

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-First Legislature
State of Maine

Volume I

First Regular Session

December 4, 2002 – May 23, 2003

Pages 1-776

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
FIRST REGULAR SESSION
5th Legislative Day
Thursday, January 16, 2003

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

Prayer by Reverend Elaine H. Tullis, Second Congregational Church, UCC, Norway.

Pledge of Allegiance.

The Journal of Tuesday, January 14, 2003 was read and approved.

SENATE PAPERS

Bill "An Act to Ensure that Child Labor Laws Apply to Public Sector Employers"

(S.P. 20) (L.D. 34)

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

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

Pursuant to Statute Workers' Compensation Board

Report of the **Workers' Compensation Board** pursuant to the Maine Revised Statutes, Title 39-A, section 152, subsection 11 asks leave to report that the accompanying Bill "An Act To Increase the Assessment on Workers' Compensation Insurance To Fund the Workers' Compensation Board Administrative Fund"

(S.P. 21) (L.D. 35)

Be **REFERRED** to the Committee on **LABOR** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 15)

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

January 10, 2003

Honorable Millicent MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under P.L. 2001, Chapter 439, Part PPPP, I am pleased to appoint the following Representatives to the Legislative Youth Advisory Committee:

Representative Rosaire Paradis of Frenchville

Representative Mary Ellen Ledwin of Holden

If you have any questions regarding these appointments, please do not hesitate to contact me.

Sincerely,

S/Patrick Colwell

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act to Allow Experimentation in the Cultivation of Agricultural Hemp"

(H.P. 61) (L.D. 53)

Sponsored by Representative BULL of Freeport.

Cosponsored by Senator BRYANT of Oxford and Representatives: COWGER of Hallowell, FISCHER of Presque Isle, HUTTON of Bowdoinham, KOFFMAN of Bar Harbor, LUNDEEN of Mars Hill, PINEAU of Jay, THOMPSON of China, Senator: HALL of Lincoln.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent for concurrence.

Resolve, to Fund Scholarships to the Seeds of Peace Camp

(H.P. 55) (L.D. 47)

Sponsored by Representative HEIDRICH of Oxford.

Cosponsored by Senator BENNETT of Oxford and Representatives: MARLEY of Portland, MCKENNEY of Cumberland, McLAUGHLIN of Cape Elizabeth, RECTOR of Thomaston, ROSEN of Bucksport, SIMPSON of Auburn, SNOWE-MELLO of Poland.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent for concurrence.

Bill "An Act to Establish Rent Caps on Property in Southern Maine"

(H.P. 50) (L.D. 42)

Sponsored by Representative LAVERRIERE-BOUCHER of Biddeford.

Cosponsored by Representatives: CANAVAN of Waterville, DUDLEY of Portland, GROSE of Woolwich, SULLIVAN of Biddeford, Senator: HALL of Lincoln.

Bill "An Act to Amend the Motor Vehicle Franchise Laws"

(H.P. 83) (L.D. 75)

Sponsored by Representative RINES of Wiscasset.

Cosponsored by Representatives: BERRY of Belmont, GERZOFKY of Brunswick, PERRY of Bangor, RICHARDSON of Brunswick, Senator: HALL of Lincoln.

Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent for concurrence.

Bill "An Act to Reduce Jail Overcrowding"

(H.P. 56) (L.D. 48)

Sponsored by Representative WATSON of Bath.

Cosponsored by Representatives: CLARK of Millinocket, GROSE of Woolwich, HUTTON of Bowdoinham, LESSARD of Topsham, Senators: MAYO of Sagadahoc, TREAT of Kennebec.

Committee on **CRIMINAL JUSTICE** suggested and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE** and ordered printed.

Sent for concurrence.

Bill "An Act to Provide School Districts with Authority to Address the Problem of Truancy"

(H.P. 68) (L.D. 60)

Sponsored by Representative LAVERRIERE-BOUCHER of Biddeford.

Cosponsored by Senator BRENNAN of Cumberland and Representatives: CANAVAN of Waterville, CRAVEN of Lewiston, CUMMINGS of Portland, EARLE of Damariscotta, MARLEY of Portland, MARRACHÉ of Waterville, PATRICK of Rumford, SULLIVAN of Biddeford.

Bill "An Act To Clarify the Intent of School Budget Referendum Language"

(H.P. 77) (L.D. 69)

Sponsored by Speaker COLWELL of Gardiner.

Cosponsored by Senator TREAT of Kennebec and Representatives: ANDREWS of York, CUMMINGS of Portland, FINCH of Fairfield, FISCHER of Presque Isle, LEDWIN of Holden, NORTON of Bangor, THOMAS of Orono, Senator: BRENNAN of Cumberland.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent for concurrence.

Bill "An Act To Continue To Allow Young Adults To Remain in Foster Care after Turning 18 Years of Age"

(H.P. 51) (L.D. 43)

Sponsored by Representative LAVERRIERE-BOUCHER of Biddeford.

Cosponsored by Senator BRYANT of Oxford and Representatives: DUDLEY of Portland, KANE of Saco, SULLIVAN of Biddeford, Senator: BRENNAN of Cumberland.

Resolve, to Change MaineCare Prior Authorization Procedures for Certain Women's Health Care Procedures

(H.P. 52) (L.D. 44)

Sponsored by Representative LAVERRIERE-BOUCHER of Biddeford.

Cosponsored by Senator BRYANT of Oxford and Representatives: CANAVAN of Waterville, DUDLEY of Portland, GROSE of Woolwich, MARLEY of Portland, MARRACHÉ of Waterville, PINGREE of North Haven, SULLIVAN of Biddeford.

Bill "An Act to Keep Foster Children Safe and Healthy"

(H.P. 63) (L.D. 55)

Sponsored by Representative LAVERRIERE-BOUCHER of Biddeford.

Cosponsored by Senator BRENNAN of Cumberland and Representatives: CANAVAN of Waterville, CRAVEN of Lewiston, KANE of Saco, MARLEY of Portland, MARRACHÉ of Waterville, PATRICK of Rumford, SULLIVAN of Biddeford, Senator: HALL of Lincoln.

Bill "An Act to Extend the Long-term Care Implementation Committee" (EMERGENCY)

(H.P. 65) (L.D. 57)

Sponsored by Representative KANE of Saco.

Cosponsored by Senator PENDLETON of Cumberland and Representatives: CAMPBELL of Newfield, CRAVEN of Lewiston, CURLEY of Scarborough, DUDLEY of Portland, EARLE of Damariscotta, LAVERRIERE-BOUCHER of Biddeford, O'BRIEN of Augusta, WALCOTT of Lewiston.

Resolve, to Expand the Choices of People Seeking Mental Health Therapy Under the MaineCare Program

(H.P. 66) (L.D. 58)

Sponsored by Representative LAVERRIERE-BOUCHER of Biddeford.

Cosponsored by Senator CATHCART of Penobscot and Representatives: CANAVAN of Waterville, DUDLEY of Portland, EARLE of Damariscotta, GROSE of Woolwich, MARLEY of Portland, MARRACHÉ of Waterville, PATRICK of Rumford, SULLIVAN of Biddeford.

Bill "An Act to Adjust MaineCare Reimbursement Rates"

(H.P. 67) (L.D. 59)

Sponsored by Representative LAVERRIERE-BOUCHER of Biddeford.

Cosponsored by Representatives: CANAVAN of Waterville, CRAVEN of Lewiston, GROSE of Woolwich, MARLEY of Portland, MARRACHÉ of Waterville, SULLIVAN of Biddeford.

Bill "An Act to Promote Public Awareness of Parkinson's Disease"

(H.P. 69) (L.D. 61)

Sponsored by Representative KANE of Saco.

Cosponsored by Senator PENDLETON of Cumberland and Representatives: CRAVEN of Lewiston, DUDLEY of Portland, EARLE of Damariscotta, O'BRIEN of Augusta, O'NEIL of Saco, PERCY of Phippsburg, WALCOTT of Lewiston.

Bill "An Act Regarding the Billing for Medical Supplies by a Health Care Provider"

(H.P. 73) (L.D. 65)

Sponsored by Representative SNOWE-MELLO of Poland. (BY REQUEST)

Bill "An Act to Make the Children's Ombudsman Program an Independent Office"

(H.P. 81) (L.D. 73)

Sponsored by Representative LAVERRIERE-BOUCHER of Biddeford.

Cosponsored by Senator BRYANT of Oxford and Representatives: DUDLEY of Portland, KANE of Saco, MARLEY of Portland, MARRACHÉ of Waterville, SULLIVAN of Biddeford.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

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

Sent for concurrence.

Bill "An Act to Promote Equity Among Health Care Clinics"

(H.P. 70) (L.D. 62)

Sponsored by Representative KANE of Saco.

Cosponsored by Senator PENDLETON of Cumberland and Representatives: CRAVEN of Lewiston, DUDLEY of Portland, O'BRIEN of Augusta, O'NEIL of Saco, WALCOTT of Lewiston, Senator: BRENNAN of Cumberland.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

On motion of Representative KANE of Saco, the Bill was **REFERRED** to the Committee on **TAXATION**, ordered printed and sent for concurrence.

Bill "An Act to Provide a Method of Compensation for Personal Injuries Caused by Sidestream Tobacco Smoke"

(H.P. 82) (L.D. 74)

Sponsored by Representative CLOUGH of Scarborough.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

On motion of Representative KANE of Saco, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

Bill "An Act to Implement the Recommendations from the Programmatic Review of the State's Inland Fisheries Management Program"

(H.P. 57) (L.D. 49)

Sponsored by Speaker COLWELL of Gardiner.

Cosponsored by Senator BRYANT of Oxford and Representatives: DUNLAP of Old Town, HONEY of Boothbay, McGLOCKLIN of Embden, PINEAU of Jay, TOBIN of Dexter, TRAHAN of Waldoboro, WATSON of Bath, WHEELER of Kittery.

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent for concurrence.

Resolve, to Provide for the Effective Implementation of Anadromous Fish Restoration on the Upper Kennebec River System

(H.P. 78) (L.D. 70)

Sponsored by Representative FLETCHER of Winslow.

Cosponsored by Senator WESTON of Waldo and Representatives: BROWNE of Vassalboro, HONEY of Boothbay, KAELIN of Winterport, MUSE of Fryeburg, THOMPSON of China, TOBIN of Dexter, TRAHAN of Waldoboro, Senator: GAGNON of Kennebec.

Committee on **INLAND FISHERIES AND WILDLIFE** suggested.

On motion of Representative DUNLAP of Old Town, **TABLED** pending **REFERENCE** and later today assigned.

Bill "An Act To Ease Congestion in the Courts"

(H.P. 84) (L.D. 76)

Sponsored by Representative DAVIS of Falmouth.

Committee on **JUDICIARY** suggested and ordered printed.

REFERRED to the Committee on **JUDICIARY** and ordered printed.

Sent for concurrence.

Bill "An Act to Strengthen the Governor's Council on Landowner Relations"

(H.P. 60) (L.D. 52)

Sponsored by Representative TRAHAN of Waldoboro.

Cosponsored by Senator HALL of Lincoln and Representatives: DUNLAP of Old Town, HONEY of Boothbay, PINEAU of Jay,

RECTOR of Thomaston, TOBIN of Dexter, WHEELER of Kittery, Senator: CARPENTER of York.

Committee on **JUDICIARY** suggested.

On motion of Representative NORBERT of Portland, the Bill was **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**, ordered printed and sent for concurrence.

Bill "An Act to Improve Juvenile Rehabilitation"

(H.P. 80) (L.D. 72)

Sponsored by Representative SNOWE-MELLO of Poland.

Cosponsored by Senator MITCHELL of Penobscot and Representatives: CLOUGH of Scarborough, GERZOFISKY of Brunswick, HEIDRICH of Oxford, PATRICK of Rumford, Senators: CARPENTER of York, DAVIS of Piscataquis, MAYO of Sagadahoc, STRIMLING of Cumberland.

Committee on **JUDICIARY** suggested.

On motion of Representative NORBERT of Portland, the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, ordered printed and sent for concurrence.

Bill "An Act to Establish a Living Wage for Maine Citizens"

(H.P. 53) (L.D. 45)

Sponsored by Representative LAVERRIERE-BOUCHER of Biddeford.

Cosponsored by Senator BRYANT of Oxford and Representatives: CANAVAN of Waterville, DUDLEY of Portland, EARLE of Damariscotta, MARLEY of Portland, MARRACHÉ of Waterville, PINGREE of North Haven, SULLIVAN of Biddeford.

Bill "An Act to Discourage Unfounded Workers' Compensation Disputes"

(H.P. 64) (L.D. 56)

Sponsored by Representative SMITH of Van Buren.

Cosponsored by Senator BRYANT of Oxford and Representatives: HUTTON of Bowdoinham, JACKSON of Fort Kent, NORTON of Bangor, PINEAU of Jay.

Bill "An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed Less than Six Months"

(H.P. 76) (L.D. 68)

Sponsored by Speaker COLWELL of Gardiner.

Cosponsored by Senator EDMONDS of Cumberland and Representatives: DUNLAP of Old Town, HUTTON of Bowdoinham, NORTON of Bangor, THOMAS of Orono, WATSON of Bath, Senators: CATHCART of Penobscot, MAYO of Sagadahoc, STANLEY of Penobscot.

Bill "An Act to Ban Strikebreakers"

(H.P. 79) (L.D. 71)

Sponsored by Representative PINEAU of Jay.

Cosponsored by Senator CATHCART of Penobscot and Representatives: BLANCHETTE of Bangor, GERZOFISKY of Brunswick, JENNINGS of Leeds, NORTON of Bangor, O'BRIEN of Lewiston, PATRICK of Rumford, WATSON of Bath.

Committee on **LABOR** suggested and ordered printed.

REFERRED to the Committee on **LABOR** and ordered printed.

Sent for concurrence.

Bill "An Act to Reduce Workers' Compensation Costs for Self-insured Public Utilities"

(H.P. 72) (L.D. 64)

Sponsored by Representative O'NEIL of Saco.

Committee on **LABOR** suggested.

On motion of Representative SMITH of Van Buren, the Bill was **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, ordered printed and sent for concurrence.

Bill "An Act to Amend the Liquor Law as it Pertains to Special Taste-testing Festival Licenses"

(H.P. 62) (L.D. 54)

Sponsored by Representative BULL of Freeport.

Cosponsored by Senator MAYO of Sagadahoc and Representatives: BARSTOW of Gorham, DUDLEY of Portland, DUNLAP of Old Town, EDER of Portland, FISCHER of Presque Isle, THOMAS of Orono.

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

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

Sent for concurrence.

Bill "An Act To Allow Free Clinics To Purchase Medications and Supplies through State Contracts"

(H.P. 54) (L.D. 46)

Sponsored by Representative LAVERRIERE-BOUCHER of Biddeford.

Cosponsored by Senator BRYANT of Oxford and Representatives: BREault of Buxton, CANAVAN of Waterville, DUDLEY of Portland, MARLEY of Portland, MARRACHÉ of Waterville, PATRICK of Rumford, PINGREE of North Haven, SULLIVAN of Biddeford.

Bill "An Act to Amend Certain Provisions of the Program Evaluation and Government Accountability Laws"

(H.P. 59) (L.D. 51)

Sponsored by Representative TRAHAN of Waldoboro.

Cosponsored by Senator HALL of Lincoln and Representatives: DUNLAP of Old Town, SNOWE-MELLO of Poland.

Bill "An Act to Repeal the Mandate to Perambulate the Municipal Boundary Lines when there is No Boundary Dispute"

(H.P. 74) (L.D. 66)

Sponsored by Representative HEIDRICH of Oxford.

Cosponsored by Senator BENNETT of Oxford and Representatives: GAGNE-FRIEL of Buckfield, SNOWE-MELLO of Poland, TOBIN of Windham.

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent for concurrence.

Resolve, Requiring that the Waldo-Hancock Bridge be Replaced (EMERGENCY)

(H.P. 58) (L.D. 50)

Sponsored by Representative BERRY of Belmont.

Cosponsored by Senator WESTON of Waldo and Representatives: ASH of Belfast, BOWEN of Rockport,

CHURCHILL of Orland, CROSTHWAITE of Ellsworth, GOODWIN of Pembroke, KAELIN of Winterport, ROSEN of Bucksport, Senator: YOUNGBLOOD of Penobscot.

Bill "An Act to Protect Motor Vehicles From Dangerous Pedestrians"

(H.P. 71) (L.D. 63)

Sponsored by Representative O'NEIL of Saco.

Committee on **TRANSPORTATION** suggested and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** and ordered printed.

Sent for concurrence.

Bill "An Act to Ensure that Utility Property is used to Further the Public Interest"

(H.P. 75) (L.D. 67)

Sponsored by Representative GOODWIN of Pembroke.

Committee on **UTILITIES AND ENERGY** suggested and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed.

Sent for concurrence.

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

ORDERS

On motion of Representative DUPLESSIE of Westbrook, the following Joint Resolution: (H.P. 86) (Cosponsored by Senator WOODCOCK of Franklin and Representatives: BOWLES of Sanford, BRUNO of Raymond, Speaker COLWELL of Gardiner, RICHARDSON of Brunswick, Senators: President DAGGETT of Kennebec, DAVIS of Piscataquis, GAGNON of Kennebec, TREAT of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE DEPARTMENT OF LABOR TO ABANDON PLANS TO CONSOLIDATE OSHA OFFICES IN THE STATE OF MAINE

WE, your Memorialists, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the United States Department of Labor, Occupational Safety and Health Administration as follows:

WHEREAS, the United States Department of Labor, Occupational Safety and Health Administration is proposing to consolidate the Bangor and Portland offices in the State of Maine to one location in Augusta; and

WHEREAS, this consolidation will leave Maine with just one office while the remaining New England states, except Vermont, will have 7 OSHA offices to cover much smaller geographic areas; and

WHEREAS, this consolidation will do a disservice to Maine employers and workers alike, as Maine's geographic area is almost as large as the other New England states combined; and

WHEREAS, this consolidation is not required by either budget or program consideration; and

WHEREAS, this planned consolidation will in effect abandon the large areas north and east of Augusta, having an adverse effect on workers' safety and health; now, therefore be it

RESOLVED: That We, your Memorialists, oppose the combining of the 2 OSHA offices into one, which will only serve to expand the territory that the office can serve; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the members of the Maine Congressional Delegation and to Mr. John Henshaw of the Department of Labor, Occupational Safety and Health Administration in Washington, D.C.

READ.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to thank leadership for allowing this Joint Resolution in and also for agreeing to be the sponsors and cosponsors of this important resolution.

I would like to have taken the time to actually open this up for everyone to sign. This seems to be on the fast track and it is a very important issue to the employers and to the employees in the State of Maine.

I would like to call your attention to this, the immanent closing of the OSHA Offices in Bangor and in Portland. We must try to stop this from happening for a number of reasons. It is critical for response time by compliance officers to work sites in northern and eastern Maine. We all need to have great concern over the consolidation and relocation of the Portland and Bangor offices to Augusta, which is scheduled for February 15th or sooner. By relocating the Bangor office to Augusta the response time increases by 1.5 hours in travel time one way. Employers would have to travel in addition of three hours round trip for informal conferences or business meetings with OSHA officials. For some employers they are already traveling at least that time in one direction to reach Bangor now. Anyone with business sense will realize that that time is valuable, especially with small business owners. We look to the OSHA offices to follow its mission of supporting safe and healthy working conditions and response time for the protection of our workers rather than looking at numbers and statistics.

At the Bangor office it appears that the office was quietly going to pack up its staff of 14 and slip away in the dark of the night. In case people have forgotten, Senator George Mitchell and former Maine AFL-CIO president, Charles O'Leary, worked very hard for quite a few years to get this all located in the Bangor region to serve northern and eastern Maine.

The additional cost to relocate these two offices to Augusta will cost the taxpayers. Housing relocation costs must be paid to employees that live more than 50 miles from Augusta, which would include all the employees in Bangor and all the employees in the Portland area. If their homes did not sell, the government must also pick up that cost after a certain number of months go by. I thank you for your support of this resolution and I wish that anyone would have a chance to talk to anyone in the Congressional Delegation to please ask them to get on and stop this from happening. Thank you.

Subsequently, **ADOPTED.**

Sent for concurrence.

On motion of Representative SULLIVAN of Biddeford, the following Joint Order: (H.P. 85)

ORDERED, the Senate concurring, that Joint Rule 301, subsection 5 is amended to read:

5. Other Tasks. Performing other tasks assigned to them, including, but not limited to, reviewing specific provisions of law, conducting studies on assigned topics, issuing reports on policy

and legal issues of interest to the Legislature, reporting out specific legislation pursuant to joint order and authorizing the annual budgets of certain counties.

There are 17 joint standing committees, which must be appointed at the commencement of the first regular session and which exercise jurisdiction in the following areas:

Agriculture, conservation and forestry
 Appropriations and financial affairs
 Banking and insurance
~~Business and economic development~~ Business, research and economic development
 Criminal justice
 Education and cultural affairs
 Health and human services
 Inland fisheries and wildlife
 Judiciary
 Labor
 Legal and veterans affairs
 Marine resources
 Natural resources
 State and local government
 Taxation
 Transportation
 Utilities and energy

READ and PASSED.

Sent for concurrence. **ORDERED SENT FORTHWITH.**

On motion of Representative GLYNN of South Portland, the following House Order: (H.O. 11)

ORDERED, that House Rule 401, subsection 12 be amended to read:

12. Voting. A member who is in the House when a question is put shall vote, unless the presiding officer for reasons excuses that member. All electronic votes that are tallied electronically must be recorded by the yeas and nays without requiring a specific request for a roll call. When yeas and nays are ordered, a member may not leave the member's seat until the vote is declared. A call for yeas and nays must close no more than 30 minutes after a roll call is commenced. In all elections by the House, or on joint ballot of the Chambers, a member may not leave the member's seat after voting, before a return of the House is had. A member may not vote on any question before the House when that question immediately involves that member's private right as distinct from the public interest.

READ.

Representative RICHARDSON of Brunswick **REQUESTED** a roll call on **PASSAGE.**

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

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. Before you is an amendment to the House Rules concerning the voting procedures of the Legislature and how those votes are recorded. As a freshman legislator when I came in in the 119th Legislature, it was my opinion that when I cast my vote and I pressed either my yea or nay vote and the board lit up that, in fact, my vote was part of the public record and the public was aware on how I, as an individual legislator, voted. That was only half true. Some of the time those votes are part of the public record and some of those times those votes are not part of the public record. It is my belief that because we have these incredibly expensive voting machines present in the chamber, we

should be recording our public votes for the public to be aware of and see.

When we take and we vote by a division, in fact, those votes are not tallied. No one knows how individual legislators vote and the public record only reflects in some total how the vote went. You would see in the public record that the vote maybe went 120 to 31, but you wouldn't see how an individual Representative voted. It is only when an individual Representative stands up and requests a roll call vote that, in fact, that takes place. Additionally when a member stands up and asks for a roll call vote, if another member stands up and makes a counter motion like, for instance, a motion to Indefinitely Postpone, it kills the roll call vote and again, the vote doesn't become part of the public record.

Why would we not want our votes to be part of the public record individually? I think that this was put on the books a whole long time ago before we had electronic tallying machines when it did make a lot of sense. I would imagine 100 years ago it would be very difficult to record how each individual member votes. When, in fact, we do use our electronic ballot machines, our votes are recorded up on the board. Why not make them public? Why should we not be proud of each and every vote we cast? Why should we not want our constituents to know how we vote on each and every item? Every item on our calendar is very special. It is precious to someone or else it wouldn't be on our agenda. Why would we not want to be proud of our vote? I urge you to support the public's right to know, support this sunshine amendment and support the motion for passage. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Mr. Speaker, Men and Women of the House. The Rules Committee did consider this proposal from the good Representative from South Portland in the fall. What it came down to was we voted against it for these reasons. Number one, we do our share of roll calls within this body. A roll call is very freely granted with the express consent of one-fifth of those members who can raise their hand. It does, in fact, happen often. The fact of the matter is a roll call takes a while to hold open. A division, which often times precedes a roll call, can happen pretty quickly. It is a way for us to take a temperature on something. It is a handy administrative tool for the body. We decided to leave it the way it was for that reason.

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

ROLL CALL NO. 3

YEA - Andrews, Austin, Berry DP, Berube, Bierman, Bowen, Brown R, Campbell, Carr, Churchill JW, Clough, Collins, Cressey, Crosthwaite, Curley, Davis, Duprey B, Fletcher, Glynn, Greeley, Heidrich, Hotham, Joy, Kaelin, Ledwin, Lewin, Maietta, McKenney, McNeil, Millett, Moody, Moore G, Peavey-Haskell, Rector, Richardson M, Rogers, Rosen, Sherman, Snowe-Mello, Sukeforth, Tardy, Tobin D, Tobin J, Trahan, Vaughan, Young.

NAY - Adams, Annis, Ash, Barstow, Bennett, Blanchette, Bliss, Bowles, Brannigan, Breault, Browne W, Bruno, Bull, Bunker, Canavan, Churchill E, Clark, Cowger, Craven, Cummings, Daigle, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Goodwin, Grose, Hatch, Honey, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kane, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marrache, McCormick E, McGlocklin, McGowan, McKee, McLaughlin, Mills P, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Pellon, Percy LJ, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Rines, Sampson,

Saviello, Simpson, Smith N, Smith W, Stone, Sullivan, Suslovic, Sykes, Thompson, Twomey, Usher, Walcott, Watson T, Wheeler, Woodbury, Wotton, Mr. Speaker.

ABSENT - Bryant-Deschenes, Courtney, Dugay, Ketterer, Mills J, Murphy T, Muse K, Shields, Thomas, Treadwell.

Yes, 46; No, 95; Absent, 10; Excused, 0.

46 having voted in the affirmative and 95 voted in the negative, with 10 being absent, and accordingly the House Order **FAILED PASSAGE.**

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 12)

ORDERED, that Representative Paul J. Lessard of Topsham be excused Thursday, January 9th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas F. Shields of Auburn be excused Wednesday, January 8th and Thursday, January 9th for health reasons.

READ and PASSED.

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

The **SPEAKER:** On the Record. The Chair calls your attention to Roll Call 3, a House Order to Amend House Rule 401, Subsection 12. It has come to the Chair's attention that a member inadvertently and accidentally voted on another members voting switch.

According to Section 527 of Masons, "If a mistake has been made or a fraud has occurred in taking or announcing the vote and vote is immediately questioned, it may be treated as irregular and void and the vote may be retaken or it may be corrected. The vote may not be retaken if there has been a delay or other business. A legislative body always has authority to correct its record to make them state the truth." The Chair is ordering the Clerk to correct the vote. The correct vote will then be 46 yea and 95 nay as opposed to 96 nay.

The Chair would remind members that it is a violation of our rules to touch another member's voting buttons. I know things were kind of confused this morning. I know there was no malicious intent. It was certainly an honest mistake. The Chair would make that reminder to folks. Press your own buttons or the Chair will push them for you. Thank you.

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

SENATE PAPERS

The following Joint Order: (S.P. 28)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 21, 2003, at 10:00 in the morning.

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

READ and PASSED in concurrence.

ORDERS

On motion of Representative GOODWIN of Pembroke, the following Joint Order: (H.P. 49)

ORDERED, the Senate concurring, that the Joint Standing Committee on Utilities and Energy shall examine the structure of the fees imposed on businesses for the E-9-1-1 system, including, but not limited to, the current phone line limitation. The

committee also shall study the costs that have been imposed upon municipalities, including the costs of signs and mapping that were necessary to implement the E-9-1-1 system, and methods of returning some of those expenditures to those municipalities.

READ and PASSED.

Sent for concurrence. **ORDERED SENT FORTHWITH.**

Non-Concurrent Matter

Joint Order Relative to Amending Joint Rule 304 regarding Procedures for Public Hearings and Work Sessions

(H.P. 42)

READ and PASSED in the House on Tuesday, January 14, 2003.

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

On motion of Representative O'NEIL of Saco, the House voted to **ADHERE.**

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunlap who wishes to address the House on the record.

Representative **DUNLAP:** Mr. Speaker, Ladies and Gentlemen of the House. You will be receiving in your mailbox later today an announcement of services for a former colleague of ours in this chamber, the Honorable Howard Chick who passed away yesterday. He was a member of the Committee on Inland Fisheries and Wildlife and also the Marine Resources Committee in the 120th Legislature. He was President of the Maine Agricultural Fairs Association. He was a veteran of working in the shipyards of World War II. He was an overall gentleman and a pitcher who never gave up a hit that wasn't earned by the batter.

Howard was a good friend of mine and a good friend to everyone in this chamber. I just wrote to him last week how much we were going to miss him in our committee. He had a real knack for providing great wisdom in a short sentence. In case we don't meet again until next week, I wanted to say something now about my good friend from Lebanon, Representative Chick.

Bill "An Act to Protect the Privacy of Maine Nurses"

(S.P. 22) (L.D. 36)

Came from the Senate, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

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

Bill "An Act to Specify the Public Status of Disputed Ballots" (EMERGENCY)

(S.P. 27) (L.D. 41)

Came from the Senate, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

Bill "An Act to Rename the Town of Westport"

(S.P. 23) (L.D. 37)

Resolve, to Extend the Reporting Deadline of the Commission to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags (EMERGENCY)

(S.P. 26) (L.D. 40)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

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

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

ORDERS

On motion of Representative BRUNO of Raymond, the following Joint Order: (H.P. 88)

ORDERED, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 316 to read:

Rule 316. Penobscot Nation and Passamaquoddy Tribe.

The member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at the biennial session of the Legislature must be granted seats on the floor of the House of Representatives; be granted, by consent of the Speaker, the privilege of speaking on pending legislation; must be appointed to sit with joint standing committees as nonvoting members during the committees' deliberations; and be granted such other rights and privileges as may from time to time be voted by the House of Representatives. In reports from committees on which a tribal member serves, the position of the member must be noted and included.

READ

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

Representative **BRUNO:** Mr. Speaker, Men and Women of the House. This morning in caucus we invited the Representative from the Penobscot Nation, Representative Loring, to come and address the House Republican Caucus concerning tribal representation on committees. We had a very open and frank discussion with all members of our caucus and the Representative discussing why we were opposed to an order that was not presented. One of those concerns that we had as a caucus had to do with constitutionality of the US Constitution and the one person, one vote and a lot of other issues that flow from that. We had pledged our compromise as a caucus to the Representative that we were willing to work with the Tribal Representatives and solve this issue that has been in front of this Legislature for the last three or four terms that I am aware of.

I think this proposed Joint Rule gets to the heart of the matter. It doesn't make a Tribal Representative a full standing member of a committee, but it allows them the opportunity to state their position on a bill in front of their committee. That is what this order is intended to do. I think it does that. I believe I have the support of a majority of my caucus. I can't say it is unanimous, but I would like to hear from the good Representative Loring and Moore if they choose to, because I think this really gets to the heart of the matter. I think it is a good bipartisan effort to deal with this issue once and for all. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative **LORING**: Mr. Speaker, Men and Women of the House. Yes, I did have a very open and candid discussion with the Republican Caucus this morning. I do think that we reached a very good compromise, which it was really surprising to me that we actually could. I felt invisible in the committee for four or five years now. I have been trying to do something about that. This may not seem much to people here to allow Tribal Representative's opinions to be on the committee record, but to me it means a great deal because it means that we are finally being heard. We have been invisible on this committee. I hope that my caucus here will vote for this. It is a great bipartisan agreement. I want to thank everybody, including Representative Norbert who put a great deal of time into this and Representative Bruno and everybody. Thank you.

Subsequently, **PASSED**.

Sent for concurrence. **ORDERED SENT FORTHWITH**.

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

On motion of Representative DUNLAP of Old Town, the House adjourned at 12:10 p.m., until 10:00 a.m., Tuesday, January 21, 2003 pursuant to the Joint Order (S.P. 28) and in honor and lasting tribute to the Honorable Howard A. Chick, of Lebanon.