State of Maine support their volunteer firefighters. We heard absolutely no reference to anybody losing a job, being disciplined or laid off as a result of responding to a fire as a volunteer.

When I arrived here in the 118<sup>th</sup> Legislature we were handed a piece of paper that said, questions you should ask yourself about each bill. Some of those questions are, what is the purpose and what is the problem addressed? I just mentioned to you that we had no indication whatsoever that there was a problem. As a matter of fact, the good Representative from

Bowdoinham passed out a handout yesterday. It was dated November 15<sup>th</sup> from the *Times Record*. It alleges in the article that the Bowdoinham volunteer firefighter was fired for leaving his workplace to answer a call. I don't think that is an accurate statement. It also says that the good Representative from Bowdoinham has been made aware of the situation where people have not been hired because they were volunteer firefighters. I would submit to you that that is the real problem with this bill. We already have a lack of volunteers who are willing to do the job and spend the hours required to be a volunteer firefighter. I am afraid that this bill will just shrink that pool of volunteers that may be available.

A couple of other questions about what makes good legislation. What are the consequences if this bill should pass or fail passage? I just mentioned what would happen if the bill should pass. I think the quote in the article that was handed out to us that the volunteer firefighters are going to back off because the employers are going to be reluctant to hire volunteer firefighters. It is a very serious consequence and I think it is something that we should consider before we pass this bill. I would urge you to vote against the pending motion and vote Ought Not to Pass on this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bristol, Representative Hall.

Representative HALL: Mr. Speaker, Ladies and Gentlemen of the House. I have been lobbied rather hard on this bill in these halls. Consequently, I decided to do a little research of my own. For other reasons, I have been attending a great many town meetings of late, nine to date. At each one I have made a point of seeking out the fire chief of that community and asking them about this bill. Each of those nine communities in Kennebec and Lincoln Counties have volunteer fire chiefs and all volunteer companies. In each one of those nine cases the chief urged that we pass this bill. I asked those chiefs if there was a problem? There replies, generalizing across nine chiefs, was that there is an increasing amount of pressure being put by some employers on volunteer firefighters and this kind of protection, in their view, is essential. I urge you to adopt the Ought to Pass report of the committee. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative MACDOUGALL: Mr. Speaker, Ladies and Gentlemen of the House. Generally when legislation is proposed it is to do two things. You want to address a problem of some sort and you want to build consensus with the affected parties to come up and craft a solution. You deliberate, discuss and formulate a proposal that addresses the problem and addresses the concerns of any of those interested parties. I submit to you this morning that this bill does not do that. As was alluded to earlier, there was no ground swell looking for support for this bill. We had no indication from the public that there was a problem, not one person. Usually there is a ground swell if there is a problem or a crack in the system. I can think of people that come to the Committee on Labor on workers' comp issues or unemployment insurance benefits. There will be people coming out in droves when there is an issue or problem that affects them. We didn't have one individual.

What we did hear though at the public hearing and work session, the Commissioner of Labor had submitted some testimony. She said that during the last year the department has been working closely with representatives from the firefighting community and although the recruitment of volunteer firefighters is a serious concern, the issue of employer support has not been brought to their attention as a significant barrier. Additionally, the Director of Labor Standards had indicated that he has received

no complaints on this particular issue and didn't see any need for legislation. Commissioner Landry went on also to say that there could be unintended consequences with legislation raising unnecessarily the concern of employers in a system that is working well. In addition, we had testimony from Dick Groten who normally lobbies for the Maine Restaurant Association, but he also testified that day as a volunteer firefighter. He has been one for over 20 years, having attained the rank of captain over those years and he also expressed major concern that this could actually be a deterrent of volunteer firefighters and for employers.

There is a group that is constantly meeting called the Maine Fire Protection Services Commission that is an ongoing commission dealing with a host of issues. They have not heard of any complaints or any need for this particular bill. The Maine Fire Chiefs are adamantly opposed to this bill. I serve on the southern Maine EMS Board of Directors and they have heard of no problems necessitating this particular bill. This is a bill with a solution searching desperately for a problem, but I think it is worse than that. It is a public safety issue. We have an ongoing commission that can deal with any of the issues that the Representative from Bristol, Representative Hall, mentioned. If, indeed, there is a problem developing, there is a commission in force that could perhaps deal with that and craft something in the future if it is necessary. I submit to you that this bill could help impinge upon a system that works well on all accounts and could be a determinant to volunteer firefighting as a whole. Thank you and I would ask that you vote against the pending motion.

**The SPEAKER PRO TEM:** The Chair recognizes the Representative from Wiscasset, Representative Rines.

**Representative RINES:** Mr. Speaker, Men and Women of the House. I have been a member of the fire service in Maine for 20 years, 10 years as volunteer and 10 years as full time. One of the problems that I see with this bill is the wedge that it is driving back between those services. It is a wedge that this body had tried to put back together when they created the Fire Commission back in the 119<sup>th</sup> Legislature. I would urge you to vote against this bill and hope that it gets to the Fire Commission for further study. In fact, the day after this bill was introduced to its committee, the Fire Chiefs Association voted unanimously to oppose this. At that meeting was a mix of almost 50/50 volunteer and full-time chiefs. I think the topic does need consideration and does need further study. I think it has some inherent problems, many of which have already been mentioned this morning. I would urge you to vote against the pending motion and hope that it gets to the Fire Commission for further study. Thank you.

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

**Representative MATTHEWS:** Mr. Speaker, Men and Women of the House. First of all, I want to thank Representative Hutton from Bowdoinham for putting this bill forward. She has worked very, very hard on this issue and on other issues in our Labor Committee. Sometimes we get asked to make the tough decisions here. It seems that a preponderance of the time we get asked to make tough decisions here. Lord knows that we cannot determine when bills will come to this body and what events in history will occur and some of them are cataclysmic. I want to remind this body today about the issue at hand and the world we live in. When we go home each and every evening, I love to watch the news. My kids yell at me over that, but I try to check with them each and every night too, but usually I will try to get them to sit down and watch CNN with me. We are bombarded with the news of the war on terrorism. We know much too vividly and horrifically what that war has meant to America today. Three hundred and forty-six firemen and women were killed on September 11. They were first responders. Lord knows the

evildoers decided to attack the City of New York and the World Trade Center, the heart of America in its diversity and greatness. The war could be here in Maine. It could be in Massachusetts. It could happen in Alaska. Our country and our way of life are at stake. Those that are first responders that put their lives on the line each and every day are firemen, rescue personnel, the people that we count on to go to work and when there is a call to answer that call. Over three hundred answered the call on September 11<sup>th</sup> and I don't know how many here in Maine have lost their lives responding in a fire, because each and every day you put your life on the line. Our law enforcement, firemen and women are first responders and what do we give them? We thank them each and every day. We have special awards for them, but you know what they are asking for here today, it seems to me, is a very, very small amount of protection so that they can feed their families, respond to a fire in an emergency without the risk or the fear that they will lose their jobs.

It was mentioned by a previous speaker about an individual that was at our hearing when we had this bill, Mr. Groten. I want to remind this body of the context and the statements that were made that day. I appreciated his testimony. He was a, and is a, volunteer fireman. He gave us a testimony that day that talked about the great things that firemen do and how important they are to our communities. He went on to say that there was an occasion when he had responded to a fire in Cape Elizabeth and in the midst of returning back to work, he got another call. I am paraphrasing and if I am incorrect, I stand to corrected. He said he responded to that second call. He had that little bit of fear about his job and his business when he was responding to that additional call. I asked Mr. Groten that day, I appreciate the fact that you are sharing with us your service and we thank you for your service as a fireman, but did you have to fear your job when you went to your office that day? No, he did not. He owned the company. Ladies and gentlemen, that is the heart of the problem. For those of us that do not, unfortunately or fortunately, own companies and each and every day we go to work and we are volunteers in the fire department or the EMS of whatever and simply want to do community service and the good works that we all believe are important to our communities, we don't want and we shouldn't fear the loss of our jobs.

In the total context of the day we are in and the times we live in, what better message to send to those first responders that Maine joining other states, we are not the only state. I would expect that there will be legislatures debating this same issue all over this country. We stepped up to the plate and say that we appreciate the work you do for our communities and our people and our citizens. We are going to give you some basic protection.

It has also been mentioned that the bill has been reworked. Representative Rines had worked hard on this issue also and I appreciate his input in the committee and on the floor. This bill was amended. I offered a Committee Amendment when we referred it back to the Labor Committee which holds those communities that have pre-existing agreements or are about to set up agreements with their chiefs and with their business community, you are held harmless. There is nothing you have to worry about with this bill in this legislation. For those small communities that are 99 percent volunteer or 100 percent volunteer, can't we give them some simple basic protections in their employment? Ladies and gentlemen, think about where we are today and what we are dealing with today. Thank you Mr. Speaker.

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. There is one thing that I have listened to for six years in this body that makes me angrier than most anything else and that is the exploitation of tragedy. We have used exploitation of tragedy to pass bike helmet laws, booster seat laws, gun control and the list goes on and on. This is a bill that is a solution looking for a problem. For goodness sake, we were told right here in this body that there are firemen who do not want this. They don't need it. They don't want it. They are not asking for it. I would encourage you to vote against this type of manipulation in these issues and vote against this bill. Thank you.

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

Representative **MATTHEWS**: Point of order, Mr. Speaker.

The **SPEAKER PRO TEM**: Would you state your point of order?

Representative **MATTHEWS**: Thank you Mr. Speaker. I believe my reasons and statements have been criticized for speaking on behalf of this bill. I am much concerned about that.

On **POINT OF ORDER**, Representative **MATTHEWS** of Winslow asked the Chair if the remarks of Representative **KASPRZAK** of Newport were criticizing his statements.

The **SPEAKER PRO TEM**: The Chair would remind members to address their comments directly to the bill at hand. Thank you.

The Chair admonished that Representative **KASPRZAK** of Newport stay as close as possible to the issue.

The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative **RINES**: Mr. Speaker, Men and Women of the House. The good Representative from Winslow, Representative Matthews does make a very good point in the fact that many communities have pre-existing agreements between business and the fire department. I think that is the way to go as a local issue. The fire chiefs get out there and be involved in their community and let their businesses know what their problems are, what their concerns are and what their needs are. This is going to help build a stronger department for the town and for us as a state as a whole. It has been stated many times that they are the first line of defense and the first responders for our state. I couldn't agree more with that statement. We do everything from the cat in the tree to dump fire to the HAZMAT call to the structure fire at 2:00 in the morning when it is eight below zero. All those facts are true and undisputable. Again, I believe this bill is looking for a problem. It does happen occasionally, but it is looking for a problem and I believe it is more of a local issue and we should leave it with the local people and the local fire chiefs. It will help to strengthen their communities. I respectfully ask you to vote against the pending motion. I request that when the vote is taken, it is taken by the yeas and nays.

Representative **RINES** of Wiscasset **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 Farmington, Representative Gooley.

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. I just want to say that local control is the best way to go. Local control, not state control. This would be a state mandate. We don't need it.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Ladies and Gentlemen of the House. I heard it said here today that there has been no outcry that there is a need out there. I am sure there hasn't, but anybody who has served at the local level and is working on their budgets and met with their local fire chief of a volunteer fire department knows that there is a concern. Have we put it in a paper so that people are unduly alarmed, no, we haven't. In the Town of Berwick since Prime Tanning left and they used to let the workers go, we have a problem. It hasn't happened a lot, but it has happened. I think it is three times now. That is just since November when there hasn't been anybody at the fire station that can drive a truck. The fire chief is very concerned about it. One time he was out of town, he can drive it when he gets there, but he was out of town and there was no one for first response. He brought it to our attention and he said that he doesn't have the answer and we didn't either. There is a problem out there. Whether this is the bill to do it, I am not sure, but I think this Legislature better be thinking about it and looking to it, because if we have to go to a paid fire department, it is going to be very, very costly. We do have a paid fire chief, but that is all that we have. The others are just on stipend. There is a problem out there and I am sure if you ask most people in town, they don't even realize it yet. They will if they get a fire and there is no one there to drive the truck. Thank you.

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Under suspension of the rules, members were allowed to remove their jackets.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. It is quite a debate that has gone on so far and I appreciate the points being made on all sides. The simple fact of this bill is this is an important piece of legislation to support our volunteer firemen and to give them the right to do what everybody in the community ask them to do and to support them when they go out and do the right thing, to respond at the right time in the middle of the night and not have to worry about the burden of showing up 10 minutes late to work and having an employer saying, that wasn't my town you were fighting the fire in. It wasn't my town so it doesn't matter. We all know that when emergencies occur the towns tend to, like all good small communities in rural Maine and I am sure the cities are similar, you all pull together and you make allowances for emergencies, but unfortunately when you are pitting the rural natures of the towns that we have where they may live in one town and work in another and drive 50 miles to another place of employment, there are going to be times that you have to respond to emergencies. God love you. We want you to be there. We want you to respond and we don't want you after you are all sooty and black and dirty and saw that dead person in that fire scene and you did everything you can to save them to leave that scene immediately and go to work, because you know that is your obligation and to have that employer look you in the face and say you should have been here on time. We are going to threaten you or fire you. We don't even need the threat in this state, ladies and gentlemen, and to heck with the action of being fired. This bill is working very fine in other states.

I take great homage to the fact that we use tragedies to pass bills. If anybody in this body didn't have tears running down their eyes watching 9-11 and watching that whole town and city come

in response and then a few days later watch these people on CNN or Fox TV saying that my boss tried to fire me because I responded to that scene. Anybody that saw that would have a real hard time to vote against this bill, because there was the biggest, worst case scenario in the whole world to date and it really happened there. I just doesn't make sense.

The other folks saying we are going to pass policy because of tragedies of elsewhere, I don't call this passing legislation to piggyback on a tragedy or all this stuff. I think we are moving into the bio-terrorism. We are moving in to respond to very chemical and different agents. We are trying to mobilize that. Homeland security is having a hard time on the bond table. We don't want to fund homeland security. We keep putting our heads in the sand and what we have to do is gear up. We know darn well that the firemen and the policemen and those emergency responders are the lion share of our response. We should be giving them every bit of support that we possibly can. I think this bill is a good thing. I would ask you to move forward and pass this bill and protect our fire folks that are out there doing what, as the good Representative from Berwick has indicated, saving us \$50 million each year in fire response. I think when you vote today, you want to vote for the person that is saving us \$50 million, not for somebody that is upset that somebody came to work 10 minutes late. Thank you.

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

Representative QUINT: Mr. Speaker, Men and Women of the House. I am a member of the Fire Prevention and Safety Committee. This Legislature set it up a couple of years ago because we rely on volunteer firefighters. It is known that we have a recruitment and retention problem for volunteer fire departments. Traditionally when families only had one person working and our communities were different, people had more time to volunteer in their communities. That is not the case anymore. The real crisis here is we have a retention and recruitment problem, but it is not just because people fear about losing their jobs. It is about health insurance. It is about being in a risk pool and being susceptible to cancer and a variety of other things that are well documented for people who volunteer or are a career firefighter all across the country.

One of the reasons we put the Fire Prevention and Safety Committee together was so that we could look at the whole issue as a whole, not to try to fix it with very valid things that need to be addressed. We also support volunteer fire departments, which are the core of their communities. They have been doing that job since this company first started. That is something that unless you worked very closely with fire departments or on the Fire Prevention Safety Commission, you wouldn't begin to realize that that, in fact, is the case. That is what keeps them going.

I am not supporting the pending motion because we are taking the issue out of context. It is something that is very important, but maybe it doesn't go far enough. Maybe the wording is not correct, but one of the things that I have learned by being on this commission is that all of the volunteer chiefs, fire chiefs, fire marshals, insurance industry, legislators, there are 26 of us. We worked to find the best solution and this very well may be part of it. It certainly should be looked at by this commission and have them report back to this body what the correct solution or solutions is. I can assure you that this is definitely on their radar screen. I commend the work of the Labor Committee and of its sponsor. This is an issue, but I urge you not to take it out of context and defeat the pending motion.

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

Representative BRYANT: Mr. Speaker, Ladies and Gentlemen of the House. I would just say a couple of things. One is, all this bill does is allow volunteer firefighters if on their way to work and they are late, not to be fired. It doesn't allow anything after you have been to work to get out and fight a fire. If on your way you get called and you are in a situation where you need to be late, that protects you. That is all this bill does. I think that is important. It is an important message to send out there that if my wife or my family is in a car accident and he is going by and going to work, it is his responsibility to stop and take care of that problem and not be penalized for it. This is what we are talking about here. It is very limited, but I think it is important that we lay it out there and let them know that the Legislature thinks that that is important for them to do, whether it is a chemical spill in our area and all the things around rural areas that we depend on them to do. We want them to know that if they are on their way to work, they can take a couple extra minutes and maybe save my family or somebody else's. We don't want them penalized for it. That is the major thrust and I would urge you to vote for the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bristol, Representative Hall.

Representative HALL: Mr. Speaker, Ladies and Gentlemen of the House. Both federal and state law guarantee protection of employment to those of our citizens who are called to serve in the guard and in the reserves. That is not a matter of local control. State law guarantees the employment of those of our citizens who are called to serve on jury duty. Those are right and appropriate protections that are necessary to make fundamental institutions of our society work. Surely our volunteer firefighters deserve the same protection. Thank you.

The SPEAKER PRO TEM: 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. 563

YEA - Ash, Bliss, Brannigan, Brooks, Bryant, Bunker, Canavan, Carr, Chick, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Madore, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michael, Michaud, Mitchell, Murphy E, Norbert, Norton, O'Neil, Paradis, Patrick, Povich, Richard, Richardson, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tobin D, Tuttle, Twomey, Volenik, Watson, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Bruno, Bull, Bumps, Chase, Chizmar, Clough, Collins, Cressey, Daigle, Davis, Duncan, Duprey, Etnier, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Jones, Kasprzak, Labrecque, Ledwin, Lovett, Lundeen, MacDougall, Mailhot, McKenney, McNeil, Mendros, Morrison, Murphy T, Nass, Nutting, O'Brien JA, O'Brien LL, Peavey, Perkins, Perry, Pinkham, Quint, Rines, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tessier, Thomas, Tobin J, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Baker, Blanchette, Buck, Crabtree, Goodwin, Muse C, Muse K, Pineau, Tracy.

Yes, 73; No, 68; Absent, 10; Excused, 0.

73 having voted in the affirmative and 68 voted in the negative, with 10 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-947)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-947)** and sent for concurrence.

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

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**HOUSE DIVIDED REPORT** - Majority (12) **Ought to Pass pursuant to Joint Order 2001, H.P. 1586** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-960)** pursuant to **Joint Order 2001, H.P. 1586** - Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Laws Governing the Unlawful Sale of Personal Sports Mobiles and the Registration of New Snowmobiles"

(H.P. 1694) (L.D. 2192)

**TABLED** - March 20, 2002 (Till Later Today) by Representative **COLWELL** of Gardiner.

**PENDING** - Motion of Representative **RICHARDSON** of Brunswick to **ACCEPT** the Majority **UGHT TO PASS PURSUANT TO JOINT ORDER** Report.

Subsequently, the Majority **Ought to Pass Pursuant to Joint Order** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Representative **RICHARDSON** of Brunswick **PRESENTED House Amendment "A" (H-1012)**, which was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-1012)** and sent for concurrence.

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

Representative **PINEAU**: Mr. Speaker, had I been present on Unfinished Business number 11, LD 1946, I would have voted in the affirmative of the Ought to Pass as Amended.

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An Act to Allow Mechanics Licensed by the Manufactured Housing Board to Install and Maintain Oil Tanks

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

(S. "A" S-466)

**TABLED** - March 25, 2002 (Till Later Today) by Representative **RICHARDSON** of Brunswick.

**PENDING** - **PASSAGE TO BE ENACTED**.

On motion of Representative **RICHARDSON** of Brunswick, 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 **Senate Amendment "A" (S-466)** was **ADOPTED**.

On further motion of the same Representative, **Senate Amendment "A" (S-466)** was **INDEFINITELY POSTPONED**.

The same Representative presented **House Amendment "A" (H-1005)**, which was **READ** by the Clerk.

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

Representative **CARR**: Mr. Speaker, Ladies and Gentlemen of the House. I was just wondering if we could have an explanation of what deleting one amendment and putting another on did to the bill?

The **SPEAKER PRO TEM**: The Representative from Lincoln, Representative **Carr** has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brunswick, Representative **Richardson**.

Representative **RICHARDSON**: Mr. Speaker, Ladies and Gentlemen of the House. In answer to that question, what we have done is we have taken the requirement that the Governor appoint a member from the Maine Oil Dealers Association's recommendation list. It makes it permissive. What we are doing here is, we are saying to the oil dealers that you can recommend someone, but you can't insist that the Governor appoint that person. That would be a change or a drastic departure from what we do as a practice here in allowing or permitting the Governor some discretion in appointing members to a board.

**House Amendment "A" (H-1005)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-1005)** in **NON-CONCURRENCE** and sent for concurrence.

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

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**HOUSE DIVIDED REPORT** - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-965)** - Minority (6) **Ought to Pass as Amended by Committee Amendment "B" (H-966)** - Committee on **BANKING AND INSURANCE** on Bill "An Act to Eliminate Department of Professional and Financial Regulation, Bureau of Insurance Travel Restrictions for Obtaining Health Care"

(H.P. 1462) (L.D. 1959)

**TABLED** - March 22, 2002 (Till Later Today) by Representative **COLWELL** of Gardiner.

**PENDING** - **ACCEPTANCE OF EITHER REPORT**.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bath, Representative **Mayo**.

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. This has not been a particularly easy piece of legislation for either the Banking and Insurance Committee or those of you sitting here in this chamber. There has been a lot of material distributed on this particular piece of legislation and there has been a lot of talk about it in the halls for the last few days.

LD 1959 will provide an opportunity for a health carrier to develop a pilot project. I would emphasize the words "a pilot project," which may exceed the current travel restrictions in the current rule 850, which we have had now six years. I was asked by a group named **MHPCPC**, Maine Health Care Purchasing Collaborative, which represents 50 employers, to bring this

particular piece of legislation forward. These employers include such organizations as Lucas Tree, Bowdoin College, Dragon Products, the Maine Potato Growers, Sabar Yachts, Hannaford Brothers and the Maine Municipal Trust. These employers believe that LD 1959 may be a critical first step in addressing the current health care crisis. I would hope that there is no one in this chamber this morning that has not come to the realization that we are currently in a health care crisis, not with regard to the care, but with regard to the cost of health insurance and the fact that there are in the neighborhood of 150,000 residents of this state who do not currently have insurance and that number is increasing on a daily basis.

The underlying theory behind LD 1959 is actually quite simple. It is intended to reward providers who are the best in their class and consumers who seek out services of these providers. You may hear that this bill will require consumers to travel great distances to obtain care or cause consumers to wait for care. That really is not the case.

The Majority Report, as I have stated, is needed so that a pilot project can be developed. An employer is not mandated in any way to buy into the pilot. If the employer wishes to buy into the pilot, that could happen. Under current legislation there is no opportunity to develop a health plan, which contains an exception based on quality. An exception to the travel limits may be made only on a case-by-case basis. What I mean by that is there are 151 people in this chamber, normally, and if they desired to exercise the option in Rule 850, they would do it on an individual basis and not on a collective basis as the Maine House of Representatives.

The Majority Report requires that a carrier offering a health plan to a pilot project must not only be approved by the Superintendent of Insurance, but it must report annually to the superintendent on a number of aspects of the plan. Also within the Majority Report is a provision that the Commissioner of Human Services become involved in approving the quality aspects because the Department of Human Services already does that for other things, so we decided it did not make sense to duplicate that particular provision.

Mr. Speaker, I would request that when the vote is taken, it be taken by the yeas and nays. Thank you.

The same Representative **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.

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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 Dudley.

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. I am loathed to get up and speak against my good friend from Bath, Representative Mayo, as you all may be aware, I am in dire need of friends these days. This bill does create a pilot project, but there is really nothing in the bill that makes any requirement with regard to quality. It is entirely up to the HMO or the insurer to make any determination independently on quality. The fact is this bill is a gun aimed at the head of rural Maine. This bill removes the geographic travel restrictions that now exist by rule. Under the Majority Report a person in Fort Kent, there is nothing in the report to restrict somebody from Fort Kent being required to travel to Portland to get specialty services. There is

nothing to require that that person would be reimbursed for lost time at work, would be reimbursed for the expenses of an overnight stay, would be reimbursed for child care or for elder care. We make decisions here, not just with the mind of cost, but with a mind toward preserving what is Maine. This bill seriously jeopardizes the agrarian and rural economies that we seek so hard to preserve in this chamber.

With regard to quality, it is true what the Representative from Bath said, the quality question does involve the Commissioner of the Department of Human Services to make a recommendation or to make some review of these proposed pilot projects. It doesn't make any requirement on the Superintendent of Insurance when approving the pilot project to take the commissioner's opinion into account. The superintendent is free to disregard or completely ignore what the commissioner has to say with regard to quality.

It is true that this is not an employer mandate. Employers are free to choose to buy a pilot project plan or not. Their employees, the consumers, don't have the same freedom and rural Maine consumers under a pilot project will be forced to forego treatment at their local hospital or with their local providers and be forced to go to service center communities like mine in Portland. The truth is, this bill won't affect my constituents, it will affect the rural constituents that will have to come to service center communities like mine to get treatment. It will strangle rural hospitals and rural providers. Thank you.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. It is indeed strange for me to rise in support of what would be seen by many as being pro-business. I am also on this Majority Report. Let me tell you why. First of all, this is the only bill that will come before you this year that does something for our businesses this year. Go back home and ask you people, what do they want to happen most, funding for education, lower property tax rate and please do something about the cost of premiums. I have joined with the Senate Chair of the B & I Committee. I join with Representative Mayo from Bath and proudly put my name on this bill. It needs to happen. Shortly, if we do not do something for small businesses, remember I told you that this is the only bill to come before Banking and Insurance that will do something now, today, well 90 days from now. This allows groups to be able to offer a chance to send people in a region somewhere to receive care in a larger or more quality conscious because they have been able to service a particular disease. It does not have anything to do with if you are receiving anything on a monthly or twice monthly basis, dialysis, chemotherapy or any of those things. It does not, it will not allow you to travel there. Any time something is received for treatment more than once a month, it cannot be in this bill. The exemption is only for elective surgery or something major where they want a second attempt at finding out and making sure you get the right care the first time.

If you attended the fishermen's forum, you will know that for the fishermen this was the most important bill they listened to. They had an entire day on the forum. This is the bill they wanted. They understand that the fishermen and the one or two employees, they can't offer insurance because it is so high. We have allowed them to come together as an association and this allows premiums to go down. If you are in an area and you look on the back of some of the pass outs from Representative Mayo and myself, it names places in Camden, Rockland and different places. This helps businesses. What good is health care if businesses can no longer afford it and they get rid of it? They can't afford it and they do away with it and we have more people

uninsured. This isn't the perfect solution. There are other solutions out there we are waiting for, but they aren't coming this year. How many more people do we have to add to not be covered by insurance before we do something now?

We can't wait any longer. We have to insure people. There are plans out there. We voted on one yesterday. We have a study group on universal health care. Maybe that is the way to go down the road. What do we do now in 2002 or 2003? Do we just let more people go by the wayside? I ask you to vote with the majority and let us do something for our people and our businesses. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Marraché.

Representative **MARRACHÉ**: Mr. Speaker, Men and Women of the House. I rise in opposition to the Majority Ought to Pass Report. This bill is for larger cities in Maine and definitely not for rural areas of Maine. If you talk about the hospitals and the doctors that are being recruited for rural areas, this bill is going to make that worse. If you have doctors being recruited to smaller areas, they will not be able to give the volume needed to lower rates for our procedures. They don't have it. What they do have is access to the people, immediately, right there in their own community where they have their family and friends around them to help them recuperate. Yes, if you go to Portland or anywhere else in a large city, they will be able to do many more procedures. If you divert people away from their local hospitals and to the larger places, sure enough, you are going to lose the doctors you recruited very hard to get to these smaller areas. They are not going to have the volume, which is smaller than the other guys in the larger cities to stay. They will not be able to sustain their practices. You will lose physicians in the smaller areas of Maine just where people need them most. This bill will only hurt rural areas of Maine. I ask you not to vote for the Majority Report. Thank you.

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

Representative **PARADIS**: Mr. Speaker, Men and Women of the House. I, too, rise in opposition to this bill. I commend my good friends, Representative Dudley and Representative Marraché, for doing a very good job giving the particulars, which I will not repeat. This will be one of my shortest speeches. I come from the outlying areas. I have the distinction of living the farthest away as anybody, bar none, in this chamber and in the other body. I think this is pro-business. We were sold a similar bill of goods a few years ago with HMOs and look where we are now. I will give you a concrete example where distance makes a difference of life and death. I am sure all of you are aware a few months ago a husband and son in Madawaska were afflicted by botulism. If we had not had the qualified services in Bangor and had to travel to Portland, these two wonderful individuals would be dead today. Right now they are recuperating. Thank God for excellent service in Bangor, Maine. It would be nice if we had similar services in Presque Isle and Caribou or even better in the St. John Valley at Northern Maine Medical Center. This is a pro-life bill in a very enlarged sense. The emphasis should be on providing access to care without excessive travel. This bill is down the wrong path. This is definitely not the way to go. For those that say we have Aroostook County businesses that signed in on this like the Maine Potato Board, Presque Isle is 65 miles from Frenchville. That is a considerable distance. I urge you to vote against this bill.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. To anyone that might answer this question, as I read this bill it allows for a pilot project in the area of quality and cost. When I go to my physician I always understood that my physician through his personal opinions might reference me to another doctor based on his opinion. It appears in this bill that that ability would be transferred to the carrier and taken away from the patient and the physician. I would like to know if this bill does that. Secondly, I would like to know if this just transfers the costs onto the patient. If I read this bill properly, a person would be asked to travel further to reduce costs for the carrier, but you would be expanding the cost for the patient. Could someone answer those two questions, please?

The SPEAKER: The Representative from Waldoboro, Representative Trahan has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Dudley.

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. The gentleman is absolutely correct.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Mayo.

Representative **MAYO**: Mr. Speaker, Men and Women of the House. The gentleman from Waldoboro raises a good question. However, there is nothing that prohibits the pilot project, which would be approved by the superintendent and by the Commissioner of the Department of Human Services to reward the consumer by paying the co-pay, by paying travel or by paying a bonus. There is nothing in the legislation that says that may not happen. One of the providers talked about that particular situation in testimony at the committee level.

While I am on my feet, I would like to say a couple of additional things. Number one, if I really felt that this bill was going to destroy the rural health system that we have in the State of Maine, I would not have brought it forward to this point. I have been a supporter for eight years of the rural health system and will continue to be a supporter. Finally, I would like to state that the Maine Hospital Association and the Maine Medical Association both testified in support of Report "A" after many, many changes were made from the original bill, which some of you may still have in front of you. We are talking about the Majority Report, which does now have their support. It did not and I think many people in this chamber realize, it did not have their support at the start. Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **CARR**: Mr. Speaker, Men and Women of the House. This particular LD has created more discussion in rural caucus than any other this session. We have been lobbied more on this than any other issue. I neglected to ask a question of all the people who have come before that caucus and that is we have heard that this will save a great deal of money to the employers without bothering the health care. I am just wondering if anybody has an idea of what the cost savings would be? I have actually neglected to ask that before. I am interested to find out how much money would be saved if this actually passed?

The SPEAKER: The Representative from Lincoln, Representative Carr has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. In response to the question, we don't really know.

The basis for the bill and the premise behind it is higher quality equals lower cost. That is at least a truism in health care and the delivery of health care. If you have a facility that does 250 cardiac catheterizations per year, they tend to exhibit much higher quality outcomes and that is reflected in a lower cost relative to a facility that does a half a dozen per year and has lesser outcomes and higher costs. That is a truism. It is not an absolute truth, but it is generally true within the marketplace.

The difficulty is right here in Maine we have the Maine Health Management Coalition, the Maine Health Information Center, the Maine Medical Assessment Foundation, the Maine Health Data Organization, the Maine Health Care Performance Council, of which I am a member, and the new Maine Health Access Foundation. They are all out there trying in different ways to devise measures for cost and for quality. They approach it in different ways. What we have at this point in time is a variable duck soup of statistics that try to take a stab at what is ordinarily or sometimes arbitrary and often times capricious information. One of the reasons I am not on this Majority Report, which is a well-intended report, is that I see even a pilot project, the first pilot project that is in queue and ready to go is 150,000 people. That is not an insignificant number of lives. They would like to start to devise these measures. Through the history of medical measurement, we find that it is very difficult to reach consensus on what a good measure is, what a valid measure is and what a negative or what a potentially false measure would be. In answer to your question, to make a short story long, the cost savings in unquantified.

I will give you an example, in the First Regular Session of the 120<sup>th</sup> Legislature, we were brought a bill by the good Representative from Bath that would have allowed HMOs to circumvent the travel restriction standards to an unlimited degree. The premise behind that is we have heard about \$1,200 MRIs in Portland. The same process is \$550 in Boston. The HMO said, why can't we send people down there? We could put the people up in the Parker House for the weekend and still come out in the black. We killed that bill mainly because of the very fragile health care delivery system we have here coupled with the complex payer mix that we have. This was an attempt, I think, to take a better stab at that bill with a group that is ready to go. Unfortunately for me it had too many holes in it that have a potential underside that we didn't want to deal with.

The good Representative from Waldoboro asked a question too relative to cost and quality. Again, everybody wants to bring down cost and enhance quality. We realized the value therein from providers to legislators to insurers to patients. We have seen for about 10 years the unbridled cost containment of managed care, aka managed cost. In our committee we have spent a considerable amount of time trying to get back to an even playing field between carriers and patients. Again, this dovetails with the good Representative from Lincoln's question, cost and quality measures can be highly subjective and often times capricious. We don't have them now.

The Maine Health Care Performance Council is working on them and hopefully they will be helpful. No matter what we do in health care, as the good Representative from Biddeford said, we all recognize the need to come forth with proposals that will help people, whoever it is. Unfortunately, this is not the only bill. We have had a couple of certificate of need bills. The good Representative from Waldoboro brought in a medical errors bill, which really aims at reducing costs, mental health mandate bill from the good Representative from Portland as well as the Speaker's bill that went through yesterday on 141 to 0 vote. I was at that fishermen's forum down in Rockport. I spent the whole day there. Speaking of the Speaker's bill, we spent hours

and hours talking about that bill and not so much the bill that is before us today. That is why I am not on this Majority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Young.

Representative **YOUNG**: Mr. Speaker, Ladies and Gentlemen of the House. I am on the Majority Report. I would do nothing that would hurt my hospitals. I certainly come from a rural area, so rural that I don't even have a hospital in my community, but I do have the services of two within 10 or 15 mile radius. As long as the service remains A-1 there, why would I ever want to travel to a distance of 40 miles or 60 miles to another hospital? I think this bill gives another choice to the consumer. Thank you Mr. Speaker.

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

Representative **CANAVAN**: Mr. Speaker, Men and Women of the House. I, too, would ask that you vote against the Majority Ought to Pass as Amended Report. I do recognize the tremendous effort that the good Representative from Bath has put forth to try and remedy the current health care crisis. Currently under Rule 850 of the Insurance Code carriers that offer insurance plans must demonstrate that they have a network of providers that are available to consumers within certain set distances. The purpose of that rule is to ensure that consumers have access to the services covered by a specific plan and to make sure that they will not have to travel great distances to get care. That rule recognizes that it is often difficult for lower income and older patients to travel at long distances. The Majority Report now under consideration now allows the Superintendent of Insurance to approve the pilot project being discussed here today and to grant an exception to the travel rule in Rule 850 of the Insurance Code as it applies to the project. This really isn't necessary because the rules already authorize the superintendent to grant such exceptions if the carrier asking for the exception can demonstrate that requiring an enrollee to travel longer distances to obtain needed care would improve the quality of that care and would outweigh any detrimental impact to the consumer. The current law works and therefore there is no need to change it and allow an exception to the travel limits for this one pilot project. We need to improve access to health care and not push it further away from the reach of Maine people.

The SPEAKER: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. Like the Representative from Biddeford and the Representative from Saco, I, too, was at the fishermen's forum in Rockland this year. Perhaps I was talking to different people from who the other two Representatives were talking to, but my impression was that the majority of the fishermen there wanted a single-payor universal health care system.

I have two questions. I represent six island towns that are not connected to the mainland by bridge. You have to take a boat to get there. How will the Majority Report improve access to health care for islanders who already face severe access problems? Specifically on the Island of Vinalhaven there is a small medical center that is staffed by a physician and a physician's assistant. If there were a pilot project and if that pilot project included the Island of Vinalhaven and if that pilot project showed that it was cheaper for an islander to receive treatment in Portland, could this lead to the closing of the Island Medical Center?



The SPEAKER: The Representative from Brooklin, Representative Volenik has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Mr. Speaker, Men and Women of the House. In answer to the question of whether it would help folks stranded on an island, there is a chance with the Majority Report that a pilot project could fine a center of excellence on one of those islands. There is a chance that those providers could be included therein. In the words of Harry Callahan, I have to ask you one question, are you feeling lucky?

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

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

The SPEAKER: The Representative may pose his question.

Representative TRAHAN: Mr. Speaker, Ladies and Gentlemen of the House. To anyone who might answer this question, I think it is kind of related to the previous speaker, the speaker before him, if you used the logic that was spoken of earlier that if you provide a service and you provide 100 operations a year for one type of problem and another hospital only provides a few, the logic was that it would be safer in that hospital that does that more often. If you reversed that logic and you start taking people out of rural parts of the state and away from hospitals in rural parts of the state, wouldn't you be reducing their ability to become better at doing something? Wouldn't you be endangering those people who do go to that hospital? If you are taking away their experience, aren't you taking away their patient safety as well? Could somebody answer that question please?

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

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

The SPEAKER: The Representative may pose her question.

Representative PEAVEY: Mr. Speaker, Men and Women of the House. In reading both amendments to this bill there is a same paragraph in both and it says the amendment also authorizes the approval of the superintendent of a pilot project of multi-state health insurance products? I wondered what that means and what affect that has on, not only small rural hospitals, but all hospitals in Maine?

The SPEAKER: The Representative from Woolwich, Representative Peavey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bath, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. In answer to the question of the good Representative from Woolwich, Representative Peavey, that provision does not require someone from leaving the State of Maine and going to New Hampshire or Vermont for care. It allows the carrier, which may offer plans in Maine, New Hampshire and Vermont to offer the same plan in all three states.

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

Representative DUDLEY: Mr. Speaker, Men and Women of the House. In response to the Representative from Waldoboro, this is a serious threat to the quality of care in rural hospitals.

I just want to be clear about the notion of pilot projects as discussed in this bill. It is a bit of a distortion in my mind of how we think of pilots. There is no real limit on this pilot. It doesn't limit the size of the plan that may be designated to pilot. It doesn't limit the number of plans that may be designated a pilot.

It doesn't limit it to any geographic region in the state. It is the whole state, any plan, any size. The only control or item in the bill that would make it a pilot is a sunset, which is pretty far out in 2008.

To correct something I heard earlier, I am unaware that MHA testified in support of this bill. I don't recall that. I could be mistaken, but I thought that they did not take a position one way or the other on the bill. Just to be clear, the Department of Human Services has no authority to approve a pilot project. We have heard testimony to the contrary today, but there is nothing in the Majority Report that gives DHS any authority to approve a pilot project. This is the entity within the state that is the best situated to address and access quality and they have no authority to approve. They really have advisory authority, which the Superintendent of Insurance is perfectly free to disregard in deciding whether or not to approve a pilot project.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. I just wanted to say a couple of things. The State Employees Health Commission, the people who negotiate the benefit for the package for our state employees, supports this bill. I also want to tell you if you look at some of the list of people, we have a company in Bangor that supports this bill, Camden, Presque Isle, Bangor, Lewiston, Dixfield, Bar Harbor, Woolwich, Bucksport, Millinocket, Belfast and Cherryfield. There are many companies who support this. Maine Potato Board supports this bill. There is a reason for it. They need help and they need help now. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative PEAVEY: Mr. Speaker, Men and Women of the House. In reading the amendments, it talks about the Superintendent of Insurance creating the rules that will create this pilot project. Is that major substantive, in other words, is the committee going to see those rules before they become rules or do they have the ability to just make those rules and it becomes fact?

The SPEAKER: The Representative from Woolwich, Representative Peavey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bath, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. The rules would be major substantive.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative HUTTON: Mr. Speaker, Men and Women of the House. I just wanted to point out that although the group that negotiates the health care plan for the Maine State Employees has somewhat endorsed this, the Maine State Employees Association does not. We have something on our desk that clearly tells us that the Maine State Association opposes this bill.

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House. In response to some of the queries a while ago about the possibility of saving money, if I were living in an area where there are several hospital facilities in close proximity to where I live, I might be tempted to support this particular legislation. If I were a member of one of the groups that have been cited as being supportive of this issue and I saw myself as possibly gaining from requiring people from away to come to my facility, I

would probably be willing to support this particular issue. Living where I live where there are constituents that already travel 40 miles just to get primary care and if they were asked to travel further than the next closest facility would be an additional 48 miles beyond. I think the issue of quality care that you speak of, for me, might mean no care for the people in my district. For that reason, I cannot support this legislation.

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. 564**

YEA - Andrews, Bruno, Clough, Collins, Daigle, Davis, Dorr, Duncan, Duprey, Glynn, Hall, Heidrich, Honey, Kasprzak, Labrecque, Lovett, Mayo, McKenney, McNeil, Michael, O'Brien JA, Richardson, Rosen, Schneider, Sherman, Shields, Sullivan, Usher, Waterhouse, Wheeler EM, Winsor, Young.

NAY - Annis, Ash, Belanger, Berry DP, Berry RL, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Clark, Colwell, Cote, Cowger, Cresse, Cummings, Desmond, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Goodwin, Gooley, Haskell, Hatch, Hawes, Hutton, Jacobs, Jodrey, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Mendros, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Nass, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Povich, Quint, Richard, Rines, Savage, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Stedman, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Tuttle, Twomey, Volenik, Watson, Weston, Wheeler GJ, Mr. Speaker.

ABSENT - Bagley, Baker, Blanchette, Buck, Chizmar, Crabtree, Green, Jones, Muse C, Muse K, Tracy.

Yes, 32; No, 108; Absent, 11; Excused, 0.

32 having voted in the affirmative and 108 voted in the negative, with 11 being absent, and accordingly the Majority Ought to Pass as Amended Report was **NOT ACCEPTED**.

On motion of Representative DUDLEY of Portland, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

Bill "An Act to Ensure that 25% of Workers' Compensation Cases with Permanent Impairment Remain Eligible for Duration-of-disability Benefits in Accordance With the Workers' Compensation Act"

(S.P. 822) (L.D. 2202)

Which was **TABLED** by Representative COLWELL of Gardiner pending **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **LABOR** in concurrence.

**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.

HOUSE DIVIDED REPORT - Majority (14) **Ought to Pass as Amended by Committee Amendment "A" (H-939)** - Minority

(10) **Ought Not to Pass** - Committee on **NATURAL RESOURCES** and Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Provide for Livable, Affordable Neighborhoods"

(H.P. 1596) (L.D. 2099)

**TABLED** - March 20, 2002 (Till Later Today) by Representative COWGER of Hallowell.

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

On motion of Representative COWGER of Hallowell, the Bill and all accompanying papers were **COMMITTED** to the Committee on **NATURAL RESOURCES** and the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and sent for concurrence.

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

Bill "An Act Regarding the Clearing of Vegetation in Areas Adjacent to Protected Natural Resources" (EMERGENCY)

(H.P. 1679) (L.D. 2179)

- In House, **PASSED TO BE ENGROSSED** on March 19, 2002.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-485)** in **NON-CONCURRENCE**.

**PENDING - FURTHER CONSIDERATION**.

Subsequently, the House voted to **RECEDE AND CONCUR**.

An Act to Amend Certain Laws Administered by the Department of Environmental Protection

(S.P. 723) (L.D. 1964)

(C. "A" S-475)

**TABLED** - March 22, 2002 (Till Later Today) by Representative COWGER of Hallowell.

**PENDING - PASSAGE TO BE ENACTED**.

On motion of Representative COWGER of Hallowell, 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" (S-475)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-995)** to **Committee Amendment "A" (S-475)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative **COWGER**: Mr. Speaker, Colleagues of the House. All this amendment does is it adds an emergency preamble to the bill. My good colleague from Arundel pointed out that there were some issues we needed to take care of in the bill, specifically dealing with allowing the burning of clean wood waste. It is very important that we have an emergency preamble on this bill. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, what else does this amendment do?

The SPEAKER: The Representative from Old Town, Representative Dunlap has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative **COWGER**: Mr. Speaker, Men and Women of the House. There were several other changes in the bill. The one other was an oversight of last year was to allow agents to sell the invasive species sticker to retain a dollar as a local fee to help them underwrite the cost of those stickers.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. While I have no objection to the ability of license agents to retain a \$1 agent fee, I would like to point out to the members of the body that we went through a very contentious piece of legislation in the 119<sup>th</sup> Legislature allowing agents to keep a \$2 agent fee. I guess I would lay it before this chamber whether we would like to have our agent fees to be consistent or not. With that, Mr. Speaker, I would ask for the yeas and nays on this adoption motion.

Representative **DUNLAP** of Old Town **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-995) to Committee Amendment "A" (S-475)**.

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 Arundel, Representative Daigle.

Representative **DAIGLE**: Point of order, Mr. Speaker.

The SPEAKER: The Representative may state his point of order.

Representative **DAIGLE**: Thank you Mr. Speaker. The previous speaker is referring to portions of the bill and it is not what House Amendment "A" is at the moment. House Amendment "A" is only an emergency preamble, I believe. I'm sorry. I was reading the summary of the bill and not the bill text itself. I withdraw my point of order.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative **COWGER**: Mr. Speaker, Men and Women of the House. Just to remind everyone, when we considered the invasive species law last session we looked very carefully at what were appropriate license fees. We realized that a \$2 fee would be acceptable if there was some sort of processing of paperwork or some licensing issue, but this is merely the sale of a sticker. When we consulted with all appropriate departments, it was felt that \$1 was appropriate. That is what we adopted in last year's law. This is just correcting some language to allow the agents to retain that dollar. I hope you would support the amendment.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. One final point on this. This basically falls within the number of Title 12, which is the general area of the Committees on Inland Fisheries and Wildlife, Marine Resources and Agriculture, Conservation and Forestry. We have generally reflected as committees do on what is appropriate in exchange for an agent fee, not what has become known as the committee of all jurisdictions.

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

Representative **PEAVEY**: Mr. Speaker, I am confused if Committee Amendment "A" has been in the process withdrawn and House Amendment "A" is what is left or is Committee Amendment "A" and House Amendment "A" left?

The SPEAKER: The Chair would answer that Committee Amendment "A" is pending. House Amendment "A" is pending to amend to Committee Amendment "A." Both matters are pending adoption by the House. The next procedure will be to adopt Committee Amendment "A" as amended by House Amendment "A" thereto and then the following procedure will be to pass this bill to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-995) To Committee Amendment "A" (S-475). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 565**

YEA - Andrews, Annis, Ash, Berry DP, Berry RL, Blanchette, Bowles, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bunker, Canavan, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Duplessie, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, McDonough, McGowan, McKee, McKenney, McLaughlin, McNeil, Michael, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse K, Nass, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Treadwell, Twomey, Volenik, Watson, Weston.

NAY - Belanger, Bouffard, Carr, Cressey, Duncan, Dunlap, Duprey, Glynn, Honey, Kasprzak, Landry, Mayo, McGlocklin, Nutting, Perkins, Rines, Rosen, Savage, Trahan, Tuttle, Usher, Waterhouse, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Baker, Bliss, Bumps, Chase, Chick, Crabtree, Davis, Gerzofsky, Labrecque, Lovett, Mendros, Muse C, Tracy, Mr. Speaker.

Yes, 110; No, 26; Absent, 15; Excused, 0.

110 having voted in the affirmative and 26 voted in the negative, with 15 being absent, and accordingly **House Amendment "A" (H-995) to Committee Amendment "A" (S-475) was ADOPTED.**

**Committee Amendment "A" (S-475) as Amended by House Amendment "A" (H-995) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-475) as Amended by House Amendment "A" (H-995) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-971)** - Minority (1) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Ensure Proper Disbursement of Matching Funds under the Maine Clean Election Act"

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

TABLED - March 25, 2002 (Till Later Today) by Representative CHIZMAR of Lisbon.

PENDING - **ACCEPTANCE OF EITHER REPORT**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-971) 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-971)** and sent for concurrence.

An Act to Amend the Motor Vehicle Laws

(H.P. 1406) (L.D. 1844)

(C. "A" H-941)

**TABLED - March 25, 2002 (Till Later Today)** by Representative FISHER of Brewer.

**PENDING - PASSAGE TO BE ENACTED.**

On motion of Representative WHEELER of Bridgewater, 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.**

The same Representative **PRESENTED House Amendment "A" (H-1009)** which was **READ** by the Clerk.

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

Representative **WHEELER:** Mr. Speaker, Men and Women of the House. First, I want to apologize for not being in my seat the other day when we took this matter up. If I had have been, I would have been working against the Majority Report for the Minority Report in this bill. The part of the bill that I do not like is the part where we increase fees to the trucking industry, the sand and gravel guys, the farmers and the mobile home people for short one-day trip permits. It raises the fee from \$3 to \$6 on the low end and \$15 to \$30 on the high end. It produces a revenue of \$273,464 the first year. That means with that amount of increase there are a lot of people affected. You have to put out a lot of permits to get that kind of money. All of our constituents are affected by this fee increase. I am not concerned with all the other things that are in the bill with fine increases and dealing with titles for abandoned vehicles and all the other stuff in here. This is very important to my constituents. I feel obligated to stand up and do what I can for them. I would hope that you would vote to adopt this amendment. Thank you.

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

Representative **FISHER:** Mr. Speaker, Men and Women of the House. This isn't quite as clean as that. This is a single-issue permit to overweight trucks. It increased from \$3 to \$6, as my good friend said, and from \$15 to \$30 on the high end of that issue. For the biennium it is a total of about \$600,000 or \$560,000 or 37 miles of road paving. These are trucks that beat up the road. As much as it pains me, I would move to Indefinitely Postpone this. Thank you.

Representative FISHER of Brewer moved that **House Amendment "A" (H-1009)** be **INDEFINITELY POSTPONED.**

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

Representative **WHEELER:** Mr. Speaker, Ladies and Gentlemen of the House. Just to counter what he had to say, these permits are based on weight, height, length and width. That can mean a bulldozer that you take down the road. It can

also mean weight. It can mean these mobile homes that we transport back and forth to different locations. It is not just the weight on the road that these permits are issued for. I would ask for a roll call.

Representative WHEELER of Bridgewater **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1009).**

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 Indefinite Postponement of House Amendment "A" (H-1009). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 566**

**YEA -** Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bull, Bunker, Canavan, Chick, Chizmar, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Green, Hutton, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Mailhot, Marley, Matthews, McDonough, McGowan, McKee, McLaughlin, McNeil, Michaud, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Perry, Pineau, Povich, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Tarazewich, Thomas, Tuttle, Twomey, Usher, Volenik, Watson, Mr. Speaker.

**NAY -** Andrews, Annis, Ash, Belanger, Berry DP, Bowles, Bruno, Bryant, Buck, Bumps, Carr, Clark, Clough, Collins, Cressey, Daigle, Davis, Dugay, Duncan, Duprey, Estes, Foster, Gagne, Glynn, Goodwin, Gooley, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Jacobs, Jodrey, Jones, Kasprzak, Labrecque, Landry, Ledwin, Lessard, Lundeen, MacDougall, Madore, Marrache, Mayo, McGlocklin, McKenney, Michael, Mitchell, Morrison, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Patrick, Peavey, Perkins, Pinkham, Quint, Rosen, Schneider, Sherman, Shields, Smith, Snowe-Mello, Stanley, Stedman, Sullivan, Tessier, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Young.

**ABSENT -** Bagley, Baker, Bliss, Chase, Crabtree, Gerzofsky, Lovett, Mendros, Muse C, Tracy, Winsor.

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

60 having voted in the affirmative and 80 voted in the negative, with 11 being absent, and accordingly motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1009) FAILED.**

Subsequently, **House Amendment "A" (H-1009)** was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-941)** and **House Amendment "A" (H-1009)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

**HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (S-472) - Minority (3) Ought to Pass as Amended by Committee Amendment "B" (S-473) - Committee on NATURAL RESOURCES on Bill "An Act Relating to Subdivision Review and Title Search Procedures"**

(S.P. 779) (L.D. 2119)

Which was **TABLED** by Representative COWGER of Hallowell pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended Report.**

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

Representative TOBIN: Mr. Speaker, Ladies and Gentlemen of the House. This bill came before us because of a problem that we had last year with titles and checking titles with title attorneys. We agreed to put a moratorium on last year and revisit it this year. These two reports are identical. The Majority Report, however, takes home rule away from the municipalities. In the year 2006 the municipality will no longer have the right to define subdivision. I believe that this is a mandate. I believe that this requires a fiscal note.

On the task force that I was on last summer or the summer before, I have so many of these I can't keep track, but we had a survey done of 250 towns, 56 of these towns use MRSA 4401, which is what the state defines as a division. That leaves 194 municipalities that use something other than that. In order to change that ordinance, these communities would be required, if they have a planning board, to hold a public hearing at the planning board level, make a recommendation to their town council or select board. They would hold a public hearing and vote on this. If it is a select board, it probably would require a town meeting.

I inquired with the fiscal office to see if there was a mandate on this and I was guaranteed that there was, but I don't see one here yet. It boils down, ladies and gentlemen, to home rule. The state keeps taking a little bit more and more from the municipalities every year and someplace it has got to stop. I request that you vote against this bill so that you can get on to the amendment, which would take care of the problem with the title attorneys and the Registry of Deeds. Mr. Speaker, I request a roll call. Thank you.

Representative TOBIN of Windham REQUESTED a roll call on the motion to ACCEPT the Majority Ought to Pass as Amended Report.

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

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

Representative TOBIN: Mr. Speaker, Ladies and Gentlemen of the House. This bill came before us because of a problem that we had last year with titles and checking titles with title attorneys. We agreed to put a moratorium on last year and revisit it this year. These two reports are identical. The Majority Report, however, takes home rule away from the municipalities. In the year 2006 the municipality will no longer have the right to define subdivision. I believe that this is a mandate. I believe that this requires a fiscal note.

On the task force that I was on last summer or the summer before, I have so many of these I can't keep track, but we had a survey done of 250 towns, 56 of these towns use MRSA 4401, which is what the state defines as a division. That leaves 194 municipalities that use something other than that. In order to change that ordinance, these communities would be required, if they have a planning board, to hold a public hearing at the planning board level, make a recommendation to their town council or select board. They would hold a public hearing and vote on this. If it is a select board, it probably would require a town meeting.

I inquired with the fiscal office to see if there was a mandate on this and I was guaranteed that there was, but I don't see one here yet. It boils down, ladies and gentlemen, to home rule. The state keeps taking a little bit more and more from the municipalities every year and someplace it has got to stop. I request that you vote against this bill so that you can get on to

the amendment, which would take care of the problem with the title attorneys and the Registry of Deeds. Mr. Speaker, I request a roll call. Thank you.

Representative TOBIN of Windham asked the Chair to RULE if this Bill was a mandate.

Subsequently, the Bill was TABLED by the Speaker pending a RULING OF THE CHAIR. (Roll Call Ordered).

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**UNFINISHED BUSINESS**

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

SENATE DIVIDED REPORT - Report "A" (7) Ought to Pass as Amended by Committee Amendment "A" (S-420) - Report "B" (4) Ought to Pass as Amended by Committee Amendment "B" (S-421) - Report "C" (2) Ought Not to Pass - Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Adjust the Salary of the Governor"

(S.P. 690) (L.D. 1892)

- In Senate, Report "C" OUGHT NOT TO PASS READ and ACCEPTED.

TABLED - February 20, 2002 (Till Later Today) by Representative BERRY of Livermore.

PENDING - ACCEPTANCE OF ANY REPORT.

Representative JONES of Greenville moved that the House ACCEPT Report "C" Ought Not to Pass.

Representative GLYNN of South Portland REQUESTED a roll call on the motion to ACCEPT Report "C" Ought Not to Pass.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of Report "C" Ought Not to Pass. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 567**

YEA - Andrews, Annis, Ash, Berry DP, Bowles, Brooks, Buck, Bumps, Bunker, Canavan, Carr, Chizmar, Clark, Clough, Colwell, Cowger, Cressey, Cummings, Davis, Dugay, Duprey, Foster, Gagne, Glynn, Gooley, Haskell, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jones, Kasprzak, Labrecque, MacDougall, Madore, Marley, Mayo, McKee, McKenney, Michael, Mitchell, Morrison, Murphy E, Murphy T, Muse K, Norbert, Norton, Nutting, O'Neil, Perkins, Pinkham, Richardson, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Tobin J, Trahan, Treadwell, Twomey, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Belanger, Berry RL, Blanchette, Bouffard, Brannigan, Bruno, Bryant, Bull, Chick, Cote, Daigle, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Green, Hall, Honey, Jodrey, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marrache, Matthews, McDonough, McGlocklin, McGowan, McLaughlin, McNeil, Michaud, Nass, O'Brien JA, O'Brien LL, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Rines, Rosen, Savage, Schneider, Sherman, Smith, Thomas, Tobin D, Tuttle, Usher, Mr. Speaker.

ABSENT - Bagley, Baker, Bliss, Chase, Collins, Crabtree, Gerzofsky, Goodwin, Lovett, Mendros, Muse C, Tracy, Weston.

Yes, 73; No, 65; Absent, 13; Excused, 0.

73 having voted in the affirmative and 65 voted in the negative, with 13 being absent, and accordingly Report "C" Ought Not to Pass was ACCEPTED in concurrence.

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An Act to Phase Out the Availability of Mercury-added Products

(H.P. 1501) (L.D. 2004)  
(C. "A" H-925)

TABLED - March 25, 2002 (Till Later Today) by Representative COWGER of Hallowell.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative MAYO of Bath, 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-925)** was **ADOPTED.**

The same Representative presented **House Amendment "A" (H-953)** to **Committee Amendment "A" (H-925)** which was **READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Bath, Representative Mayo.

Representative **MAYO:** Mr. Speaker, Ladies and Gentlemen of the House. This is a very simple amendment that we previously discussed when we had this bill before us. This amendment exempts a thermostat used by a blind or a visually impaired person from the prohibition on the sale of mercury added thermostats.

**House Amendment "A" (H-953)** to **Committee Amendment "A" (H-925)** was **ADOPTED.**

**Committee Amendment "A" (H-925)** as Amended by **House Amendment "A" (H-953)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-925)** as Amended by **House Amendment "A" (H-953)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

An Act to Establish a Centralized Voter Registration System for the State

(H.P. 1683) (L.D. 2182)

TABLED - March 25, 2002 (Till Later Today) by Representative CHIZMAR of Lisbon.

PENDING - **PASSAGE TO BE ENACTED.**

Representative **STEDMAN** of Hartland **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. 568**

**YEA** - Andrews, Annis, Ash, Belanger, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fuller, Gagne, Glynn, Green, Hall, Hatch, Hawes, Heidrich, Honey,

Hutton, Jacobs, Jones, Kane, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michael, Michaud, Mitchell, Murphy E, Muse K, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

**NAY** - Berry DP, Bowles, Buck, Carr, Clough, Duprey, Foster, Gooley, Haskell, Jodrey, Kasprzak, MacDougall, Morrison, Murphy T, Nass, O'Brien JA, Pinkham, Shields, Snowe-Mello, Stedman, Tobin J, Treadwell, Waterhouse.

**ABSENT** - Bagley, Baker, Bliss, Chase, Crabtree, Fisher, Gerzofsky, Goodwin, Lovett, Mailhot, Mendros, Muse C, Tracy, Weston.

Yes, 114; No, 23; Absent, 14; Excused, 0.

114 having voted in the affirmative and 23 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolve, Regarding Legislative Review of Chapter 220: Methodology for Identification of Regional Service Centers, a Major Substantive Rule of the Executive Department, State Planning Office (EMERGENCY)

(H.P. 1641) (L.D. 2144)

TABLED - March 25, 2002 (Till Later Today) by Representative NORBERT of Portland.

PENDING - **FINAL PASSAGE.** (Roll Call Ordered)

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

The **SPEAKER:** A roll call having been previously 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. 569**

**YEA** - Ash, Belanger, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Fuller, Gagne, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lessard, Lundeen, Madore, Marley, Marrache, Matthews, Mayo, McDonough, McGowan, McKee, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Murphy E, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Schneider, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tuttle, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

**NAY** - Andrews, Annis, Berry DP, Bruno, Buck, Carr, Clough, Collins, Cressey, Davis, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, MacDougall, McGlocklin, McKenney, Michael, Murphy T, Muse K, Nass, Nutting, Perkins, Pinkham, Rosen, Sherman, Shields, Snowe-Mello, Stanley, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Waterhouse, Winsor.

ABSENT - Bagley, Baker, Bliss, Chase, Crabtree, Gerzofsky, Goodwin, Lemoine, Lovett, Mailhot, Mendros, Muse C, Tracy, Weston.

Yes, 95; No, 42; Absent, 14; Excused, 0.

95 having voted in the affirmative and 42 voted in the negative, with 14 being absent, and accordingly the Resolve **FAILED FINAL PASSAGE** and was sent to the Senate.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Restrict the Availability of Products with Excessive Levels of Arsenic"

(H.P. 1447) (L.D. 1944)

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **NATURAL RESOURCES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-938)** in the House on March 20, 2002.

Came from the Senate with the Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **NATURAL RESOURCES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT A" (H-937)** in **NON-CONCURRENCE**.

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1704) (L.D. 2201) Bill "An Act to Provide Funding for the Office of the State Fire Marshal and the Maine Fire Training and Education Program" (EMERGENCY) Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(H.P. 1543) (L.D. 2044) Resolve, to Reduce Paperwork for Maine Businesses Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1016)**

(H.P. 1563) (L.D. 2068) Bill "An Act to Implement the Recommendations of the Committee to Study the Needs of Persons with Mental Illness Who are Incarcerated Relating to Treatment and Aftercare Planning in Prisons and Jails" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1020)**

(H.P. 1603) (L.D. 2104) Bill "An Act to Further Protect the Nesting Habitat of Endangered and Threatened Species" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1018)**

(H.P. 1682) Joint Study Order to Establish the Committee on Workforce Investment Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1015)**

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

There being no objection, the House Papers were **PASSED as Amended, PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

**Pursuant to Joint Order**

**Joint Standing Committee on Business and Economic Development**

Representative RICHARDSON for the **Joint Standing Committee on Business and Economic Development** pursuant to Joint Order 2001, H. P. 1610 asks leave to report that the accompanying Bill "An Act to Increase the Cap on Funds Available through the Regional Economic Development Revolving Loan Program"

(H.P. 1709) (L.D. 2203)

Be **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED**.

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

**ENACTORS**

**Acts**

An Act to Ensure Fairness in the Regulation and Reimbursement of Nursing Facilities

(S.P. 461) (L.D. 1514)

(C. "A" S-501)

An Act Regarding Eligibility for Financing Through the Maine Health and Higher Educational Facilities Authority

(S.P. 689) (L.D. 1891)

(C. "A" S-502)

An Act to Address Liquidation Harvesting

(S.P. 718) (L.D. 1920)

(C. "A" S-488)

An Act Regarding Utility Easements

(H.P. 1472) (L.D. 1973)

(C. "A" H-872)

An Act to Require Appropriate Public Notice of a State Building Project

(S.P. 742) (L.D. 2067)

(S. "A" S-497 to C. "A" S-448)

An Act to Authorize County Extension Building Associations to Borrow Money

(H.P. 1614) (L.D. 2111)

(H. "A" H-969 to C. "A" H-943)

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.

An Act to Amend the Maine Criminal Code to Address Terrorism

(S.P. 801) (L.D. 2160)

(C. "A" S-499)

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

On motion of Representative WATERHOUSE of Bridgton, was **SET ASIDE**.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. This is a bill that deals with terrorism. We have had a lot of bills coming down before the Judiciary Committee, the committee that I serve on, dealing with terrorism

issues. I think they are legislation that bears very close scrutiny. In our attempt to make ourselves safe, I think we are taking some measures that really shouldn't be taken. I am not saying that this bill is one of them, but I have a few questions.

I notice in the summary of the bill it creates a new definition of terrorist intent in the bill. If I remember correctly, we had a bill not too long ago dealing with environmental terrorism. We defeated that bill, if my memory serves me correctly. I was wondering under this new definition in this bill that that very thing that we were addressing before is now included in this bill? Could somebody answer that question for me?

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 Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, parliamentary inquiry.

The SPEAKER: The Representative may state his point of order.

Representative **WATERHOUSE**: Mr. Speaker, is it appropriate at this stage of the legislation to move Indefinite Postponement of this bill.

The SPEAKER: That motion would be in order.

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. This bill comes from the AG. The Criminal Justice Committee studied this bill. We spent a lot of time working on this bill to address some concerns in the criminal code. I cannot answer the question from the good Representative from Bridgton. Perhaps it would have been appropriate for the good Representative from Bridgton to have given us some forewarning that this question would have been in order. He refers to legislation that is not on our desk at this time. The legislation amends the current criminal code in a very, very artful way. I am very proud of the work we have done. It was a unanimous report out of the Committee on Criminal Justice. Please defeat the current motion.

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

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

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. In response to the good Representative from Ellsworth, as everybody knows up here we have so many pieces of legislation. Sometimes it is almost impossible to keep track of everything that is happening. We have to do what we are doing now. We are looking at amendments that are on the calendar and asking questions. I understand the hard work the Criminal Justice Committee does. They are a group of hardworking people. I served on the Criminal Justice Committee in my first term and it is a great committee to serve on.

I would like to pose another question. I was looking at a lot of these crimes we are talking about in Title 17A. Are not a lot of these crimes covered under the statute now and we are just giving them different nomenclature?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the

Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I will take a crack at it having read the amendment and followed this a little bit, because I have been interested in the topic too. I think what is different about what is under the current statute in terms of, as the good Representative from Bridgton points out, it is probably already against the law to have aggravated reckless conduct on your record. However, I think what it does is sort of bring it under one tent in terms of defining terrorist intent. I think there is a pretty good definition in Committee Amendment "A." I think for my own purposes having had some similar concerns that the Representative from Bridgton had given voice to and after reading the amendment, I am very comfortable with what the committee has done. I would urge my colleagues to oppose the pending motion.

Representative **GOOLEY** of Farmington **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. The good Representative from Old Town kind of jolted my interest on the definition of terrorist intent. I was wondering if I could pose one more question through the Chair? I notice under the definition of terrorist intent it means the intent to do any of the following for the purpose of intimidating or coercing the civilian population or to affect the conduct of government. On B under that list of various things, is cause substantial damage to multiple structures or cause substantial damage to critical infrastructure. Would this have applied if we had a similar instance to what happened in Seattle, Washington, at the World Trade Conference where they had a situation out there where they had a lot of things damaged? Would this apply to something of that sort? Would those people have been classified as terrorists?

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 Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. LD 2160 does not criminalize free speech. It would not apply in that incidence.

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

#### ROLL CALL NO. 570

YEA - Buck, Carr, Clark, Cressey, Duprey, Foster, Glynn, Goodwin, Hall, Haskell, Hutton, Jodrey, Kasprzak, Labrecque, Laverriere-Boucher, Ledwin, MacDougall, McKenney, McNeil, Morrison, Muse K, Perkins, Pinkham, Sherman, Skoglund, Stedman, Twomey, Volenik, Waterhouse, Weston.

NAY - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Clough, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gooley, Green, Hatch, Hawes, Heidrich, Honey, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michael, Michaud, Mitchell, Murphy E, Murphy-T, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Peavey, Pineau, Povich, Quint, Richard, Richardson,



Rines, Rosen, Savage, Schneider, Shields, Simpson, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Tuttle, Usher, Watson, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

ABSENT - Bagley, Baker, Bliss, Chase, Crabtree, Gerzofsky, Lovett, Mendros, Muse C, Patrick, Perry, Tracy.

Yes, 30; No, 109; Absent, 12; Excused, 0.

30 having voted in the affirmative and 109 voted in the negative, with 12 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

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

An Act to Implement the Recommendations of the Commission to Study Domestic Violence

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

(C. "A" H-883)

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

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

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

**ENACTORS**

**Emergency Measure**

An Act to Withdraw from the Texas Low-level Radioactive Waste Disposal Compact

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

(C. "A" H-1006)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, to Promote the Interests of the People of Maine when Public Funds are Used to Acquire Conservation Easements

(H.P. 1593) (L.D. 2096)

(C. "A" H-990)

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. 118 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Biomedical Research and Development Equipment and Infrastructure

(H.P. 1696) (L.D. 2194)

(H. "A" H-1004)

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

Representative TESSIER of Fairfield **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.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

**ROLL CALL NO. 571**

**YEA** - Annis, Ash, Belanger, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Clark, Clough, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Fuller, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Sherman, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Treadwell, Tuttle, Usher, Watson, Weston, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

**NAY** - Andrews, Berry DP, Bowles, Buck, Carr, Collins, Cressey, Duncan, Foster, Gagne, Heidrich, Jodrey, Kasprzak, Labrecque, MacDougall, Michael, Muse K, Nass, Peavey, Schneider, Shields, Snowe-Mello, Stedman, Trahan, Twomey, Volenik, Waterhouse, Winsor.

**ABSENT** - Bagley, Baker, Bliss, Chase, Crabtree, Gerzofsky, Lovett, Mendros, Muse C, Perry, Tracy.

Yes, 112; No, 28; Absent, 11; Excused, 0.

112 having voted in the affirmative and 28 voted in the negative, with 11 being absent, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

The House recessed until 6:45 p.m.

(After Recess)

The House was called to order by the Speaker.

The Chair laid before the House the following item which was **TABLED** earlier in today's session pending a **RULING OF THE CHAIR**:

**HOUSE DIVIDED REPORT** - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-472)** - Minority (3) **Ought to Pass as Amended by Committee Amendment "B" (S-473)** - Committee on **NATURAL RESOURCES** on Bill "An Act Relating to Subdivision Review and Title Search Procedures"

(S.P. 779) (L.D. 2119)

Which was **TABLED** by the Speaker pending a **RULING OF THE CHAIR**.

The **SPEAKER**: The Ruling of the Chair. The Chair would state that Article 9, Section 21 of the Maine Constitution requires that state mandates either receive a two-thirds vote of all members elected to each House or that the state provide annually 90 percent of the funding for these expenditures from state funds, not previously appropriated to that local unit of government.

The Chair would in addition draw members attention to Rule 312 in the Maine Legislature's Joint Rules, which states that every bill, a Resolve, that affects state revenues, appropriations, allocations or that requires a local unit of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues and that has a committee recommendation other than Ought Not to Pass or referral to another committee must include a fiscal note. This statement must be incorporated in the bill before it is reported out of the committee. Any amendment introduced that would affect the fiscal impact of the original bill must also include a fiscal note. The Office of Fiscal and Program Review has the sole responsibility for preparing all fiscal notes.

The Chair would answer the inquiry by the Representative from Windham, Representative Tobin, that after reviewing the legislation, the Committee Amendment and the lack of a fiscal note, that he would respond that this is not a state mandate.

Subsequently, the Chair **RULED** the Bill was not a mandate and was properly before the body.

The **SPEAKER**: A roll call having been previously 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. 572**

**YEA** - Ash, Berry RL, Blanchette, Bowles, Brannigan, Brooks, Bumps, Bunker, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Gagne, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGowan, McKee, McLaughlin, Michael, Michaud, Mitchell, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Povich, Quint, Richard, Richardson, Rines, Savage, Schneider, Shields, Simpson, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Trahan, Twomey, Usher, Volenik, Watson, Weston, Mr. Speaker.

**NAY** - Andrews, Annis, Belanger, Berry DP, Bouffard, Bruno, Bull, Carr, Clough, Collins, Cressey, Daigle, Duncan, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, Labrecque, Ledwin, Lundeen, MacDougall, McGlocklin, McKenney, McNeil, Morrison, Murphy E, Murphy T, Muse K, Peavey, Perkins, Pinkham, Rosen, Sherman, Skoglund, Stedman, Tobin D, Tobin J, Treadwell, Tuttle, Waterhouse, Wheeler EM, Young.

**ABSENT** - Bagley, Baker, Bliss, Bryant, Buck, Canavan, Chase, Crabtree, Fuller, Gerzofsky, Lovett, Madore, Mendros, Muse C, Perry, Pineau, Tracy, Wheeler GJ, Winsor.

Yes, 85; No, 47; Absent, 19; Excused, 0.

85 having voted in the affirmative and 47 voted in the negative, with 19 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-472) was READ** by the Clerk.

**Senate Amendment "A" (S-487) to Committee Amendment "A" (S-472) was READ** by the Clerk and **ADOPTED.**

**Committee Amendment "A" (S-472) as Amended by Senate Amendment "A" (S-487) thereto was ADOPTED.**

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

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-472) as Amended by Senate Amendment "A" (S-487) thereto in concurrence.**

On motion of Representative FOSTER of Gray, the House **RECONSIDERED** its action whereby it voted to **RECEDE AND CONCUR** on 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)

(H.P. 1590) (L.D. 2095)

(C. "A" H-919)

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. 105 voted in favor of the same and 0 against, and accordingly the House voted to **RECEDE AND CONCUR.**

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

An Act to Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and to Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003

(H.P. 1587) (L.D. 2092)

(C. "A" H-949)

Which was **TABLED** by Representative NORBERT of Portland pending **PASSAGE TO BE ENACTED.**

Representative FISHER of Brewer **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.

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.

**ROLL CALL NO. 573**

**YEA** - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Glynn, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michael, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse K, Nass, Norbert, Norton, Nutting,

O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Young, Mr. Speaker.

NAY - Buck, Duprey, Kasprzak, Waterhouse.

ABSENT - Bagley, Baker, Bliss, Chase, Crabtree, Gerzofsky, Goodwin, Lovett, Madore, Matthews, Mendros, Muse C, Perry, Tracy, Wheeler GJ, Winsor.

Yes, 131; No, 4; Absent, 16; Excused, 0.

131 having voted in the affirmative and 4 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:

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

(H.P. 1288) (L.D. 1752)  
(C. "A" H-837; H. "C" H-946)

Which was **TABLED** by Representative NORBERT of Portland pending **PASSAGE TO BE ENACTED**.

Subsequently, 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:

Bill "An Act to Increase the Cap on Funds Available through the Regional Economic Development Revolving Loan Program"

(H.P. 1709) (L.D. 2203)

Which was **TABLED** by Representative COLWELL of Gardiner pending **FURTHER ACTION**.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Under further 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** 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:

**ENACTORS  
Acts**

An Act to Amend the Lead Poisoning Control Act

(H.P. 1535) (L.D. 2038)  
(C. "A" H-1007)

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

(H.P. 1665) (L.D. 2170)  
(C. "A" H-1003)

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.

**An Act Regarding Essential Programs and Services**

(H.P. 1602) (L.D. 2103)  
(C. "A" H-1002)

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

On motion of Representative GLYNN of South Portland, 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. 574**

**YEA** - Andrews, Annis, Ash, Belanger, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Gerzofsky, Gooley, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jones, Kane, Koffman, Landry, LaVerdiere, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Murphy E, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Shields, Smith, Stanley, Stedman, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Trahan, Tuttle, Usher, Watson, Weston, Wheeler EM, Young, Mr. Speaker.

**NAY** - Berry DP, Buck, Clough, Cressey, Duprey, Foster, Fuller, Gagne, Glynn, Green, Haskell, Jacobs, Jodrey, Kasprzak, Labrecque, Laverriere-Boucher, MacDougall, McKee, Michael, Murphy T, Perkins, Pinkham, Sherman, Simpson, Skoglund, Snowe-Mello, Sullivan, Treadwell, Twomey, Volenik, Waterhouse.

**ABSENT** - Bagley, Baker, Bliss, Chase, Crabtree, Goodwin, Lovett, Madore, Mendros, Muse C, Perry, Tracy, Wheeler GJ, Winsor.

Yes, 106; No, 31; Absent, 14; Excused, 0.

106 having voted in the affirmative and 31 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**ORDERS**

On motion of Representative TESSIER of Fairfield, the following Joint Order: (H.P. 1711) (Cosponsored by President Pro Tem MICHAUD of Penobscot and Representatives: BELANGER of Caribou, COLWELL of Gardiner, JONES of Greenville, Speaker SAXL of Portland, ROSEN of Bucksport, Senators: President BENNETT of Oxford, CATHCART of Penobscot, GOLDTHWAIT of Hancock)

**ORDERED**, the Senate concurring, that the Joint Select Committee on Research and Development is established as follows.

**1. Establishment.** The Joint Select Committee on Research and Development, referred to in this order as the "committee," is established.

**2. Membership.** The committee consists of 3 members from the Senate appointed by the President of the Senate and 10 members from the House of Representatives appointed by the

Speaker of the House. The members must include at least one Senate member and 3 House members from the Joint Standing Committee on Business and Economic Development and at least one Senate member and 3 House members from the Joint Standing Committee on Appropriations and Financial Affairs. The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair.

**3. Responsibilities.** The committee has the following responsibilities:

A. To conduct oversight and review of the State's research and development policies and to make recommendations to the Legislature on appropriate actions to promote research and development in the State, including appropriate funding levels; and

B. To perform other tasks assigned to it by the Legislature or by the President of the Senate and the Speaker of the House jointly, including issuing reports to the Legislature on policy issues related to research and development.

**4. Meetings; staffing.** The committee may meet once per month, on a day established by the President of the Senate and the Speaker of the House, to complete its work. The Office of Policy and Legal Analysis shall provide staff assistance to the committee. Clerical assistance must be provided by the Legislative Information Office.

**5. Reimbursement.** Members of the committee are entitled to reimbursement of expenses in the same manner as members of joint standing committees.

**6. Report.** The committee shall submit its report, along with any suggested implementing legislation, to the Legislative Council by November 6, 2002. If the committee needs an extension, it may apply for one to the Legislative Council, which may grant a limited extension.

Reference to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested.

**READ.**

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

Representative DUPREY: Mr. Speaker, Men and Women of the House. Nobody has really explained to me why we are doing this. Business and Economic Committee right now oversees research and development. I thought we did a pretty good job of it. If somebody could explain why you would want to take that away from us?

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House. I would just say to the good Representative from Hampden, Representative Duprey, that we can talk about those issues when it comes before our committee tomorrow. I think he makes some valid points and we can discuss those.

**REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT.**

Sent for concurrence.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-498) AS AMENDED BY SENATE AMENDMENT "A" (S-510)** thereto.

Report was **READ** and **ACCEPTED.** The Bill **READ ONCE. COMMITTEE AMENDMENT "A" (S-498) READ** by the Clerk. **SENATE AMENDMENT "A" (S-510) TO COMMITTEE AMENDMENT "A" (S-498) READ** by the Clerk and **ADOPTED. COMMITTEE AMENDMENT "A" (S-498) AS AMENDED BY SENATE AMENDMENT "A" (S-510) thereto 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-498) as Amended by Senate Amendment "A" (S-510)** thereto in concurrence.

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 777) (L.D. 2113) Bill "An Act to Improve Access to Prescription Drugs for the Elderly" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-506)**

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

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

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

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Implement the Minority Recommendations of the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands"

(H.P. 1600) (L.D. 2101)

Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** in the House on March 25, 2002.

Came from the Senate with the Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-973)**

On motion of Representative WATERHOUSE of Bridgton, the House voted to **ADHERE.**

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**REPORTS OF COMMITTEE**

**Ought to Pass as Amended**

Report of the Committee on **UTILITIES AND ENERGY** on Bill "An Act Providing for the Supply of Water to the City of Brewer" (S.P. 794) (L.D. 2147)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-498).**

**REPORTS OF COMMITTEE  
Divided Report**

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass pursuant to Joint Order 2001, H.P. 1677** on Bill "An Act to Implement Municipal Recommendations Regarding Surface Water Use on Great Ponds"

(H.P. 1712) (L.D. 2204)

Signed:

Senators:

CARPENTER of York  
KILKELLY of Lincoln  
WOODCOCK of Franklin

Representatives:

DUNLAP of Old Town  
TRAHAN of Waldoboro  
HONEY of Boothbay  
USHER of Westbrook  
PERKINS of Penobscot  
McGLOCKLIN of Embden  
BRYANT of Dixfield

Minority Report of the same Committee reporting **Ought Not to Pass pursuant to Joint Order 2001, H.P. 1677** on same Bill.

Signed:

Representatives:

CHICK of Lebanon  
CLARK of Millinocket  
TRACY of Rome

**READ.**

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

Representative CLARK of Millinocket **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

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

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

**ROLL CALL NO. 575**

**YEA** - Annis, Ash, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Chizmar, Clough, Collins, Colwell, Cote, Cowger, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michael, Michaud, Mitchell, Murphy E, Murphy T, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Shields, Simpson, Skoglund, Smith, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Young, Mr. Speaker.

**NAY** - Andrews, Belanger, Carr, Chick, Clark, Duprey, Goodwin, Haskell, Kasprzak, Labrecque, McKenney, Morrison, Sherman, Snowe-Mello, Stanley, Stedman, Sullivan, Wheeler EM.

**ABSENT** - Bagley, Baker, Bliss, Chase, Crabtree, Lovett, Madore, Mendros, Muse C, Perry, Tracy, Wheeler GJ, Winsor.

Yes, 120; No, 18; Absent, 13; Excused, 0.

120 having voted in the affirmative and 18 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

**Divided Report**

Seven Members of the Committee on **INLAND FISHERIES AND WILDLIFE** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-1021)** on Bill "An Act to Stabilize the Funding of the Department of Inland Fisheries and Wildlife"

(H.P. 1432) (L.D. 1929)

Signed:

Senators:

CARPENTER of York  
KILKELLY of Lincoln  
WOODCOCK of Franklin

Representatives:

DUNLAP of Old Town  
TRAHAN of Waldoboro  
USHER of Westbrook  
BRYANT of Dixfield

Five Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Representatives:

CHICK of Lebanon  
CLARK of Millinocket  
HONEY of Boothbay  
TRACY of Rome  
McGLOCKLIN of Embden

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-1022)** on same Bill.

Signed:

Representative:

PERKINS of Penobscot

**READ.**

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

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

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

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

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

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

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. I noticed on a piece of literature I have on this bill it says that it provides a significant increase in funding

from sportsmen without raising license fees across the board. When you look at the bill there are all kinds of license fee increases. Could somebody from the committee explain how this supported, not to be an increase in fees, and yet I see a whole list of them?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative DUNLAP: Mr. Speaker, Men and Women of the House. I would be happy to provide an explanation to my good friend from Bridgton. The original bill that was brought before our committee called for an approximate 50 percent increase in all license fees across the board, that included all the general hunting, fishing, trapping, combination fees, etc. Some of those fees were substantially higher. The report that is before you now calls for the Chief Executive to include in a Part I budget recommendation general fund revenues, which would be the equivalent of about 18 percent of the base general fund budget of the department. That component right there enabled us to not look at all license fees and instead what is now in the Majority Report are some selected fees including ATV registration fees, the actual moose permit fees, the duck stamp, a change in the expanded archery hunt and a couple of other select small fees. It is a very, very narrowed version of the original bill. That is what this is.

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

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

The SPEAKER: The Representative may pose his question.

Representative STEDMAN: Mr. Speaker, Men and Women of the House. Does this bill mean that if I go for my 70-year-old hunting license this year, I am going to have to pay a fee to get a free license?

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. The answer to the Representative's question, pursuant to action that was taken by the Legislature last year on the over 70 complimentary license will be available until 2006. If you qualify for it this year, you will be able to have it for no cost and always be able to use it. In 2006 that will be replaced by a one-time lifetime license at a cost of \$7.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. I rise this evening probably for an item that I have given a lot of consideration to during this session in the meetings in the IF & W Committee. I have found no one that has explained to me why the Maine Warden Service that spends within certain limits about half of their time on items not to do with hunting, fishing or trapping. However, this particular bill provides for supporting the fish and wildlife work in the State of Maine by things that are burdening the hunters, fishermen and trappers. The explanation of some of these other licenses, as far as I am concerned, this business of the outdoors in the State of Maine probably produces more income to the state than any other item. However, when it comes time for some of the general fund money to support this program, it is not forthcoming. Eighteen percent, as you have heard a previous speaker say, is far from taking care of that amount of work that the wardens do that is not for hunters, fishermen and trappers. I would have you

understand also if you listened here this evening, that in the future there will be further encroachment on people paying for things that are free today. The license over 70 was the item mentioned, but the discussion over time this winter where many things have been mentioned that will be costing the hunters and fishermen money. People in my district that I talk with or that talk with me have a great concern about what is happening to their fishing, hunting and trapping privileges. They are quite upset about it, to say the least. I would ask that this evening you would think about people that enjoy the outdoors. I believe some of you do. While for many people in society an increase wouldn't be a problem, but it is to many people who are working or have families and enjoy and buy more than just a hunting license or a fishing license. They may buy four wheelers or a snow machine or register a boat. All these things add up for a person with a family. I would say this evening that I would ask that you would give them some consideration. If someone after I speak stands up and asks where is the money coming from, I can assure you that the hunters, fishermen and trappers, the people that are out in the field and use the outdoors should share in some of the great amount of money that comes to this state from outdoor activities. Thank you.

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

**ROLL CALL NO. 576**

YEA - Ash, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bunker, Canavan, Carr, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gerzofsky, Glynn, Green, Hatch, Hawes, Heidrich, Hutton, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Marley, Marrache, Matthews, Mayo, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Murphy T, Muse K, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Pineau, Richard, Richardson, Rines, Rosen, Savage, Schneider, Shields, Simpson, Skoglund, Smith, Stanley, Tarazewich, Tessier, Thomas, Trahan, Twomey, Usher, Volenik, Watson, Weston, Young, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Buck, Bumps, Chick, Chizmar, Clark, Clough, Cressey, Davis, Duncan, Duprey, Foster, Gagne, Goodwin, Gooley, Hall, Haskell, Honey, Jacobs, Jodrey, Kasprzak, Labrecque, Lundeen, MacDougall, Mailhot, McDonough, McGlocklin, Michael, Morrison, Nass, Nutting, O'Brien JA, Perkins, Pinkham, Povich, Quint, Sherman, Snowe-Mello, Stedman, Sullivan, Tobin D, Tobin J, Treadwell, Tuttle, Waterhouse, Wheeler EM.

ABSENT - Bagley, Baker, Bliss, Chase, Crabtree, Dugay, Lovett, Madore, Mendros, Muse C, Perry, Tracy, Wheeler GJ, Winsor.

Yes, 87; No, 50; Absent, 14; Excused, 0.

87 having voted in the affirmative and 50 voted in the negative, with 14 being absent, and accordingly Report "A" Ought to Pass as Amended was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1021)** 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-1021)** and sent for concurrence.

Representative WATERHOUSE of Bridgton assumed the Chair.

The House was called to order by the Speaker Pro Tem.

**SENATE PAPERS**

**Non-Concurrent Matter**

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

(S.P. 687) (L.D. 1889)

**FINALLY PASSED** in the House on March 18, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-456)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

**ENACTORS**

**Acts**

An Act to Fairly Assess Sales Tax on Vehicles

(H.P. 1620) (L.D. 2122)

(C. "A" H-1013)

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)

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

An Act to Allow Mechanics Licensed by the Manufactured Housing Board to Install and Maintain Oil Tanks

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

(H. "A" H-1005)

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

On motion of Representative PATRICK of Rumford, was **SET ASIDE**.

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

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

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

**ROLL CALL NO. 577**

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chick, Clark, Clough, Collins, Colwell, Cote, Cowger, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Duprey, Etnier, Fisher, Foster, Fuller, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Heidrich, Honey, Hutton, Jacobs, Jodrey, Kane, Kasprzak, Koffman, Labrecque, Landry, LaVerdiere, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michael, Michaud, Mitchell, Morrison, Murphy T, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Paradis, Peavey, Perkins, Pineau, Pinkham, Richard, Richardson, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Smith, Snowe-Mello,

Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Trahan, Treadwell, Twomey, Usher, Volenik, Waterhouse, Weston, Young, Mr. Speaker.

NAY - Chizmar, Gagne, Hawes, Jones, Laverriere-Boucher, Murphy E, O'Brien LL, Patrick, Povich, Quint, Rines, Skoglund, Tobin J, Tuttle, Wheeler EM.

ABSENT - Bagley, Baker, Bliss, Chase, Crabtree, Dugay, Estes, Lovett, Madore, Marrache, Mendros, Muse C, Perry, Tracy, Watson, Wheeler GJ, Winsor.

Yes, 119; No, 15; Absent, 17; Excused, 0.

119 having voted in the affirmative and 15 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act to Expand the Maine Seed Capital Tax Credit Program (H.P. 1509) (L.D. 2012)

(C. "A" H-1014)

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

On motion of Representative NORBERT of Portland, was **SET ASIDE**.

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

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

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

**ROLL CALL NO. 578**

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

NAY - NONE.

ABSENT - Bagley, Baker, Bliss, Chase, Crabtree, Estes, Lovett, Madore, Marrache, Mendros, Muse C, Perry, Simpson, Tracy, Watson, Wheeler GJ, Winsor.

Yes, 134; No, 0; Absent, 17; Excused, 0.

134 having voted in the affirmative and 0 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act to Provide for Notice of Termination, Nonrenewal or Change in Terms of Certain Leases

(H.P. 1599) (L.D. 2100)  
(C. "A" H-974)

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 **PASSAGE TO BE ENACTED**.

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

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

Representative **KASPRZAK**: Mr. Speaker, Ladies and Gentlemen of the House. You especially will remember the vote on this bill the last time we saw it before us. This bill, as I understand it, is an anti-property rights bill demanding that a landowner give a certain amount of notice to his lessee before he can end his contract with them. I would encourage us to vote pro-property rights. Thank you.

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

Representative **CARR**: Mr. Speaker, Men and Women of the House. This bill has been batted around quite a lot the last few days. I know that we have had a lot of things before us. I just want to refresh your memory as to exactly what this bill does. This came out of a study commission that was authorized by the first session of this legislature to study certain things that were happening in the Maine woods as it related to those people who were leasing property, camps and sometimes homes. This amendment replaces the bill. It deletes the provision of the bill giving certain lessees the right of first refusal to purchase the lease premises. It also clarifies that a survey or other formal description of the boundary is not required. It changes the advance notice period for a change in terms of the lease from 90 days to 30 days and this amendment requires the lesser to give lessees at least one years notice of intent to terminate a lease. The purpose of this is that there have actually been cases where leases were terminated and people had absolutely no way to remove their property until the ice formed and they were able to move it across the lake. This is meant to address that problem. That problem has existed in the past and I am sure it will exist in the future.

The other thing I want to bring to your attention is we have more than just one property rights issue here to think about. We have the property rights of the people who own the land and we also have the rights of those people who have built in good faith camps and homes on this land that they are leasing from. In some cases this has been going on for generations and generations in the north woods up to 75 or 80 years and families passed this down from generation from generation. With the new mood in the north woods in some cases these people are now losing their right to own these camps on the land that they thought they would have for the life of themselves and family members. Thank you Mr. Speaker.

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

**ROLL CALL NO. 579**

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Clough, Colwell, Cote, Cowger, Cummings, Daigle, Davis,

Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Michael, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Tobin D, Tobin J, Trahan, Treadwell, Tuttle, Usher, Volenik, Watson, Weston, Wheeler EM, Young, Mr. Speaker.

NAY - Buck, Collins, Cressey, Duprey, Kasprzak, MacDougall, Rosen, Waterhouse.

ABSENT - Bagley, Baker, Bliss, Chase, Crabtree, Estes, Goodwin, Lovett, Madore, Marrache, McGowan, Mendros, Muse C, Perry, Thomas, Tracy, Twomey, Wheeler GJ, Winsor.

Yes, 124; No, 8; Absent, 19; Excused, 0.

124 having voted in the affirmative and 8 voted in the negative, with 19 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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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.

**HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-972) - Committee on HEALTH AND HUMAN SERVICES on Bill "An Act Regarding Child Care Facility Laws"**

(H.P. 1523) (L.D. 2027)

**TABLED - March 22, 2002 (Till Later Today) by Representative KANE of Saco.**

**PENDING - ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-972) was READ** by the Clerk.

Representative **SHIELDS** of Auburn **PRESENTED House Amendment "A" (H-988) to Committee Amendment "A" (H-972) which was READ** by the Clerk.

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. The statute that we have here has been in existence for a number of years. LD 2027 was a bill that was brought to our committee to reorganize some of the child care facility things in statute. One of the things that was required in our statute that exists is an annual certificate by a physician that the people working with these little children in nursery schools and daycares were free of communicable disease. We had a hearing a lot of parts of the child facility laws were tinkered with. The department suggested that we change some things. One of the things that they suggested we change was we put into



rulemaking the requirement to certify that the workers there were free of communicable disease. This went back and forth and actually they wanted to put the responsibility of determining that the employees were free of communicable disease in the hands of those who managed the facility. When we asked what is their medical expertise on this, they didn't have any. The committee decided to compromise and say in the amended version that you have that and there will be rules requiring a physician certification that the workers were free of communicable disease every two years.

When we asked the department under the existing statute, which is an annual certification, have there been any outbreaks of communicable disease? The answer was no. We asked the department, have there been any complaints about this and they said that yes, there was some grumbling. We asked the department if everybody was in substantial compliance with this? They said, yes, everybody was getting their annual certification. These are precious little people that we have. I believe, in medical judgment, that an annual certification is not too much to ask. It does not require a large battery of tests. It requires simply visiting a physician and perhaps having a physical examination if you haven't had one recently. Okay, there is nothing suspicious here and you are free of communicable diseases as far as we can tell. I think that is the way it ought to go. I hope that you will approve this amendment. Mr. Speaker, I would request the yeas and nays.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-988) to Committee Amendment "A" (H-972)**.

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 Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. As my distinguished colleague on the Health and Human Services Committee explained, this has been a provision for a long time. The Department of Human Services and the people running the programs found it to be impractical, unworkable and, in fact, the proposal in the bill initially was to eliminate any reference, as he said, to have it be the responsibility of the provider agency themselves to give the assurance of the health of the employees.

The committee deliberated long and hard on the issue of having no reporting versus one year versus two years and voted on a 12 to 1 vote. We saw the two-year requirement as being appropriate as assuring the quality of medical oversight and health and well being of the children and assuring the health and well being of the staff. I urge you to support the Indefinite Postponement of this bill and to support the 12 to 1 Majority Report of the committee. Thank you.

Representative **KANE** of Saco moved that **House Amendment "A" (H-988) to Committee Amendment "A" (H-972) be INDEFINITELY POSTPONED**.

Representative **SHIELDS** of Auburn **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-988) to Committee Amendment "A" (H-972)**.

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 Auburn, Representative Shields.

Representative **SHIELDS**: Mr. Speaker, Men and Women of the House. During the committee's deliberations, not one provider came forward and said that this problem was a burden. We only heard it second hand. There was some grumbling. I

think that there are a lot of people that can develop symptoms of things that aren't getting picked up. I certainly would hate to see hepatitis, tuberculosis and things like that spread among our little people. If it ain't broke, don't fix it. What we have had works fine. I suggest and hope you vote down the current motion and go on to pass this amendment.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. It is important to put this into a context of other providers of services to children, foster care and other daycare providers are not burdened with having an annual physical. We are trying to be consistent with the regulations that go right across the DHS system. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative **FULLER**: Mr. Speaker, Ladies and Gentlemen of the House. I would also urge that you Indefinitely Postpone this amendment. As I recall in the discussions on this bill, there were a number of providers that were having a problem getting a physician statement from their physicians relative to what was expected for them to certify to. Granted, if someone does have TB or hepatitis, they are a risk to children and those around them. However, to do it once year is no more meaningful than doing it every two years. Some of the more communicable diseases that people are concerned about in children's programs and those need to be picked up when they occur. I would urge defeat of this proposed amendment and support the Indefinite Postponement motion. Thank you.

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

Representative **SHIELDS**: Mr. Speaker, Men and Women of the House. I would have to challenge the medical judgment of the other members of the committee. Secondly, I have checked this out with a number of family practitioners and infectious disease consultants. They believe that a yearly check of certification that the staff is free of communicable disease is quite appropriate.

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

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

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. What is the track record for communicable diseases in situations like this?

Representative **KANE** of Saco moved that **House Amendment "A" (H-988) to Committee Amendment "A" (H-972) be INDEFINITELY POSTPONED**.

Representative **SHIELDS** of Auburn **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-988) to Committee Amendment "A" (H-972)**.

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 Indefinite Postponement of House Amendment "A" (H-988) to Committee Amendment "A" (H-972). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 580**

**YEA** - Ash, Belanger, Berry RL, Blanchette, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Cressey, Cummings, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Duprey, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Honey, Hutton,

Jacobs, Kane, Kasprzak, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, MacDougall, Mailhot, Marley, Matthews, McDonough, McGlocklin, McKee, McLaughlin, Michaud, Mitchell, Muse K, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Tobin D, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Mr. Speaker.

**NAY** - Andrews, Annis, Berry DP, Bouffard, Bowles, Bruno, Buck, Bumps, Carr, Chick, Clough, Collins, Daigle, Duncan, Foster, Glynn, Gooley, Haskell, Heidrich, Jodrey, Jones, Labrecque, Ledwin, McKenney, McNeil, Michael, Morrison, Murphy E, Murphy T, Nass, Peavey, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stanley, Stedman, Thomas, Tobin J, Trahan, Treadwell, Weston, Wheeler EM, Young.

**ABSENT** - Bagley, Baker, Bliss, Chase, Crabtree, Estes, Goodwin, Lovett, Madore, Marrache, Mayo, McGowan, Mendros, Muse C, Perry, Tracy, Wheeler GJ, Winsor.

Yes, 87; No, 46; Absent, 18; Excused, 0.

87 having voted in the affirmative and 46 voted in the negative, with 18 being absent, and accordingly **House Amendment "A" (H-988) to Committee Amendment "A" (H-972) was INDEFINITELY POSTPONED.**

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

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

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

Representative **LABRECQUE**: Mr. Speaker, Men and Women of the House. It is my understanding that this particular bill will alter the ratio of teacher to kiddos within the day care. Can somebody please tell me what the ratio is now and what this bill proposes to change that to?

The **SPEAKER**: The Representative from Gorham, Representative Labrecque has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Mr. Speaker, Men and Women of the House. I think I can answer. This bill doesn't do anything with the teacher child ratios. That is done through rulemaking. They are in the process of rulemaking now to try to change those ratios. I believe in this bill it doesn't have anything to do with changing those ratios. It is a pretty decent bill. My wife and I own a childcare center. We agree with a lot of stuff in the bill. It is the rulemaking we have problems with.

Subsequently, **Committee Amendment "A" (H-972) was 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-972)** and sent for concurrence.

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Resolve, Establishing the Blue Ribbon Commission to Address the Financing of Long-term Care (EMERGENCY)

(H.P. 1436) (L.D. 1933)  
(C. "A" H-910)

**TABLED** - March 22, 2002 (Till Later Today) by Representative COLWELL of Gardiner.

**PENDING - FINAL PASSAGE.**

On motion of Representative KANE of Saco, 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-910) was ADOPTED.**

The same Representative presented **House Amendment "B" (H-1019) to Committee Amendment "A" (H-910)** which was **READ** by the Clerk.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. The amendment merely clarifies that a legislative per diem for members serving on the commission provides for staffing by OPLA and makes a technical change in the reporting date of the commission to the Second Regular Session of the 121<sup>st</sup> Legislature. Thank you.

**House Amendment "B" (H-1019) to Committee Amendment "A" (H-910) was ADOPTED.**

**Committee Amendment "A" (H-910) as Amended by House Amendment "B" (H-1019) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-910) as Amended by House Amendment "B" (H-1019) thereto in NON-CONCURRENCE** 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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On motion of Representative BRUNO of Raymond, the House **RECONSIDERED** its action whereby An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Biomedical Research and Development Equipment and Infrastructure

(H.P. 1696) (L.D.

2194)

(H. "A" H-1004)

Was **PASSED TO BE ENACTED.**

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

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On motion of Representative KASPRZAK of Newport, the House adjourned at 8:47 p.m., until 9:00 a.m., Wednesday, March 27, 2002.