

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
13th Legislative Day
Tuesday, February 11, 2003

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

Prayer by Pastor Carol Prosser, South China (retired).
National Anthem by Stearns High School Jazz Ensemble, Millinocket.
Pledge of Allegiance.

At this point, a message came from the Senate, borne by Senator Treat of Kennebec of that Body, proposing a Joint Convention to be held in the Hall of the House at 10:30 in the morning for the purpose of extending to the Honorable Leigh I. Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the Judiciary, an invitation to attend the Joint Convention and to make such communication as pleases the Chief Justice.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 10:30 in the morning and the Speaker appointed Representative RICHARDSON of Brunswick to convey this message to the Senate.

The Journal of Thursday, February 6, 2003 was read and approved.

SENATE PAPERS

Bill "An Act To Ensure Access to Expert Testimony"
(S.P. 177) (L.D. 537)

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

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

On motion of Representative NORBERT of Portland, **TABLED** pending **REFERENCE** and later today assigned.

Non-Concurrent Matter

Joint Order Directing the Joint Standing Committee on Utilities and Energy To Review Necessary Changes to the Electric Restructuring Law of 1997

(H.P. 335)

READ and **PASSED** in the House on February 4, 2003.

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

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

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide That the State Fund 100 Percent of Education for Students from Kindergarten to Postsecondary School

(H.P. 394) (L.D. 509)

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in the House on February 6, 2003.

Came from the Senate **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Encourage Open Space Preservation"
(H.P. 410) (L.D. 525)

REFERRED to the Committee on **TAXATION** in the House on February 6, 2003.

Came from the Senate **REFERRED** to the Committee on **NATURAL RESOURCES** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 31)

STATE OF MAINE

121ST MAINE LEGISLATURE

January 27, 2003

Leigh Ingalls Saufley, Chief Justice

Maine Supreme Court

Cumberland County Courthouse

P.O. Box 368

Portland, ME 04112

Dear Chief Justice Saufley:

We are pleased to invite you to address a Joint Session of the 121st Maine Legislature on Tuesday, February 11, 2003 at 10:30 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Beverly C. Daggett

President of the Senate

S/Patrick Colwell

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 32)

STATE OF MAINE

SUPREME JUDICIAL COURT

January 29, 2003

Senator Beverly C. Daggett

President of the Senate

3 State House Station

Augusta, Maine 04333-0003

Representative Patrick Colwell

Speaker of the House

2 State House Station

Augusta, Maine 04333-0002

Dear President Daggett and Speaker Colwell:

I am pleased to accept your invitation to address a Joint Session of the 121st Maine Legislature on Tuesday, February 11, 2003. I appreciate the courtesy of the Legislative Branch of government in permitting me to address the cause of justice in Maine.

I look forward to seeing you on February 11, 2003.

Sincerely,

S/Leigh I. Saufley

Chief Justice

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 34)

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

February 5, 2003

Hon. Millicent M. MacFarland

Clerk of the House

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under M.R.S.A. Title 1 § 534, I am pleased to appoint Richard Trahey of Winthrop to serve as a public member of the InforME Board.

If you have any questions regarding this appointment, please do not hesitate to contact me.

Sincerely,

S/Patrick Colwell

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 33)

**STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
35 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0035**

February 3, 2003

The Honorable Patrick Colwell

Speaker of the House

2 State House Station

Augusta, Maine 04333-0002

Re: Annual Report on Charitable Fundraising Activity

Dear Speaker Colwell:

Pursuant to the Charitable Solicitations Act, 9 MRSA, §5010, enclosed please find the 2002 Annual Report on the fundraising activity of charitable organizations in the State of Maine. Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,

S/Anne L. Head

Acting Commissioner

READ and with accompanying papers ORDERED PLACED ON FILE.

Subsequently, Representative RICHARDSON of Brunswick reported that he had delivered the message with which he was charged.

The Following Communication: (S.C. 36)

**MAINE SENATE
121ST LEGISLATURE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333**

February 6, 2003

Honorable Patrick Colwell

Speaker of the House

2 State House Station

Augusta, ME 04333

Dear Speaker Colwell:

In accordance with Joint Rule 506 of the 121st Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Joint Standing Committee on Marine Resources, the nomination of George Lapointe of Hallowell, for appointment as the Commissioner of the Department of Marine Resources.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Eliminate a Defunct Account in the Department of Agriculture, Food and Rural Resources" (EMERGENCY)

(H.P. 433) (L.D. 570)

Sponsored by Representative SMITH of Monmouth.
(GOVERNOR'S BILL)

Cosponsored by Senator HALL of Lincoln and Representatives: CARR of Lincoln, FLETCHER of Winslow, JENNINGS of Leeds, LUNDEEN of Mars Hill, THOMPSON of China, Senators: KNEELAND of Aroostook, STRIMLING of Cumberland, WESTON of Waldo.

Resolve, To Allow Public Camping on Number 9 Lake in Aroostook County

(H.P. 450) (L.D. 620)

Sponsored by Representative SHERMAN of Hodgdon.

Cosponsored by Representatives: CARR of Lincoln, JACKSON of Fort Kent, JOY of Crystal, PEAVEY-HASKELL of Greenbush.

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.

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$50,000,000 To Fund Renovating or Replacing Civic Centers Statewide"

(H.P. 445) (L.D. 582)

Sponsored by Representative BULL of Freeport.

Cosponsored by Senator YOUNGBLOOD of Penobscot and Representatives: BARSTOW of Gorham, BLANCHETTE of Bangor, LERMAN of Augusta, MARLEY of Portland, NORTON of Bangor, PERRY of Bangor, SUSLOVIC of Portland, Senator: STRIMLING of Cumberland.

Bill "An Act To Provide Funding for a Superior Court Building in Washington County"

(H.P. 457) (L.D. 627)

Sponsored by Representative GOODWIN of Pembroke.

Cosponsored by Representatives: BUNKER of Kossuth Township, DUGAY of Cherryfield, PELLON of Machias, PERRY of Calais.

Bill "An Act To Provide Funding for the Maine-Canada Trade Ombudsman"

(H.P. 464) (L.D. 634)

Sponsored by Representative SHERMAN of Hodgdon.
Cosponsored by Senator STANLEY of Penobscot and Representatives: CARR of Lincoln, CHURCHILL of Washburn, CLARK of Millinocket, DAVIS of Falmouth, DUPREY of Medway, GOODWIN of Pembroke, JACKSON of Fort Kent, JOY of Crystal.

Bill "An Act To Improve Technology Funding"

(H.P. 480) (L.D. 650)

Sponsored by Representative ROSEN of Bucksport.
Cosponsored by Senator SHOREY of Washington and Representative: SULLIVAN of Biddeford, Senators: MARTIN of Aroostook, TURNER of Cumberland.

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Economic Development"

(H.P. 482) (L.D. 652)

Sponsored by Representative BRANNIGAN of Portland.
Cosponsored by President DAGGETT of Kennebec and Representatives: BLANCHETTE of Bangor, DUDLEY of Portland, FAIRCLOTH of Bangor, MAILHOT of Lewiston, ROSEN of Bucksport, Senators: CATHCART of Penobscot, ROTUNDO of Androscoggin, TURNER of Cumberland.

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 Concerning the Fair Application of the Mechanic's Lien Laws"

(H.P. 443) (L.D. 580)

Sponsored by Representative COWGER of Hallowell.
Cosponsored by Senator BROMLEY of Cumberland and Representatives: DUPREY of Medway, KOFFMAN of Bar Harbor, RECTOR of Thomaston, ROGERS of Brewer, SMITH of Monmouth, SULLIVAN of Biddeford, SUSLOVIC of Portland, Senator: HALL of Lincoln.

Bill "An Act To Allow the Practice of Optometry on the Same Premises As an Optical Shop or Other Establishment"

(H.P. 479) (L.D. 649)

Sponsored by Representative SULLIVAN of Biddeford.
Cosponsored by Senator HATCH of Somerset and Representatives: DUPREY of Medway, O'BRIEN of Lewiston, RECTOR of Thomaston, ROGERS of Brewer, SMITH of Monmouth.

Bill "An Act To Create Economic Development Zones" (EMERGENCY)

(H.P. 493) (L.D. 663)

Sponsored by Representative CLARK of Millinocket.
Cosponsored by Senator MARTIN of Aroostook and Representatives: DUPREY of Medway, GOODWIN of Pembroke, JOY of Crystal, LUNDEEN of Mars Hill, WATSON of Bath, Senators: DAVIS of Piscataquis, STANLEY of Penobscot.

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

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

Sent for concurrence.

Bill "An Act Creating Residency Requirements for Sexually Violent Predators"

(H.P. 465) (L.D. 635)

Sponsored by Representative O'BRIEN of Augusta.
Cosponsored by Representative CANAVAN of Waterville, President DAGGETT of Kennebec and Representatives: LERMAN of Augusta, MUSE of Fryeburg, NUTTING of Oakland.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

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

Sent for concurrence.

Resolve, Directing the Department of Education to Use Money for School Transportation Costs for Payment of School Crossing Guards

(H.P. 454) (L.D. 624)

Sponsored by Representative SUSLOVIC of Portland.
Cosponsored by Senator EDMONDS of Cumberland and Representatives: CUMMINGS of Portland, FISCHER of Presque Isle, KOFFMAN of Bar Harbor, SAMPSON of Auburn, Senators: BRENNAN of Cumberland, BROMLEY of Cumberland, ROTUNDO of Androscoggin.

Resolve, Directing the Department of Education To Develop Standards for Outdoor Playground Surfaces

(H.P. 458) (L.D. 628)

Sponsored by Representative TRAHAN of Waldoboro.
Cosponsored by Senator HALL of Lincoln and Representatives: BOWLES of Sanford, BRUNO of Raymond, CANAVAN of Waterville, CARR of Lincoln, DAVIS of Falmouth, DUGAY of Cherryfield, DUPREY of Hampden, Senator: PENDLETON of Cumberland.

Bill "An Act To Implement a Recommendation of the Commission on Fatherhood Issues Related to Parental Notice of School Activities and Programs"

(H.P. 471) (L.D. 641)

Sponsored by Representative CUMMINGS of Portland.
Cosponsored by Senator PENDLETON of Cumberland and Representatives: BLISS of South Portland, SAMPSON of Auburn, SUSLOVIC of Portland.

Bill "An Act To Repeal the Fingerprinting Requirement for Teachers and School Employees"

(H.P. 483) (L.D. 653)

Sponsored by Representative DAVIS of Falmouth.
Cosponsored by Representatives: FINCH of Fairfield, PARADIS of Frenchville, Senator CATHCART of Penobscot and Representatives: ANNIS of Dover-Foxcroft, HUTTON of Bowdoinham, NORTON of Bangor, SNOWE-MELLO of Poland, TRAHAN of Waldoboro, TWOMEY of Biddeford, Senators: DAVIS of Piscataquis, HALL of Lincoln.

Bill "An Act To Create the Maine Humanities Authority"

(H.P. 490) (L.D. 660)

Sponsored by Representative DUNLAP of Old Town.
Cosponsored by Senator MARTIN of Aroostook and Representatives: ADAMS of Portland, COWGER of Hallowell, KOFFMAN of Bar Harbor, McKEE of Wayne, NORBERT of Portland, PERRY of Bangor, SUSLOVIC of Portland, Senator: ROTUNDO of Androscoggin.

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 Strengthen the Maine Certificate of Need Act of 2002"

(H.P. 447) (L.D. 584)

Sponsored by Representative TRAHAN of Waldoboro.

Bill "An Act to Establish a Statewide Primary and Preventive Health Care Program"

(H.P. 448) (L.D. 585)

Sponsored by Representative TRAHAN of Waldoboro.

Cosponsored by Senator HALL of Lincoln and Representatives: BUNKER of Kossuth Township, CUMMINGS of Portland, DUNLAP of Old Town, McKEE of Wayne.

Resolve, To Establish a Committee To Examine the Cost-effectiveness of the State Long-term Care Assessment System

(H.P. 452) (L.D. 622)

Sponsored by Representative DUDLEY of Portland.

Cosponsored by Senator MARTIN of Aroostook and Representatives: CAMPBELL of Newfield, DUGAY of Cherryfield, KANE of Saco, LAVERRIERE-BOUCHER of Biddeford, MAKAS of Lewiston, WALCOTT of Lewiston, Senator: BRENNAN of Cumberland.

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 Ensure Equality in Mental Health Coverage"

(H.P. 429) (L.D. 566)

Sponsored by Representative DUDLEY of Portland.

Under suspension of the rules, cosponsored by President DAGGETT of Kennebec and Representatives: ADAMS of Portland, ASH of Belfast, BARSTOW of Gorham, BLANCHETTE of Bangor, BLISS of South Portland, BRANNIGAN of Portland, BREault of Buxton, BULL of Freeport, BUNKER of Kossuth Township, CANAVAN of Waterville, CLARK of Millinocket, Speaker COLWELL of Gardiner, COWGER of Hallowell, CUMMINGS of Portland, DUGAY of Cherryfield, DUNLAP of Old Town, DUPLESSIE of Westbrook, EARLE of Damariscotta, EDER of Portland, FAIRCLOTH of Bangor, FINCH of Fairfield, FISCHER of Presque Isle, GAGNE-FRIEL of Buckfield, GERZOFISKY of Brunswick, GOODWIN of Pembroke, GREELEY of Levant, HATCH of Skowhegan, HUTTON of Bowdoinham, KANE of Saco, KOFFMAN of Bar Harbor, LANDRY of Sanford, LAVERRIERE-BOUCHER of Biddeford, LEMOINE of Old Orchard Beach, LERMAN of Augusta, LESSARD of Topsham, MAILHOT of Lewiston, MAKAS of Lewiston, MARLEY of Portland, MARRACHÉ of Waterville, McGLOCKLIN of Embden, McGOWAN of Pittsfield, McKEE of Wayne, McLAUGHLIN of Cape Elizabeth, McNEIL of Rockland, MILLETT of Waterford, NORBERT of Portland, NORTON of Bangor, O'BRIEN of Augusta, O'BRIEN of Lewiston, O'NEIL of Saco, PARADIS of Frenchville, PATRICK of Rumford, PERCY of Phippsburg, PERRY of Calais, PERRY of Bangor, PINEAU of Jay, PINGREE of North Haven, PIOTTI of Unity, RICHARDSON of Brunswick,

RINES of Wiscasset, ROGERS of Brewer, SAMPSON of Auburn, SIMPSON of Auburn, SMITH of Monmouth, SMITH of Van Buren, SULLIVAN of Biddeford, SUSLOVIC of Portland, THOMAS of Orono, THOMPSON of China, TWOMEY of Biddeford, WALCOTT of Lewiston, WATSON of Bath, WHEELER of Kittery, WOODBURY of Yarmouth, WOTTON of Littleton, Senators: BRENNAN of Cumberland, BROMLEY of Cumberland, BRYANT of Oxford, CATHCART of Penobscot, DAMON of Hancock, DOUGLASS of Androscoggin, EDMONDS of Cumberland, GAGNON of Kennebec, HALL of Lincoln, HATCH of Somerset, LaFOUNTAIN of York, LEMONT of York, MARTIN of Aroostook, PENDLETON of Cumberland, ROTUNDO of Androscoggin, SAWYER of Penobscot, STANLEY of Penobscot, STRIMLING of Cumberland, TREAT of Kennebec.

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

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

Bill "An Act To Increase the Collection of Child Support"

(H.P. 459) (L.D. 629)

Sponsored by Representative SIMPSON of Auburn.

Cosponsored by Senator PENDLETON of Cumberland and Representatives: COWGER of Hallowell, DUDLEY of Portland, GERZOFISKY of Brunswick, WALCOTT of Lewiston, Senator: STRIMLING of Cumberland.

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 Increase Fish Stocking in Aroostook County"

(H.P. 428) (L.D. 565)

Sponsored by Representative JACKSON of Fort Kent.

Cosponsored by Senator MARTIN of Aroostook and Representatives: BENNETT of Caribou, CHURCHILL of Washburn, Speaker COLWELL of Gardiner, DUNLAP of Old Town, FISCHER of Presque Isle, PARADIS of Frenchville, SMITH of Van Buren, WOTTON of Littleton.

Bill "An Act To Allow the Use of All Deer Parts"

(H.P. 456) (L.D. 626)

Sponsored by Representative BRYANT-DESCHENES of Turner. Cosponsored by Senator BLAIS of Kennebec and Representatives: CROSTHWAITE of Ellsworth, JENNINGS of Leeds, PINEAU of Jay, TRAHAN of Waldoboro.

Bill "An Act To Prohibit Personal Watercraft on Lake St. George in the Town of Liberty"

(H.P. 477) (L.D. 647)

Sponsored by Representative PIOTTI of Unity.

Cosponsored by Senator WESTON of Waldo.

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.

Bill "An Act To Prohibit Mandatory Arbitration in Health Carrier Contracts"

(H.P. 460) (L.D. 630)

Sponsored by Representative CANAVAN of Waterville.
Cosponsored by Senator TREAT of Kennebec and Representatives: DUDLEY of Portland, LAVERRIERE-BOUCHER of Biddeford, MAKAS of Lewiston, MARRACHÉ of Waterville, PERRY of Calais, SMITH of Van Buren, YOUNG of Limestone.

Bill "An Act To Amend the Laws Governing Privacy of Consumer Financial Information"

(H.P. 491) (L.D. 661)

Sponsored by Representative DUDLEY of Portland.
Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: CANAVAN of Waterville, CLOUGH of Scarborough, MURPHY of Kennebunk, SIMPSON of Auburn, SMITH of Van Buren, Senators: EDMONDS of Cumberland, HALL of Lincoln.

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent for concurrence.

Bill "An Act Requiring Payment of Child Support by Incarcerated Individuals"

(H.P. 444) (L.D. 581)

Sponsored by Representative TRAHAN of Waldoboro.
Cosponsored by Representative: DUNLAP of Old Town, Senator: HALL of Lincoln.

Bill "An Act To Clarify and Improve the Fairness of the Law of Trustee Process"

(H.P. 449) (L.D. 586)

Sponsored by Representative NORBERT of Portland.
Cosponsored by Senator PENDLETON of Cumberland and Representatives: MUSE of Fryeburg, SHERMAN of Hodgdon, TARDY of Newport, Senators: BRENNAN of Cumberland, LaFOUNTAIN of York, MAYO of Sagadahoc.

Bill "An Act To Repeal the Forest Products Antitrust Exemption"

(H.P. 487) (L.D. 657)

Sponsored by Representative SMITH of Van Buren.
Cosponsored by Senator MARTIN of Aroostook and Representatives: ASH of Belfast, BLANCHETTE of Bangor, DUPREY of Medway, JACKSON of Fort Kent, O'BRIEN of Lewiston, WATSON of Bath, Senators: EDMONDS of Cumberland, HALL of Lincoln.

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

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

Sent for concurrence.

Bill "An Act To Encourage Workers' Compensation Dispute Resolutions"

(H.P. 438) (L.D. 575)

Sponsored by Representative SMITH of Van Buren.
Cosponsored by Senator EDMONDS of Cumberland and Representatives: HATCH of Skowhegan, HUTTON of

Bowdoinham, NORTON of Bangor, PATRICK of Rumford, WATSON of Bath.

Bill "An Act To Improve the Operation of the Workers' Compensation Board"

(H.P. 488) (L.D. 658)

Sponsored by Representative SMITH of Van Buren.
Cosponsored by Senator EDMONDS of Cumberland and Representatives: CANAVAN of Waterville, DUPLESSIE of Westbrook, HATCH of Skowhegan, HUTTON of Bowdoinham, PATRICK of Rumford, Senator: MARTIN of Aroostook.

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

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

Sent for concurrence.

Bill "An Act To Increase the Sale of Lottery Tickets To Benefit Conservation and Wildlife"

(H.P. 441) (L.D. 578)

Sponsored by Representative DUPLESSIE of Westbrook.
Cosponsored by Senator BRYANT of Oxford and Representatives: CLARK of Millinocket, HATCH of Skowhegan, PINEAU of Jay, SMITH of Monmouth, WATSON of Bath, Senators: CARPENTER of York, HALL of Lincoln, HATCH of Somerset.

Bill "An Act Regarding the Sale of Hard Cider"

(H.P. 455) (L.D. 625)

Sponsored by Representative HEIDRICH of Oxford.
Cosponsored by Senator MAYO of Sagadahoc and Representatives: CLARK of Millinocket, COLLINS of Wells, McKENNEY of Cumberland.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Voting Age Qualifications by 12 Months

(H.P. 470) (L.D. 640)

Sponsored by Representative CUMMINGS of Portland.
Cosponsored by Representative THOMPSON of China, Senator GAGNON of Kennebec and Representatives: BARSTOW of Gorham, BLISS of South Portland, BOWEN of Rockport, BULL of Freeport, CLARK of Millinocket, DAVIS of Falmouth, McLAUGHLIN of Cape Elizabeth, PINGREE of North Haven.

Bill "An Act To Ensure the Economic Viability of the Harness Racing Industry"

(H.P. 472) (L.D. 642)

Sponsored by Representative USHER of Westbrook.
Cosponsored by Senator PENDLETON of Cumberland and Representatives: CLARK of Millinocket, DUGAY of Cherryfield, HATCH of Skowhegan, SHERMAN of Hodgdon, TARDY of Newport.

Bill "An Act to Allow Beverage Sales from Mobile Service Bars on Golf Courses"

(H.P. 486) (L.D. 656)

Sponsored by Representative BROWNE of Vassalboro.
Cosponsored by Representative HEIDRICH of Oxford, Senator MAYO of Sagadahoc and Representatives: BRUNO of Raymond, COLLINS of Wells, HONEY of Boothbay, McCORMICK of West Gardiner, McGOWAN of Pittsfield, McKENNEY of Cumberland, McNEIL of Rockland, TARDY of Newport.

Bill "An Act To Standardize Reporting Requirements for PACs, Parties and Independent Electioneering Expenditures"

(H.P. 489) (L.D. 659)

Sponsored by Representative CANAVAN of Waterville.

Cosponsored by Senator GAGNON of Kennebec and Representatives: BARSTOW of Gorham, CLARK of Millinocket, HUTTON of Bowdoinham, JENNINGS of Leeds, MARLEY of Portland, MOORE of Standish, NORBERT of Portland, Senator: MAYO of Sagadahoc.

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 Clarifying Municipalities' Authority to Assign Mooring Permits"

(H.P. 478) (L.D. 648)

Sponsored by Representative EDER of Portland.

Cosponsored by Representatives: ASH of Belfast, SULLIVAN of Biddeford.

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

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

Sent for concurrence.

Bill "An Act To Amend Shoreline Zoning"

(H.P. 453) (L.D. 623)

Sponsored by Representative SAVIELLO of Wilton.

Cosponsored by Representative: COWGER of Hallowell, Senator: WOODCOCK of Franklin.

Bill "An Act to Establish a Process to Classify Water Bodies as Impaired"

(H.P. 462) (L.D. 632)

Sponsored by Representative McLAUGHLIN of Cape Elizabeth.

Cosponsored by Representatives: BARSTOW of Gorham, DAIGLE of Arundel, KETTERER of Madison, STONE of Berwick, SUSLOVIC of Portland, Senator: HALL of Lincoln.

Bill "An Act To Provide for Local Approval of Existing or Former Hydropower Projects To Enable Prioritization of Renewable Indigenous Energy Generation in Maine"

(H.P. 463) (L.D. 633)

Sponsored by Representative FLETCHER of Winslow.

Cosponsored by Senator STANLEY of Penobscot.

Bill "An Act to Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Site in Plymouth" (EMERGENCY)

(H.P. 475) (L.D. 645)

Sponsored by Representative CARR of Lincoln.

Cosponsored by Senator STANLEY of Penobscot and Representatives: CLARK of Millinocket, CLOUGH of Scarborough, FAIRCLOTH of Bangor, JACKSON of Fort Kent, JODREY of Bethel, McGLOCKLIN of Embden, McGOWAN of Pittsfield, SHERMAN of Hodgdon.

Bill "An Act To Address Reporting of Certain Low-quantity Oil Releases"

(H.P. 481) (L.D. 651)

Sponsored by Representative SAVIELLO of Wilton.

Cosponsored by Senator MARTIN of Aroostook and Representatives: ANNIS of Dover-Foxcroft, JENNINGS of Leeds, JOY of Crystal, PINEAU of Jay, THOMPSON of China, TOBIN of Windham, Senators: SAWYER of Penobscot, WOODCOCK of Franklin.

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

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

Sent for concurrence.

Resolve, To Study the Impact of a Statewide System for the Electronic Filing of Deeds

(H.P. 431) (L.D. 568)

Sponsored by Representative McLAUGHLIN of Cape Elizabeth.

Cosponsored by Senator YOUNGBLOOD of Penobscot and Representatives: BULL of Freeport, COWGER of Hallowell, KOFFMAN of Bar Harbor, TARDY of Newport, WOODBURY of Yarmouth, Senator: HALL of Lincoln.

Bill "An Act Concerning the Status of the Maine County Commissioners' Association and the Maine Sheriffs' Association as County Advisory Organizations"

(H.P. 461) (L.D. 631)

Sponsored by Representative McLAUGHLIN of Cape Elizabeth.

Cosponsored by Senator PENDLETON of Cumberland and Representatives: BLANCHETTE of Bangor, BUNKER of Kossuth Township, LESSARD of Topsham, MUSE of Fryeburg, SUSLOVIC of Portland, Senator: YOUNGBLOOD of Penobscot.

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.

Bill "An Act To Prohibit Government-subsidized Competition with Lodging Establishments"

(H.P. 430) (L.D. 567)

Sponsored by Representative McLAUGHLIN of Cape Elizabeth.

Cosponsored by Representative: SULLIVAN of Biddeford, Senators: BROMLEY of Cumberland, HALL of Lincoln.

Bill "An Act To Restrict a School District from the Wholesale Attachment of Personal Property if a Town Defaults on Its School Commitment"

(H.P. 435) (L.D. 572)

Sponsored by Representative BUNKER of Kossuth Township.

Cosponsored by Senator GAGNON of Kennebec.

Bill "An Act To Provide Property Tax Relief to Elderly Maine Citizens"

(H.P. 436) (L.D. 573)

Sponsored by Representative COWGER of Hallowell.

Cosponsored by Senator STANLEY of Penobscot and Representatives: CLOUGH of Scarborough, HUTTON of Bowdoinham, LERMAN of Augusta, SIMPSON of Auburn, SUSLOVIC of Portland, Senators: GAGNON of Kennebec, NASS of York, STRIMLING of Cumberland.

Bill "An Act To Provide a Property Tax Exemption for Parents Whose Children Attend a Private Elementary or Secondary School"

(H.P. 442) (L.D. 579)

Sponsored by Representative COLLINS of Wells.
Cosponsored by Senator NASS of York and Representatives: ANDREWS of York, CRESSEY of Baldwin, DAVIS of Falmouth, HEIDRICH of Oxford, McKENNEY of Cumberland.

Bill "An Act To Amend the Laws Governing the Deduction of Pensions, Retirement Benefits and Other Income from State Income Tax"

(H.P. 446) (L.D. 583)

Sponsored by Representative CLOUGH of Scarborough.
Cosponsored by Representative CRESSEY of Baldwin, Senator BENNETT of Oxford and Representatives: ANDREWS of York, BOWLES of Sanford, CARR of Lincoln, DAVIS of Falmouth, DUGAY of Cherryfield, JOY of Crystal, MURPHY of Kennebunk, Senator: STANLEY of Penobscot.

Bill "An Act To Provide a Property Tax Exemption to All Veterans of the United States Armed Forces"

(H.P. 473) (L.D. 643)

Sponsored by Representative LEDWIN of Holden.
Cosponsored by Senators: DOUGLASS of Androscoggin, ROTUNDO of Androscoggin and Representatives: BLANCHETTE of Bangor, BOWLES of Sanford, CLARK of Millinocket, DUPREY of Hampden, HEIDRICH of Oxford, JOY of Crystal, LORING of the Penobscot Nation, TREADWELL of Carmel.

Bill "An Act To Establish a Flat Tax Rate for the Maine Income Tax"

(H.P. 484) (L.D. 654)

Sponsored by Representative CRESSEY of Baldwin.
Cosponsored by Representatives: BERRY of Belmont, JOY of Crystal, MOORE of Standish, SNOWE-MELLO of Poland, VAUGHAN of Durham.

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

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

Sent for concurrence.

Bill "An Act To Clarify the Definition of Commercial Agricultural Production"

(H.P. 437) (L.D. 574)

Sponsored by Representative DAIGLE of Arundel.
Cosponsored by Senator MARTIN of Aroostook and Representatives: CARR of Lincoln, HONEY of Boothbay, PINEAU of Jay, Senators: KNEELAND of Aroostook, NASS of York.

Committee on **TAXATION** suggested.

On motion of Representative LEMOINE of Old Orchard Beach, **TABLED** pending **REFERENCE** and later today assigned.

Bill "An Act To Improve the Safety of Public Roads"

(H.P. 434) (L.D. 571)

Sponsored by Representative COWGER of Hallowell.
Cosponsored by Senator SAVAGE of Knox and Representatives: ANDREWS of York, BUNKER of Kossuth Township, FAIRCLOTH of Bangor, MARRACHÉ of Waterville, PARADIS of

Frenchville, SULLIVAN of Biddeford, USHER of Westbrook, Senator: HATCH of Somerset.

Bill "An Act Concerning the Use of Safety Rear View Mirrors"

(H.P. 439) (L.D. 576)

Sponsored by Representative CLOUGH of Scarborough.
Cosponsored by Senator STANLEY of Penobscot and Representatives: CARR of Lincoln, CLARK of Millinocket, COLLINS of Wells, DAVIS of Falmouth, DUNLAP of Old Town, JOY of Crystal, McKENNEY of Cumberland, USHER of Westbrook.

Bill "An Act To Increase the Debt Limit of the Rockland Port District"

(H.P. 451) (L.D. 621)

Sponsored by Representative McNEIL of Rockland.
Cosponsored by Senator SAVAGE of Knox.

Bill "An Act To Enhance the Visibility of Pedestrian Crosswalks"

(H.P. 467) (L.D. 637)

Sponsored by Representative USHER of Westbrook.
Cosponsored by Senator GILMAN of Cumberland and Representatives: COLLINS of Wells, JODREY of Bethel, MARLEY of Portland, McNEIL of Rockland, SAMPSON of Auburn.

Bill "An Act To Assist Low-income Families To Comply with the Booster Seat Law" (EMERGENCY)

(H.P. 474) (L.D. 644)

Sponsored by Representative CRESSEY of Baldwin.
Cosponsored by Senator SAVAGE of Knox and Representatives: COLLINS of Wells, MARLEY of Portland, MARRACHÉ of Waterville, McKENNEY of Cumberland, McNEIL of Rockland, MURPHY of Kennebunk, SULLIVAN of Biddeford, Senator: GILMAN of Cumberland.

Bill "An Act To Increase the Payment for State Police Services on the Maine Turnpike"

(H.P. 492) (L.D. 662)

Sponsored by Representative McKENNEY of Cumberland.

Bill "An Act To Make Changes to the Laws Governing the Tax on Motor Fuel"

(H.P. 494) (L.D. 664)

Sponsored by Representative McKENNEY of Cumberland.

Cosponsored by Representative: COLLINS of Wells.

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

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

Sent for concurrence.

Bill "An Act To Improve Highway Safety Regarding Methadone"

(H.P. 466) (L.D. 636)

Sponsored by Representative MAIETTA of South Portland.

Cosponsored by Representatives: BUNKER of Kossuth Township, CARR of Lincoln, McKENNEY of Cumberland.

Committee on **TRANSPORTATION** suggested.

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

Bill "An Act To Discourage Driving While Under the Influence of Methadone"

(H.P. 468) (L.D. 638)

Sponsored by Representative MAIETTA of South Portland.
Cosponsored by Representatives: BUNKER of Kossuth Township, CARR of Lincoln, McKENNEY of Cumberland.

Committee on **TRANSPORTATION** suggested.

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

Bill "An Act To Allow the Secretary of State To Issue Restricted Licenses for Work Purposes for Drivers with 2 or Fewer Operating-under-the-Influence Convictions"

(H.P. 476) (L.D. 646)

Sponsored by Representative CARR of Lincoln.
Cosponsored by Senator STANLEY of Penobscot and Representatives: COLLINS of Wells, NORBERT of Portland.

Committee on **TRANSPORTATION** suggested.

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

Bill "An Act To Allow the Public Utilities Commission To Exempt Certain Telephone Utilities from the Requirement To Obtain Approval for Special Contracts"

(H.P. 432) (L.D. 569)

Sponsored by Representative BLISS of South Portland.
Cosponsored by Senator HALL of Lincoln and Representative: RINES of Wiscasset.
Submitted by the Public Utilities Commission pursuant to Joint Rule 204.

Bill "An Act To Facilitate Access to Dial-up Internet Service for Telephone Customers Throughout the State"

(H.P. 440) (L.D. 577)

Sponsored by Representative BLISS of South Portland.
Cosponsored by Senator HALL of Lincoln and Representatives: CLARK of Millinocket, DUDLEY of Portland, FISCHER of Presque Isle, McKEE of Wayne, McLAUGHLIN of Cape Elizabeth.

Bill "An Act To Ensure Accurate Electric Rates for the Ski Industry"

(H.P. 469) (L.D. 639)

Sponsored by Representative McGLOCKLIN of Embden.
Cosponsored by Senator HATCH of Somerset and Representatives: LUNDEEN of Mars Hill, MOODY of Manchester, PARADIS of Frenchville, PINEAU of Jay, RICHARDSON of Greenville, Senator: WOODCOCK of Franklin.

Bill "An Act To Revise the Charter of the Brunswick Sewer District"

(H.P. 485) (L.D. 655)

Sponsored by Representative GERZOFKY of Brunswick.
Cosponsored by Senator EDMONDS of Cumberland and Representatives: ADAMS of Portland, BLISS of South Portland, COURTNEY of Sanford, KOFFMAN of Bar Harbor, RICHARDSON of Brunswick, RINES of Wiscasset, SUSLOVIC of Portland, VAUGHAN of Durham.

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**.

At this point, the Senate came and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Beverly C. Daggett, in the Chair.

The Convention was called to order by the Chair.

On motion by Senator TREAT of Kennebec, it was **ORDERED**, that a Committee be appointed to wait upon the Honorable Leigh I. Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court and members of the Judiciary and inform them that the two branches of the Legislature are in Convention assembled, ready to receive such communication as pleases the Chief Justice.

The Order was Read and Passed.

The Chair will appoint the following:

The Sen. from Cumberland, Sen. Pendleton
The Sen. from Penobscot, Sen. Cathcart
The Sen. from Franklin, Sen. Woodcock
The Rep. from Portland, Rep. Norbert
The Rep. from Freeport, Rep. Bull
The Rep. from Auburn, Rep. Simpson
The Rep. from Caribou, Rep. Bennett
The Rep. from Brunswick, Rep. Gerzofsky
The Rep. from Farmington, Rep. Mills
The Rep. from Hodgdon, Rep. Sherman
The Rep. from Lincoln, Rep. Carr
The Rep. from Hampden, Rep. Duprey
The Rep. from Turner, Rep. Bryant-Deschenes
The Rep. from the Penobscot Nation, Rep. Loring

Subsequently, Senator Pendleton from Cumberland, for the Committee reported that the Honorable Leigh I. Saufley, Chief Justice of the Maine Supreme Judicial Court, and the Honorable members of the Judiciary will attend forthwith.

The Chair is pleased to welcome to the Convention the Honorable members of the Judiciary. The Chair is also pleased to recognize the Honorable Leigh I. Saufley, Chief Justice of the Maine Supreme Judicial Court. The Chair is also pleased to recognize the Justices of the Maine Supreme Judicial Court.

The Chair is pleased to recognize the Justices of the Maine Supreme Judicial Court: Justice Robert Clifford, Justice Paul Rudman, Justice Donald Alexander, Justice Susan Calkins, and Justice Jon Levy. Also, Chief Justice of the Superior Court, Nancy Mills; Chief Judge of the District Court, Vendean Vafiades; Deputy Chief Justice, Robert Mullen; Judge Kermit Lipez, First Circuit Court of Appeals; Chief Judge Gary Growe, Penobscot Nation; Chief Judge Rebecca Irving, Passamaquoddy Tribe;

Judge Dana Hanley, Probate Judge of Oxford county, currently President of the Probate Judges' Assembly; and Ted Glessner, State Court Administrator.

The Chair is pleased to present to you the Honorable Leigh I. Saufley, Chief Justice of the Supreme Judicial Court.

Good morning Governor Baldacci, President Daggett, Speaker Colwell, Members of the 121st Maine Legislature, Members of the Court, Friends and Family. It is my honor and privilege to be before you for the second time to describe to you the State of Maine's judiciary.

Approximately one year ago, I stood here and told you that I would be back this year with a detailed plan for the infusion of just a few new resources necessary to launch Maine's system of justice firmly into the 21st century.

Isn't it amazing how much a single year can change your outlook on the phrase "just a few new resources"?

So let's be clear eyed about this. This year, a different approach is necessary. The people of Maine are looking to the leaders of government to be accountable, to find reasonable solutions, and to keep our eyes on priorities as we do so. They are counting on me, on you, on all of us who make up the government of this great state to limit our spending and to find new ways of doing business in difficult economic times. Today, I will set out the efforts that the Judicial Branch is undertaking to respond to those financial challenges while keeping our eyes firmly on the priorities that we have established.

The Supreme Judicial Court as the Board of Directors

I begin today by introducing the people who are responsible for guiding the courts through these challenges. Maine law establishes that the Supreme Judicial Court is the equivalent of the Board of Directors of the court system. With the assistance and input of the Trial Court Chiefs, and the State Court Administrator, it is the seven men and women of the Supreme Judicial Court who shape policy, allocate resources, and determine the tone and direction of the entire Judicial Branch of government.

Many of you know me and know that I am a native Mainer, and a proud product of Maine public schools. I grew up in Cumberland County, spent four of the best years of my life in Penobscot County at the University of Maine, and, after graduating from Maine's School of Law, I started my legal career in Hancock County.

But you may not know the extraordinary jurists who sit with me on the Supreme Judicial Court.

Now one thing, I know that you are a very welcoming group, but judges are not accustomed to applause. If you have such an inclination, I would ask you to hold your applause until I've introduced all the judges.

Justice Robert Clifford is our Senior Associate Justice. And he still resides in his hometown of Lewiston, Maine. He served as Lewiston's mayor in 1971 and 1972, and he was a member of the Maine Senate in the 106th and 107th Legislatures. His wisdom, experience, and intellect are respected throughout New England, and he has been a wonderful mentor to me in my current capacity.

Justice Paul Rudman is a Bangor native but has migrated all the way to Veazie. Justice Rudman has many responsibilities on the Court, but he is best known as the wizard of judicial education. He has exhibited remarkable skills at finding scholarships, grants, and tuition waivers so that our judges can attend the necessary judicial education but do so at no cost to the State of Maine.

Justice Donald Alexander served as an assistant to Senator Edmund S. Muskie and a Deputy Attorney General for the State of Maine. He has served as a judge on both of Maine's trial courts and is a prolific publisher of important books and compilations relating to Maine legal practice. Justice Alexander's well-known intellect and rapier wit keeps all of us on our toes.

Justice Susan Calkins hails originally from Colorado. Even though she is a graduate of the University of Maine's School of Law and has resided here for over thirty years, we still refer to her as "the westerner." In 1980, Justice Calkins became the third woman ever appointed to any Maine court. She served on both of the trial courts, including several years as Chief Judge of the District Court. Justice Calkins's experience in administering trial courts has been a welcomed assistance to the Court during our latest efforts to streamline the delivery of justice.

Justice Jon Levy is a New York native, but had the good sense to come to Maine to practice law. Justice Levy is the author of the definitive treatise on Maine Family Law. He has recently, at my request, taken on the responsibility of shepherding the court's current efforts to make more effective use of our limited judicial resources.

Now, I'd like to introduce two other important people - the Chiefs of the Trial Courts.

The Chief Justice of the Superior Court may have a familiar name.

Chief Justice Nancy Diesel Mills was born in Connecticut and came to the University of Maine School of Law because she wanted to live in Maine. During law school, she met a lawyer by the name of Peter Mills, and her relationship with Maine became set in cement. As Chief Justice of the Superior Court, Justice Mills has been instrumental in expanding the Single Justice System and the Judicially Assisted Settlement Program, and in organizing schedules so that victims of violent crimes and their families no longer have to wait years for matters to come to trial. She has also improved rural access to justice by creating a schedule that assures the presence of a Superior Court justice in every county for some part of every month.

District Court Chief Judge Vendeau Vafiades was born in Bangor and is also the product of Maine's public schools. Chief Judge Vafiades's commitment to improving the lives of Maine families has been demonstrated in her dedication to assisting the Legislature in Child Protection Reforms, in her work as a Juvenile Drug Court judge, in securing funding for the Family Drug Treatment Court and in her tireless energy in helping Maine's District Court judges do the extraordinary work they do with limited resources.

As you can see, the talent and experience of the people who guide the Judicial Branch of Maine's government should be a source of great pride for the State of Maine.

Overview of the Delivery of Justice in Maine

I turn now to the basics of the Maine court system. We all know from civics classes that it is the role of the Judicial Branch to interpret and enforce the laws that are enacted by the Legislative Branch, and brought to life by the Executive Branch.

What is not so clear from those civics lessons is how different the administration of the Maine Judicial Branch is from judicial systems in many other states.

We are a lean organization administratively, and that is by design. Unlike courts in many other states, all three levels of our state courts, including the District, Superior, and the Supreme Judicial Courts, are managed through one single small administrative office.

The Administrative Office of the Courts has been headed up for ten years by a very talented individual who Dan Wathen stole fair and square from Delaware - Ted Glessner. Ted Glessner

and his dedicated staff are responsible for the management of every state courthouse in Maine. This method of organization has kept our administrative costs low and allows us to allocate resources within the system as necessary to meet the changing needs of the public.

But I would not be honest with you if I did not tell you that Maine's courts are a bit too lean to do all of the work that you have given us.

In contrast to our neighbor, New Hampshire, which has 47 courthouses for an almost identical population and much smaller geography, we have only 42 courthouses. We have had, until recent budget restrictions, 470 people including judges. While New Hampshire's Judicial Branch includes 676 full time positions -- fully 200 more people to do the same job.

Our budget of approximately \$54 million a year (obviously significantly less than that of the New Hampshire's Judicial Branch) is offset by income to the General Fund of fines and fees totaling approximately \$30 million each year. The net cost to the General Fund to support an entire system of justice in Maine is approximately \$25 million, or less than 1% of the State's budget.

As you can see, we are a very small segment of government. Yet, in fiscal year '02, over 282,000 new cases were filed. Using nationwide comparisons, we have very high caseloads, and a very efficient operation.

Unfortunately, that efficiency comes at a price. With our lean administrative staff, we do not have: a facilities administrator, an Americans with Disabilities Act compliance officer, an office of language and interpreter services, or a website manager.

Our efforts to improve access to justice are hampered by these limitations.

One of the other side effects of having so few administrators is the need for judges to be much more involved in administration. This reduces our ability to be in the courtroom meeting the needs of the people of this state. Further reductions in our staff would result in an even greater loss of the most effective use of judge time.

Collaboration

In order to assure that the people of Maine have the best system of justice that we can deliver, collaboration with other branches of government is more important than ever. We have made significant strides in working, when it is appropriate, with both other branches of government.

For example, the Attorney General's office has asked us to consider greater use of telephonic conferences in order to reduce travel expenses for Executive Branch agencies and for other litigants, and we have done so.

We are working with the Sheriffs' offices to better coordinate scheduling for security and transportation of prisoners.

And we will be coordinating our efforts wherever possible with the prosecutors' offices, which are also suffering from the prospects of reduced staffing.

Other Court Systems

In addition to collaborating with other branches of state government, we also collaborate with three other institutions in Maine that deliver justice to Maine's citizens. None of these other three court systems is funded through the State budget, but each has contributed in its own way toward helping our state courts carry out their responsibilities.

The Federal Courts

I begin with the federal court system. The federal courts include the federal trial courts, the Bankruptcy courts, and the First Circuit Court of Appeals.

Judge Kermit Lipez, an appellate judge with the First Circuit Court of Appeals, is here this morning representing the federal

courts. I am proud to say that Judge Lipez is a former member of the Maine courts.

The federal courts have been a great assistance to the state court system, particularly in areas of security and judicial training. They have even found a way to donate their old entry screening equipment to our state courts. We are grateful for their support and collegiality.

The Tribal Courts

Next, I'd like to introduce Maine's Tribal Courts. The Tribal Courts have jurisdiction over misdemeanors on tribal territory, as well as domestic violence cases, child protection proceedings, and other family and probate matters.

Representing the Penobscot Tribal Court today is Chief Judge Gary Growe. Beside him is Judge Rebecca Irving, the Chief Judge of the Passamaquoddy Tribal Court. I understand that soon the Houlton Band of Maliseets will also begin to provide justice within a Tribal Court.

We are renewing our collaboration with the Tribal judges to coordinate judicial training in areas of child and family related law. The Tribal Courts face many of the same difficult human problems and resource limitations that we are facing every day. We are pleased to be working with the Tribes on these issues of mutual interest.

The Probate Courts

The third group is the Probate Courts through which Maine's 16 counties provide access to justice. Probate Judges are Maine's only elected judges and they have jurisdiction over matter such as trusts, estates, adoptions, and private termination of parental rights proceedings.

Judge Dana Hanley, President of the Probate Judges' Assembly, and a former member of the Maine Legislature, is here today representing the Probate Courts throughout the State of Maine.

The Probate Courts have been extremely generous with their courtroom space. In the state courts, we often find that we have too few courtrooms, and the Probate judges have graciously donated their own courtrooms for our use whenever they are not in session. Judge Hanley has also reached out to the state courts to collaborate on judicial training in family matters, and I am pleased to say that a cooperative relationship among our courts has been enhanced by his efforts.

As resources dwindle, the necessity for continued interaction and sharing of resources is heightened. I am thankful for the generous responses from each of the other providers of justice in Maine and grateful for their presence here today.

Budget

Now I turn directly to matters of the judiciary's budget.

Prior Efforts to Address Court Under Funding

The state courts in Maine have been lacking in sufficient resources for quite some time. Every single State of the Judiciary Address to the Legislature for the past ten years has addressed this chronic problem. Yet, Maine still has the fewest Superior Court justices of any state in the entire country. On a per capita basis, Maine judges handle more cases than many other state judges do.

In this time of budget shortfalls, this may seem like an empty refrain.

But it is an inescapable fact that if the laws created here are to have meaning and life, the courts of this state must have the resources to effectuate and enforce those laws.

It does no good to craft finely detailed statutes, such as child protection reforms, or statutes requiring accountability from people convicted of domestic violence, if the courts are too overwhelmed to give meaningful time to each case.

The good news is this: Over the last several years, the Legislature has, in fact, recognized these problems and responded in several areas.

You have helped us establish a Case Management Officer system to assist families, in divorces and other parental proceedings, who cannot get access quickly to our overwhelmed trial judges.

A court security bond issue was successfully presented to the voters last year, and we have begun the process of obtaining equipment to help us make our courtrooms safer.

With your assistance, we have begun to address the security staffing that in future years will help assure safety throughout our courtrooms.

Last year, you appropriated funds to address our chronic shortage of clerks, creating five new positions.

With the generous support and assistance of many of you here this morning, we have undertaken a conservative, but steadily progressing, program of replacing dilapidated courthouses with buildings in which people can feel that they are treated with respect and dignity.

Responses to Budget Challenges

There is much more to be done. But the last year has stopped our forward progress in many areas, and the challenges of the year ahead are daunting.

Faced with a One Billion Dollar shortfall, state government everywhere, including the courts, must react responsibly.

Similar to all other branches of state government, we have undertaken the traditional austerity measures, including: eliminating out-of-state travel costs, prohibiting overtime except in emergencies, and delaying hiring where there are vacancies.

In addition, in the fall of 2002, we instituted a program of Voluntary Unpaid Leave days, in order to meet the additional budget restrictions for fiscal year '03. The program is similar to the Executive Branch's furlough days, but was created to fit the unique structure of the Judicial Branch.

I am proud to report that our employees, including judges, donated 800 days of unpaid leave. Although this program created greater stresses on an already understaffed system, it allowed us to meet our fiscal obligations while keeping the courts open.

But we all know now that more than simple belt tightening is necessary. In the Judicial Branch, we have, therefore, begun the process of completely re-evaluating how we make the courts available to the people of Maine.

We have turned to technology to make the courts more accessible. Our new web page garnered the Judicial Branch an Award for Best Practices in Access to Justice from Maine's Justice Action Group for providing greatly improved access to information about the court system and its use.

We will be saving printing costs this year by publishing our Annual Report on line rather than in hard copy.

We have eliminated over one-third of the committees existing within the Judicial Branch and have limited the sheer number of meetings in order to increase productivity.

With the substantial donations of time from Maine's private attorneys, we have been able to meet the State's constitutional obligations to provide lawyers to the poor without increasing the funds necessary for those services in the coming year.

In addition, last year Maine lawyers donated at least 12,725 hours of free legal services to Maine's poorest citizens who were not eligible for court-appointed attorneys. Using a conservative hourly rate of \$95 hour, those services are valued at \$1,208,875.

The generosity of Maine lawyers has been invaluable in helping us make access to justice a reality in Maine.

And, in the most difficult of our decisions to date, you will see in the Governor's budget that we have agreed to maintain 20 vacancies throughout the next biennium. The savings to the General Fund of approximately 1.6 million dollars will help in the efforts to balance the State's budget, but clearly leaves us with difficult staffing issues.

Ordinarily, we fill vacancies immediately, and never have more than four or five vacancies on any one day. But we cannot ignore the dire straits that the shortfall has created, and we have offered this no-nonsense approach early in the process with the faith that the Legislature will not further restrict the public's ability to obtain justice in Maine.

We are reviewing our entire distribution of resources in an attempt to minimize the impact of these reductions, and we trust that you recognize that any additional cuts will further jeopardize our ability to carry out the responsibilities you have given us.

On the Revenue Side:

I turn now to the revenue side of our efforts.

We are increasing our traffic violation fines, which have not been comprehensively updated for over five years, in order to discourage dangerous driving and simultaneously increase income to the General Fund. With that simple change, we anticipate increasing General Fund revenues by as much as 4 million dollars a year.

Regarding fines that have already been imposed but remain unpaid, we have tightened up our process of holding the defaulters accountable. The combination of better information available to us through our MEJIS computer system, and recent changes in the laws expanding sanctions for failure to pay fines has allowed us to redouble our efforts to collect unpaid fines.

We are grateful for the recent, very prompt assistance that the Department of Motor Vehicles has provided us in our heightened attention to locating people who have failed to pay their fines. We are in the process of notifying those people of the impending suspension of their licenses, including motor vehicle, fish and game, and professional.

I am pleased to report that the first regional mailing of notices of impending license suspensions went out last week. We will be expanding this improved program throughout the state.

It will no longer be wise in Maine to ignore your obligation to pay your fines.

Other Economies

In addition, as in both other branches of government, we are turning to economies of scale.

Wherever possible, we are consolidating our clerks' offices, moving from separate District and Superior Court offices to single trial court clerks' offices. Six offices have already been consolidated, and more are in the works.

We have consolidated the scheduling of nonjury criminal motions and civil nonjury dockets in the District and Superior Courts where that is possible.

More globally, we are re-examining the very structure of the way we now schedule cases. Last spring, the Supreme Judicial Court set upon a course to critically re-examine the entire process of scheduling cases. We have established a Judicial Resource Team, which has been soliciting input from the many users of the court system, including the lawyers and the public.

We have also enlisted the assistance of the National Center for State Courts to complete a statewide study of judicial workloads.

Our goal is to think in new ways and to restructure judicial time, clerk time, and court schedules so that those cases that should receive priority come first.

Priorities

In order to assure that scarce judicial resources are placed where they are most needed, the Supreme Judicial Court has established a set of written priorities to guide all of our decisions regarding the use of judges and clerks. The fulcrum of that set of priorities is the following:

It is the immediate goal of the Maine Judicial Branch to assure that cases involving children and families, and those involving people immediately threatened by violence, are allocated sufficient judicial resources to allow thorough and thoughtful judicial attention and to provide resolution in a reasonable time.

Added to these priorities must be attention to people who are incarcerated and to statutory and constitutional mandates. We are committed to maintaining those priorities, but we must all understand that with fewer resources, the less urgent cases may not be reached as quickly as they should.

Initiatives

Keeping our focus on the court's priorities, we are engaged in several very promising initiatives. These initiatives focus on:

Sexual Assaults and Domestic Violence, and Substance Abuse

Sexual Assaults and Domestic Violence

In 2001, reports of domestic violence grew by 10% and sexual assault reports increased another 2%. The Attorney General reports that one out of every two murders in Maine over the last decade has been a domestic violence related homicide.

And make no mistake about it, the effects of domestic violence are not limited to the adult victim. Children suffer seriously when they are raised in an atmosphere of violence and pain, whether or not they are physically injured.

But there is some good news.

Working together with law enforcement, DA's offices, corrections and community providers, we now have two pilot projects that are holding convicted abusers accountable. Supported by Violence Against Women Act funds, the court projects combine civil abuse and criminal assault matters by bringing together the players and requiring the convicted offenders to demonstrate, during weekly court sessions, that they are completing appropriate treatment programs and complying with court orders.

In addition, Maine is fortunate to have an Attorney General who has focused on combating domestic violence by gathering the many different stakeholders to explore new ways of addressing the issues. Augmenting those efforts are 220 Attorney General sponsored school civil rights teams and projects sponsored by many others that work to prevent violence and harassment by changing the culture in which our children spend their school days.

In sum, our efforts to address domestic violence are improving. We have come a long way, but we have a long way to go.

Substance Abuse

I wish I could say that we have come a long way in our efforts to address substance abuse, but we are really just beginning.

In 1997, there were 34 deaths attributable to drug or alcohol abuse in Maine. That is far too many, but by 2002, just five years later, that number had more than quadrupled to 161 deaths.

Substance abuse is a critical problem affecting all aspects of Maine's government and economy. It breaks families apart, it compromises the workplace, and it fills our prisons and jails.

Statistics reveal that an estimated 85% of those incarcerated in Maine were using some type of drug or alcohol when they committed the crime. The Final Report of the Legislative Task

Force on Substance Abuse concluded in 2001 that substance abuse is costing the State of Maine over one billion dollars per year in medical costs, costs of incarceration and crime, lost productivity, and social support costs.

For years, Maine's substance abuse treatment providers have struggled with this problem. Recently, the Legislature had the foresight to require collaborative efforts between courts and several state agencies to address the growing addiction crisis in a more comprehensive way. A system of adult and juvenile drug treatment courts resulted from these collaborative efforts.

These problem-solving courts are making early progress in getting the demon under control. With a focus on frequent testing, intensive case management, increased judicial involvement, and an unflinching requirement of accountability, these programs have had many individual successes.

Success in drug court reduces the State's costs by decreasing the number of incarcerated defendants. More important, it reduces crime, restores participants to productive lives, and perhaps most important of all, returns participants to healthy involvement with their families.

Those who fail, however, find themselves in jail or in a juvenile facility.

The interim report of the successes and failures of the Adult Drug Treatment Court in Maine has just been published. That report makes it clear that there is much work to be done, that the program must be fine-tuned, and that greater efforts are necessary. But it also indicates that the Adult Drug Treatment Courts may be our best hope to turn this crisis around.

We have had similar successes in our collaborative efforts with the Juvenile Drug Treatment Court. We next need to bring the education community to the table in addressing juvenile drug and alcohol offenders. And we must focus on even more parental involvement in juveniles' rehabilitation plans.

Our experiences with these problem-solving courts have lead to another exciting initiative. This fall, the Judicial Branch obtained a federal grant of over \$400,000 to undertake a Family Drug Treatment Court serving Belfast, Wiscasset, and Rockland area families where substance abuse has threatened to tear families apart.

With the cooperation of the Department of Human Services, local substance abuse providers, a case manager from the People's Regional Opportunity Program, and local defense attorneys and guardians ad litem, we are working through prevention and early intervention toward the goals of helping adults return to health and to keep their families together.

Planning ahead

Although there is no question that leaders of Maine's government must attend to the difficult budget situation that demands our immediate attention, we must not halt our efforts to engage in thoughtful long-term planning.

I am pleased to report that during the next month, the three branches of government will hold a summit to address long-range plans for improving government's response to the needs of Maine's people.

Among the issues that the Judicial Branch will keep in the forefront of our planning efforts are the following:

First, Children in the Courts

I told you last year of my hope to create a court system in which every child whose interests are at stake has a guardian ad litem. The Final Report of the Legislative Commission to Study Domestic Violence hit the nail on the head a year ago when it found that courts "need the ability to obtain more information . . . in order to make reasoned decisions about the safety of children."

We have made a small amount of progress toward this goal, but realistically, we cannot make great strides until new

resources are available. However, planning and creative work must continue if children are to have a voice in the matters that affect their very lives.

Second, Business Courts

Next, children do better when their parents are employed.

You and the Governor are considering many methods of encouraging economic development in Maine. As you do so, don't forget that the best laid business plan can stall at the courthouse door. New and established businesses often have disputes, over zoning, regulation, or contracts. If those disputes cannot be resolved in a timely fashion, businesses may go elsewhere.

We must consider methods of creating business courts in Maine. Limited resources continue to constrict our ability to respond to this need. If the choice is between allocating judicial resources for the established priorities regarding families, violence, and substance abuse, or setting up a Business Court, you know where our priorities must be.

Until we can assure the court's priorities will receive prompt, efficient attention, we cannot in good conscience divert scarce judicial resources even for a sorely needed Business Court.

And that is a shame.

As we move forward with our efforts to make the best use of judicial resources, we will continue to consider how we might address the need for a Business Court. Your support in not further reducing the number of clerks and other resources available to shoulder the enormous load of Maine's courts will help.

Mental Illness

In addition, we must not lose sight of the affect that mental illness has on our communities. I know that you have heard repeatedly from the county jails and the state prisons that treatment of people with mental illness in those facilities has become an enormous drain. I suggest that it is not just a fiscal drain, it is a drain on our humanity. We must find new ways of addressing people whose mental illness has caused them to end up in the court system.

Although this is an unlikely year for new programs, I ask that you not lose sight of this pernicious problem in your planning efforts.

Prevention

More generally, any long-range planning must contain an emphasis on prevention. I hope you will keep prevention efforts in focus throughout your discussions of budget changes. Every time a child can continue to live with healthy loving parents, that child's risk for juvenile crime, drug addiction, and dropping out of school are reduced. The best thing we can do for children in Maine is help their parents get and stay healthy.

Security

Finally, there is one urgent need in the court system that cannot wait for long-term planning. Security in our courthouses.

As I indicated earlier, we have made a bit of progress. The passage of the bond issue will allow us to purchase equipment to provide entry screening in each courthouse. But we cannot begin to provide that additional measure of security until we have the people to staff the equipment. Right now, we have only enough money to provide one security officer in each operating courtroom. We simply do not have the people to undertake effective entry screening.

This issue is so serious and has such potential for tragedy, that it truly must remain our number one priority.

Last year I told you that our courthouses are "flatly unsafe." That status has not changed. People coming into our courthouses seeking justice, seeking help against threats to their own safety, cannot even be assured that weapons have been

stopped at the courthouse door. Although there have been outbursts in our courthouses this year, we have once again been fortunate that no one has been seriously injured, or worse. I do not know how much longer our luck will hold out.

We have submitted a Part 2 budget this session. You remember Part 2's? The only thing in that Part 2 is a request for the resources to staff entry screening. Many of you have spoken to me personally about your concerns and your support, and to those who have, I thank you. I do know how hard is the challenge you all face to balance this budget. But I urge you, as you begin the hard work of finding the money to keep government going, to keep this need in mind.

Conclusion

In conclusion, the Judicial Branch stands ready to work with the Governor, the Legislature, and all other forms of government in Maine to be sure that access to justice is not lost in the midst of budget chaos.

I am proud to say that that work has already begun, and I invite you to come and see it for yourselves.

I hope that at the conclusion of this legislative session we will all be able to say to the people of the State of Maine, we made hard decisions, but we have used your money wisely.

As Alexis DeToqueville wrote in 1835

There is one universal law that has been formed or . . . adopted . . . by the majority of mankind. That law is justice. Justice forms the cornerstone of each nation's laws.

I urge you today: Help us to assure that the cornerstone of Maine's laws is not allowed to crumble in the face of economic challenges.

I will sum up by recalling that old maxim, when all is said and done, there's usually a lot more said than done. Therefore, it is time to finish the speeches and get to the hard work before us.

My thanks to the Governor, to the first woman President of the Senate, to the first Rock and Roll Speaker of the House of Representatives, and to all of you for your support.

The Chief Justice withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chair declared the same dissolved.

The Senate then retired to its chamber amid the applause of the House, the audience rising.

(After the Joint Convention)

The House was called to Order by the Speaker.

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

UNFINISHED BUSINESS

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

Bill "An Act To Clarify Ownership Rights to Repossessed Vehicles"

(S.P. 148) (L.D. 430)

- In Senate, **REFERRED** to the Committee on **TRANSPORTATION**.

TABLED - February 5, 2003 (Till Later Today) by Representative USHER of Westbrook.

PENDING - **REFERENCE IN CONCURRENCE**.

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

BILLS HELD

Bill "An Act To Promote Corporate Ethics"

(S.P. 183) (L.D. 543)

- In House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT IN CONCURRENCE**.

HELD at the Request of Representative NORBERT of Portland.

On motion of Representative NORBERT of Portland, the House **RECONSIDERED** its action whereby the Bill was **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

On motion of Representative SULLIVAN of Biddeford, the Bill was **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE** and sent for concurrence.

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

SENATE PAPERS

Bill "An Act To Provide Temporary Emergency Relief to Maine Dairy Farmers" (EMERGENCY)

(S.P. 202) (L.D. 593)

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

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Appropriate Funds for a Study To Determine the Feasibility of a Medical School in Maine" (EMERGENCY)

(S.P. 204) (L.D. 595)

Bill "An Act To Authorize Funds To Renovate the State's Court Facilities in the City of Bangor"

(S.P. 229) (L.D. 665)

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

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Resolve, To Study the Effects of NAFTA on Maine Businesses

(S.P. 216) (L.D. 607)

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

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

Bill "An Act Amending the Time by Which a Sex Offender or Sexually Violent Predator Must Register"

(S.P. 226) (L.D. 617)

Bill "An Act To Allow Municipalities To Hire Full-time Humane Law Enforcement Officers"

(S.P. 227) (L.D. 618)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act Regarding Age Eligibility for Enrollment in a Public Secondary School" (EMERGENCY)

(S.P. 201) (L.D. 592)

Bill "An Act To Establish a Community College System in Maine"

(S.P. 206) (L.D. 597)

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Resolve, to Allow Persons with Disabilities to Purchase Coverage Under the Medicaid Program

(S.P. 211) (L.D. 602)

Bill "An Act To Offset the United States Citizenship Test Fee for Low-income Residents"

(S.P. 218) (L.D. 609)

Bill "An Act To Obtain Substance Abuse Services for Minors"

(S.P. 220) (L.D. 611)

Bill "An Act To Provide Safe Staffing Levels for Patients and To Retain Registered Nurses"

(S.P. 225) (L.D. 616)

Bill "An Act Making Substantive and Technical Changes to the General Assistance Laws"

(S.P. 228) (L.D. 619)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act To Prevent Health Insurance Fraud"

(S.P. 221) (L.D. 612)

Bill "An Act To Provide Parity in Lending by State-chartered Financial Institutions"

(S.P. 223) (L.D. 614)

Bill "An Act To Protect Citizen Privacy"

(S.P. 224) (L.D. 615)

Resolve, To Implement a Process That Provides for Sunsetting Health Insurance Mandates

(S.P. 230) (L.D. 666)

Bill "An Act To Amend the Maine Insurance Code"

(S.P. 231) (L.D. 667)

Came from the Senate, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed. **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

Bill "An Act To Establish a Schedule for Mandatory Sentencing for a Motor Vehicle Operator Found Guilty of Negligence that Caused the Death of a Motorcycle Rider"

(S.P. 219) (L.D. 610)

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

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Establish a Limit on Noneconomic Damages in Medical Malpractice Actions"

(S.P. 203) (L.D. 594)

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

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

Bill "An Act To Change the Filing Dates on Real Estate Liens"

(S.P. 209) (L.D. 600)

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

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

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

Bill "An Act To Create a Woods-related Bargaining Council"

(S.P. 198) (L.D. 589)

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

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

Bill "An Act Regarding Requirements for Obtaining a Lobster Fishing License"

(S.P. 200) (L.D. 591)

Bill "An Act To Protect the Public from Paralytic Shellfish Poisoning"

(S.P. 207) (L.D. 598)

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

REFERRED to the Committee on **MARINE RESOURCES** in concurrence.

Bill "An Act To Regulate the Disposal of Computers and Related Equipment"

(S.P. 199) (L.D. 590)

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

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

Bill "An Act To Improve State Accounting Procedures" (EMERGENCY)

(S.P. 215) (L.D. 606)

Bill "An Act to Support Domestic Businesses in Publicly Funded Construction Projects"

(S.P. 217) (L.D. 608)

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.

Bill "An Act To Repeal the Sales Tax on All Over-the-counter Medications"

(S.P. 196) (L.D. 587)

Bill "An Act To Expand Eligibility for the 'Circuit Breaker' Program"

(S.P. 197) (L.D. 588)

Bill "An Act To Encourage Earlier Tax Refunds" (EMERGENCY)

(S.P. 210) (L.D. 601)

Bill "An Act To Allow Vendors to Retain a Portion of Sales Tax They Collect to Cover Costs"

(S.P. 222) (L.D. 613)

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

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

Bill "An Act To Implement the Recommendations of the Task Force on Rail Transportation"

(S.P. 208) (L.D. 599)

Bill "An Act To Simplify the Bonding Limitations of the Maine Turnpike Authority"

(S.P. 212) (L.D. 603)

Bill "An Act To Allow the Maine Turnpike Authority To Benefit from Advantageous Interest Rates" (EMERGENCY)

(S.P. 213) (L.D. 604)

Bill "An Act To Increase the Bond Limit of the Maine Turnpike Authority"

(S.P. 214) (L.D. 605)

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

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

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

Bill "An Act To Ensure Access to Expert Testimony"

(S.P. 177) (L.D. 537)

Which was **TABLED** by Representative NORBERT of Portland pending **REFERENCE**.

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

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

The House recessed until 4:00 p.m.

(After Recess)

The House was called to order by the Speaker.

ORDERS

On motion of Representative DUDLEY of Portland, the following Joint Resolution: (H.P. 495) (Cosponsored by Senator LEMONT of York and Representative: Speaker COLWELL of Gardiner, Senator: President DAGGETT of Kennebec)

JOINT RESOLUTION EXPRESSING SUPPORT FOR ADHERENTS OF FALUN DAFU

WHEREAS, Falun Dafa, also known as Falun Gong, is an ancient Chinese practice based on the universal principals of truthfulness, compassion and forbearance; and

WHEREAS, Falun Dafa is a system of gentle exercise and meditation to refine and improve the body, mind and spirit; and

WHEREAS, this practice, which transcends all cultural, social, economic and national boundaries, raises moral quality by promoting the practice of truth, kindness and tolerance in daily life; and

WHEREAS, Falun Dafa has helped millions of practitioners in over 55 countries create personal well-being and become more productive members of society; and

WHEREAS, the government of the People's Republic of China has outlawed the practice of Falun Dafa in China and has created a campaign of persecution and terror against its peaceful adherents; and

WHEREAS, this brutal crackdown on the practitioners of Falun Dafa denies the basic human rights of freedom of belief, assembly and expression; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the First Regular Session, on behalf of the people we represent, declare our support for the Falun Dafa movement and its followers by proclaiming March 2003 as Falun Dafa Month; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be displayed at the Office of the Secretary of State on behalf of the people of the State of Maine.

READ

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

Representative DUDLEY: Mr. Speaker, Men and Women of the House. In March 2002, Dan and Jason Pomerleau were jailed in the People's Republic of China for engaging in a very peaceful protest. Dan and Jason are both practitioners of Falun Gong, which to inform you a little bit, is blunt aspects of Taoism, Buddhism and the meditation techniques and physical exercises in a spiritual way. It is not a religion. It has no clergy nor places or worship. They were jailed because several years earlier the Governor of the People's Republic of China outlawed Falun Gong and commenced a systematic approach of jailing, intimidating, beating, torturing and in some instances killing its practitioners.

Dan and Jason went to China to bring attention to that. They were arrested for passing out literature, talking about truthfulness, forbearance, compassion, the tenants of Falun Gong. Since the 1999 crack down in the People's Republic of China, conservative estimates place 569 persons killed and over 100,000 in prison and many of them in forced labor camps. The beatings and torture are commonly reported as well as forced

medication and sexual assault against women practitioners. This is not something that is limited. The People's Republic of China isn't limiting its intimidation, its persecution to China. The People's Republic of China is also engaging in domestic American affairs by intimidating American citizens who are practitioners of Falun Gong, as well as intimidating American public officials who pass proclamations expressing support for Falun Gong.

This Joint Resolution expresses our support of the practitioners and our condemnation of the People's Republic of China's persecution of them. I respectfully urge your support.

Subsequently, **ADOPTED.**

Sent for concurrence.

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

UNFINISHED BUSINESS

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

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE FULL PURSUIT OF DIPLOMATIC RESOLUTIONS AND WEAPONS INSPECTIONS

(S.P. 163)

- In Senate, **READ** and **ADOPTED.**

TABLED - February 6, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - Motion of Representative BRUNO of Raymond to **INDEFINITELY POSTPONE** House Amendment "A" (H-8). (Roll Call Ordered)

Subsequently, Representative BRUNO of Raymond **WITHDREW** his request for a Roll Call.

The same Representative **WITHDREW** his motion to **INDEFINITELY POSTPONE** House Amendment "A" (H-8).

Representative RICHARDSON of Brunswick **PRESENTED** House Amendment "A" (H-9) to House Amendment "A" (H-8), which was **READ** by the Clerk.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House. I will be very brief. This House Amendment "A" to House Amendment "A" inserts two items into the original amendment. One is that it indicates that this Legislature stands in full support of our past, present and future veterans and their families. Secondly, there is a resolve, which is added to the original amendment. It says, "Resolved, that we, your Memorialists, urge the Commander-in-Chief to resolve the Iraqi threat through the auspices of the United Nations and its member states and without military intervention, so long as such efforts do not unacceptably compromise the safety and security of the American people." This is done to add both of these to bolster essentially the concerns that we are not in support of the veterans and we certainly did not want that to be the case or to be inferred. We have affirmatively stated that we are, in fact, in this Resolution, in favor of and supportive of veterans now and in the future.

Secondly, we wanted to make an affirmative statement that stated that we want to support the President of the United States, we want the President to work with the auspices of the United Nations. We want it to work with the auspices of the member states, but that has to be done, and only done, if, in fact, it does

not compromise the safety and security of the American people. Thank you Mr. Speaker.

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

Representative **DAVIS**: Mr. Speaker, Ladies and Gentlemen of the House. I am opposed to this Resolution for several reasons. First and foremost, according to the Maine Constitution, the Maine Legislature has no authority over US foreign policy.

It seems to me that this divisive Resolution is the opening political round of the 2004 election. I defend your right to protest US foreign policy as an individual, but feel it is divisive to use the Maine Legislature in this manner. This Resolution, in this body, is neither just nor proper.

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

Representative **MURPHY**: Parliamentary inquiry.

The SPEAKER: The Representative may state his parliamentary inquiry.

Representative **MURPHY**: Thank you Mr. Speaker. In order to amend an amendment, that amendment would have to go to something that has already been acted upon by the House. The parliamentary inquiry would be, at what point did the original Resolution get adopted by the House, which would put it into a mode of therefore being amended?

The SPEAKER: The Chair will inform the member that he is not correct in the Chair's estimation. We will find the appropriate section of Mason's to address that. It is the Chair's belief that it is appropriate to adopt the amendment prior to adopting the Resolution. That is how we generally do this.

The Chair recognizes the Representative from Durham, Representative Vaughan.

Representative **VAUGHAN**: Parliamentary Inquiry.

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

Representative **VAUGHAN**: Was amendment "A" (H-8) adopted by this body?

The SPEAKER: No. It is the intention of the Chair to get to the debate on exactly that amendment. In order to do that, we have to dispose of (H-9) first.

The Chair recognizes the Representative from Sanford, Representative Courtney.

Representative **COURTNEY**: Mr. Speaker, Ladies and Gentlemen of the House. In the amendment it says, "Resolved, that we, your Memorialists, urge the Commander-in-Chief to resolve the Iraqi threat through the auspices of the United Nations. I have a problem, as I know many members of this House as well, with the United Nations dictating foreign policy of the United States. I would respectfully request a roll call.

Representative **COURTNEY** of Sanford **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-9) to House Amendment "A" (H-8)**.

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**: Mr. Speaker, Ladies and Gentlemen of the House. Regarding House Amendment "A" (H-9), so we can be sure that we are talking about the right document. I would like to point out to this body that this document states that military intervention is something that is considered acceptable only as long as such efforts do not unacceptably compromise the safety and security of the American people. Our nation has a long history of getting involved in foreign conflicts that do not affect directly the

American people. It is part of our responsibility we face as the great country that we are.

I will give you an example, if this Resolution were to be considered policy for the United States, we would never have gone to Bosnia where thousands and thousands of men and women were being systematically murdered and buried in mass graves. Who here can say that our military intervention in Bosnia was necessary? Certainly there was no compromise to the safety and security of the American people in that particular military campaign.

If we search our history, we will find several more. We are not a nation of isolationists. I hope the day never comes that we will decide that our military has no role unless our people, and only our people, are put at risk. I would like to believe that if we knew that the Jews were being slaughtered in Germany, we would have entered that war long before we did and perhaps saved millions of untold lives. For that reason, I urge you to vote against this motion, against House Amendment "A." Our military should know that it is the policy of the United States to take on moral causes that do not directly affect our people, but affect what is simply justice. Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I rise in support of this amendment, because I support the veterans. I support the veterans who I have tried to work for the last five years to get help. They went to the Gulf War and they got the Gulf War Syndrome and cannot get disability. How I support my veterans is by supporting this amendment. Time and time again I call for help for them and they get nowhere. I cannot get disability for a Gulf War Syndrome, a man who is computer genius, who cannot remember anything about the computer today. Every time I called the Veterans Administration in Augusta or I try to get to Washington, I cannot get help for this veteran. I do not want to send even more men and women into harms way and that is how I support my veterans.

This is a \$200 billion distraction so we do not focus on what we need to do. Half of the budget goes to the military. We talk about weapons of mass destruction. I think homelessness is a weapon of mass destruction.

The SPEAKER: Would the Representative defer please? In the effort to focus debate and to maintain fairness between both sides of this chamber, would the Representative please confine her debate, which is very eloquent, to the amendment at hand? The Representative may proceed.

Representative **TWOMEY**: Thank you Mr. Speaker, I will.

In closing, this amendment is in support of veterans. It is in support of men and women and children and grandparents in Iraq, a very poor, oppressed people that our sanctions have hurt for years, because we kept their medical supplies away from them. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. The proper Resolution moving through this House would be a simple statement of the whereas, standing by itself with the clear statement of this Legislature united behind our veterans of past wars and the men and women that are going to fight this war.

It is being inserted in to dress up a bad Resolution. When you look beyond that general statement that we all support and you go down to the resolve, it still goes back to the same old theme that the United States should give up its sovereign rights, its responsibility to defend its people and under this statement

that the UN and its member states would have a veto over us defending ourselves, unless someone could please define for me and unacceptably compromise the safety and security.

Would someone please explain the crystal clear meaning of that phrase? This Representative, no matter how you try to dress up fish that is stinking in the sun, this does not do it. You still go back to the theme that you do not want, based on the resolve in this amendment, the United States to defend itself. You are making that very clear in the last sentence. You want to let member nations of the Security Council have a veto over defending our people. Is that what you really support? Is that what you really believe?

I am trying to understand when the Constitution of the United States was changed. That our decisions in terms of defending ourselves and defending our people, are made by a unanimous decision of the Security Council. The President has done all the right things. He went to the Congress. He got their support. He has formed an international coalition. Within NATO and within the Security Council, it is a majority with NATO overwhelming. I don't understand why the supporters of this amendment want to give away the sovereign right of the United States to defend itself.

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

Representative **WATSON**: Mr. Speaker, Men and Women of the House. In reply, I would only look at the language of the final resolve that we are discussing. What it says is "Resolve, the Iraqi threat to the auspices of the United Nations and its member states." I would submit that is exactly what President Bush is doing. He is currently operating under the provisions of the UN Resolution 1441. The inspectors are there and considered auspices of the United Nations. The matter is being handled that way now. We have given up no rights to the United Nations, nor does this paragraph in the Resolution propose that we do so. It merely says to continue doing exactly what you are doing now, which is working through the United Nations and member states in an effort to resolve the situation. Thank you Mr. Speaker.

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

Representative **DAVIS**: Mr. Speaker, Ladies and Gentlemen of the House. I am not impugning anybody's motives, I am only giving my own opinion. The Persian Gulf War of the early 1990s was never satisfactorily finished. Saddam Hussein agreed to disarm, but did not do so. He killed untold numbers of Iraqi citizens. The Shiite Moslem people in the south and the Kurds in the northern part of Iraq were systematically repressed, terrorized and killed. It is time to end this "war without end." We, as a nation, have a stake at the heart of one of the world's truly evil men.

In his State of the Union address, President Bush has told us that we are going to war in the very near future. It is time to do our duty, support our sons and daughters in the military, circle the wagons and rally around the flag.

Twelve years ago, Saddam Hussein faced the prospect of being the last casualty in the war that he had started and lost. To spare himself he agreed to disarm all weapons of mass destruction. He systematically violated that agreement. He pursued chemical, biological and nuclear weapons while inspectors were in his country. Nothing restrained Saddam Hussein from his pursuit of these weapons, not economics, not sanctions, not isolation from the civilized world, not even cruise missile strikes on his military facilities.

I believe that many people confuse the Vietnam War era with our present problems in the Moslem world. This is not 1965 and the Gulf of Tonkin resolution to escalate the Vietnam War. I

believe it is more like 1938 when Munich became a symbol of appeasement to Hitler's Nazi Regime. We need to finish the Persian Gulf War and move on to peaceful relations with the Moslem world.

The Koran states that God favors the merciful. In my opinion, it is more merciful to finally, and unequivocally, end the Persian Gulf War. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Mr. Speaker, Men and Women of the House. This is my first opportunity to address this body. I am new to the Legislature and I certainly have been interestingly watching the proceedings before deciding to jump into the fray.

If I could, please allow me to share some observations from a newcomer. It may be from a different perspective. Let me ask, I think, a critical question. Then let me attempt to give you my answer to that question. The question I ask is, what is going to be accomplished by the passage of this amendment? Will it send a clear and unequivocal message to President Bush that will cause him to change his foreign policy on Iraq? I don't believe it is going to do that. Is it going to send a clear and unequivocal message to Maine, the rest of the United States or to the world that Maine citizens are overwhelmingly for or against this Resolution? I don't think it is going to do that either.

Let me tell you what I think is going to be accomplished by the passage of this amendment. Maybe some of this we have seen already. I think we are going to accomplish divisiveness, bitterness, emotionalism, anger and a hardening of the political arteries on both sides of the aisle. I am also fearful that is going to accomplish placing an obstacle in the way of our ability to do our best to deal with our primary responsibilities.

I came to Augusta to work together on Maine problems, which are huge, numerous and time consuming.

In conclusion, I simply ask that before you touch a red or a green button, you answer for yourself the question, what do you really want to accomplish? Thank you.

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

Representative **PINEAU**: Mr. Speaker, Ladies and Gentlemen of the House. A clear message that we will give the President of the United States by passage of this amendment is that we do care about the children of Maine, the young people that are being deployed right now on their way to the Persian Gulf. Granted, we are all over the place on this issue. One thing that will be crystal clear to this administration is that we care. We are enough to voice our opinions.

Having been in a position where words were no longer being used and bullets were being used and bombs were being used, you couldn't take it back. You give me the opportunity tonight to put on the record the names of PFC James Fous, Congressional Medal of Honor; First Lieutenant Thomas Hughes; Specialist Frank Porter; Sergeant Harold Grasser; Specialist Paul Morgan; Sergeant Juan Cortes from Puerto Rico and Jerry Palmer who was one of my charges. These people didn't live to be veterans. These people added to the crimson, the color of that flag. This is an important issue and I am totally in support of anything that will make sure that if we have to go into this battle, that we will be behind our troops and before we commit to this battle, we will take every opportunity available not to have to do it. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. A previous speaker touched on exactly why I think we shouldn't vote on this Resolution. He said that we wanted to send a message that we cared about our children.

From day one when this Resolution first came forward, some of the things that were said in the press and I will quote, "We find enough money to be able to bomb Iraqi families and their children, but we don't have enough money to provide health care for our Maine families."

On **POINT OF ORDER**, Representative BUNKER of Kossuth Township asked the Chair if the remarks of Representative TRAHAN of Waldoboro were germane to the amendment.

The Chair reminded Representative TRAHAN of Waldoboro to confine his debate to the question before the House.

The **SPEAKER**: The Representative may proceed.

Representative **TRAHAN**: Mr. Speaker, Members of the House. It is my understanding that if we adopt this amendment, it will become part of the document that we will vote on later. If we adopted the amendment, it would be part of a finished package that we may pass or not pass.

The reason why I don't support this amendment and the statement that was made previous, which I was trying to address, that wasn't objected to, was that some of the things that were being said were not completely accurate. Statements like we do not care about children or we do care about our children, that is why we want to send this message, is not really something that we are, as a legislature, in the position of judging.

We have a Congress, a President, his advisors, that decide when this nation goes to war. They decide the policies on foreign affairs. To second guess that is to really undermine those divisions of our national government. That is why I rise to speak against this amendment and against its adoption. When the time is right, I will address the rest of my concerns. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is adoption of House Amendment "A" (H-9) to House Amendment "A" (H-8). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 4

YEA - Adams, Ash, Barstow, Blanchette, Bliss, Brannigan, Bull, Bunker, Clark, Cowger, Craven, Cummings, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Hatch, Hutton, Jackson, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Makas, Marraché, McGlocklin, McKee, McLaughlin, Mills J, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Perry A, Pineau, Pingree, Piotti, Richardson J, Sampson, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Fletcher, Glynn, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lewin, McCormick, McGowan, McKenney, McNeil, Millett, Mills P, Moody, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan.

ABSENT - Bennett, Breault, Canavan, Goodwin, Jennings, Maietta, Mailhot, Marley, Percy, Perry J, Richardson E, Rines, Young.

Yes, 72; No, 66; Absent, 13; Excused, 0.

72 having voted in the affirmative and 66 voted in the negative, with 13 being absent, and accordingly **House Amendment "A" (H-9) to House Amendment "A" (H-8) was ADOPTED.**

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion because I believe that the Legislature is not qualified to weigh in on this issue. The Maine Legislature is not the body that is in a position to make an informed decision or offer sensible advice on issues pertaining to American foreign policy. We do not see sensitive intelligence information. In fact, I spoke with a constituent the other day and they wonder if there was intelligence at all up in the Legislature. Generals don't present us with briefings on military preparedness. We don't hold discussions with foreign dignitaries.

In short, our responsibilities as legislators are too important to be marginalized by passing official judgments on matters so clearly outside of our purview.

I would also offer that you have several handouts on your desks. Several editorials by several newspapers, the Maine Sunday Telegram, the name of the editorial is Iraq Resolution, time in the Legislature can be spent more wisely than this. I ask why do we continue to move forward in something that is so clearly beyond our purview, so clearly outside our knowledge base, so clearly in an area that we aren't going to be taken seriously? We don't have the expertise or the knowledge or the information or access to the knowledge and information.

I ask before you go further and adopt this, that you consider what a great body the Maine House of Representatives is and what a great duty that we have in this body. In fact, weighing in on things that we have absolutely no party to, no jurisdiction of, marginalizes us and when it comes time for things that are important, the public won't understand our voices clearly. Thank you.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I am qualified to speak on this subject. I served in the United States Navy in the submarine service for nine years. My boy is on his way on the Teddy Roosevelt to this conflict as we speak. If anybody in this body thinks that we don't have a stake in this game or a stake in this issue, then I don't think that we, the people of Maine, should be told that we don't have any brains in here. We have a stake in this. Our sons, our daughters, our grandfathers, everybody who has ever gone and fought for this good country and fought for the State of Maine, knows that we, the Legislature, and the people of the State of Maine have the a stake in this game.

There is nothing in this Resolution that doesn't say, we support our troops. My son, I want him to know that when he goes into combat that we support him in his endeavors. Number two, I know there is every veteran that served in this country and in a foreign conflict or off this shore that definitely wanted to make sure that somebody did a lot of talking before we started shooting. I will guarantee you that, ladies and gentlemen, because they were the ones that were in the foxhole watching their buddies being shot and watching their friends not coming home and wondering if, only we talked a little more, could this have been averted.

There is always going to be people like Hitler and Saddam Hussein. Hitler started the war with us, if you remember correctly. Saddam has to be contained and this thing says that. This thing says that mass weapons need to be eliminated and controlled. This thing says that. This thing says that the United Nations and the United States needs to work together to make that happen. This thing says that. This thing says that the President of the United States can act unilaterally if he thinks it is in our best interest. This thing says that. Most importantly, this

thing says we support our troops and we support our folks in uniform that are going to be the ultimate weapon that we unleash when the talks and the discussions and the diplomacy finally comes to an end. That is all this thing says, that we support our folks.

I spent the whole day today talking to the veterans, the VFW. They were in Veteran's affairs today. They were all over this building. I showed them this Resolution and each and every one of them said there was no problem with this language. What is the problem? You can't cut loose of the document that came here originally from the other body. That is what you can't let loose of. If you people can't get pass that and move forward and vote for your men and women in the armed forces and your past men and women in the armed forces and show them your behind them when, and if, our Commander and Chief tells my son to go to work, he is going to go to work and I want him to know that we are behind him. Thank you Mr. Speaker.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. I rise to address one of the points raised by the Representative from South Portland, Representative Glynn. He makes a good point. We, in the Legislature, do not have complete information. American intelligence is not being publicly disseminated for good reason, no doubt.

If there is compelling evidence that Saddam Hussein does have the weapons alleged, evidence that the Bush Administration has yet to share with the public, then I trust President Bush to do what is right to protect the security in the region and the American people, regardless of public opinion and regardless of whatever we say here in the Maine Legislature.

In the end, those of us who support the Resolution may very well be exercising a fundamental and long held American right, that to be wrong. Be that as it may, it should not stop us from speaking to the facts as we know them. To say otherwise is to suggest that Americans have unquestioning loyalty to the President in all matters of foreign policy and national security. Such a notion is anathema to American democracy.

I will be supporting this motion and I hope a majority of you will join me.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. Early today I had a letter I composed distributed to all you desks. I will not read the letter verbatim today, but I do want to go through it and try to reiterate some important points, which take this debate in an entirely different level from anything that has been talked about so far. The essence of my letter is not to question that there aren't people here who passionately believe that we should pursue diplomatic channels first. That is a unanimous build in this body. I understand why many of you believe that you want to send a message to the President of the United States to continue on this course. That is an important distinction. That is the course he is on right now, to continue on this course that you support our troops. As an Army officer for many years, I lived with a system that we called the most undemocratic institution possible that exists to protect the most democratic institution possible. Key among that was interfering with the chain of command. I mention there were severe consequences for that, as there should be.

You are in a position where you are going to give a soldier, an airman, an order that may result in his death and what you cannot have is an environment where the motives and the integrity and the resolve of the origin of that order is under dispute, under question. The person then asks themselves, do

you mean it? Am I supposed to go now? That exists for everyone who is an officer in the military and that exists for our Commander and Chief. My point is I think that exists for this body also. There is an important thing I think you are forgetting here. We are not 186 individuals. We are the Maine Legislature. Maine, as a state, has its own military. We have a National Guard. Many of them are already on their way into this battle. Many of them have been given notice that they are on to this battle. We are in their chain of command. We are sending a message as a body that is very, very different than if 186 of us were to assemble in the Hall of Flags and say the very same thing on camera, that would be exactly what the military exists to defend. That is democracy and the right of expression, freedom of speech and so forth.

The difference is when this body gets together and says that we have passed this as a statement of the government, that we think what is going on now is wrong. The very origin of that government turns to the soldier and says, grab your combat gear, get on the plane and go to war.

We are planting in that soldier's mind uncertainty. We are questioning the resolve. We are harming the ability of that person to focus on the mission he has been given that may result in him dying or killing somebody else. It is very, very different.

In the news today I read of a National Guardsman, I did not get the name or the location who has refused to be mobilized to go into the area. He is being removed from service. He is making a statement of conscience. I have a problem with that, because he accepted the pay and swore on oath and enlisted in the military for a period of time and now that they said this is your orders, he is saying that he doesn't like that order. I don't like that order. If it was a different order, then it would be different. I don't like that one, so I am not going to go.

We have hundreds of National Guardsmen they're now packing up to go now. What are they being told? Their government, not individuals, please understand this distinction, is saying to them that we urge President Bush to do something that we don't think he is doing and that is what it says. We are saying that unless there unacceptable compromise and safety and security of the American people, these American people, not some other nation we are trying to protect that we don't think should be going there.

What should happen to a National Guardsman from Maine if he decides he is not getting on the plane tomorrow? He has decided he is not going to do that because he read in the newspaper that the Maine Legislature is getting involved in this matter and saying to President Bush that this isn't right. That is the trigger for him. This is your soldier. What do you do with him? Do you court martial him? He goes to court and says that the Maine Legislature said that all diplomatic actions haven't been taken. That is my defense. Is he right? The answer obviously is he is going to go to prison for years. He should. The military can't be insurrection. To what extent would the motion for this body be responsible for creating the situation. It is such a difficult point to get across for somebody who has not served in the military or not served as an officer in the military why it is perfectly acceptable to be totally undemocratic within that organization and still expect to do your job.

I can't emphasize enough and I am sure I am not going to be eloquent enough to get across this point of why a Resolution from the entire Legislature is so different than 186 people standing in the Hall of Flags saying exactly the same thing at this time.

The other point I want to make is amplifying everything I have said to this point, is the law of unintended consequences. You have to believe since this proceeding is being broadcasted on the Internet, that you don't know who in the world is listening to this

debate right at this very moment. Knowing it is coming up, you have to believe that people who aren't exactly aligned with our interests in the Middle East are listening to it. The result of this body is something that they are going to want to use to advance their cause. Their cause is not the cause of the United States and it is not the cause of the soldiers. Their cause is sometimes advanced when our soldiers die.

What are they going to do with this? We put out a Resolution tonight that we pass this thing. What can you say or think when tomorrow there is a press release coming out in the Middle East directed at the Middle East saying that the State of Maine is in open rebellion against the President of the United States. We are saying he is on the wrong course. This is all going badly. You should not do that. The motive of why they do that is so obvious. We do political campaigns for a living here. If you want to influence your people with something like this, this is exactly what you would do with this Resolution. It is exactly what you would do. In their culture when an entity of government speaks ill of the central government, that can only mean one thing in their culture. That could mean that that central government is going to fail. A state within Iraq does not criticize Saddam Hussein unless Saddam Hussein is on his way out. It is the same thing in Saudi Arabia and Turkey and any of those other nations in those areas.

When those people hear the press release composed by the Iraqi ministry of information that takes the action of this body and contorts it in a way to suit their message and send it out, the message their people will hear is that the United States is not unified. This maybe isn't going to happen. They don't really mean it.

Soldiers and sailors and airmen in Iraq are not going to say that they are not going to worry about this. I am going to stay in place. A major strategy of the US military if it comes to war, I will remind you that it hasn't started yet, but may prevent this war in the first place is the concept about 12 years ago there will be overwhelming force. They will absolutely decimate the Iraqi military and they will look across the horizon and they will say that if they stay in this fox hole holding onto this gun, then I am a goner, but in your culture you hear on the news that the State of Maine has passed this Resolution saying this is a bad idea. In your culture this says to you that the President is not so tough after all. He can't do this. If it happened in my neighborhood, this is what it would mean. What are you going to do? Are you going to stay holding onto that gun instead of waving a white flag? You are going to resolve to stay where you are instead of conceding. Saddam Hussein is not going to blink when he should blink.

The guns will start shooting and we will go to war. We will hit them with overwhelming force. People who would raise a white flag and would live to see the end of it will be dead. American soldiers who are receiving Iraqi prisoners will be shot and killed in the process. The misunderstanding will have been sent by this body. Think of beyond the walls of Augusta. Think of it beyond Washington DC. Think of it as international politics and their culture. Do you think it won't happen? Of course it would. If we were in charge, we would do it in a heartbeat.

I told myself that I wouldn't get upset about this. I have to think back on my years in the military where I never fired a shot and nobody ever shot at me, but I was in a combat unit and we would train and train and mobilize and then they would tell you it was a drill this time, put your gear away. I would think of the soldiers. In our training I would give an order and under the war game, it is just a game, but they died. You don't know how hard that was. What if it was real? I would want to believe and I know the people who are doing this today want to believe that their government is behind them. When you say support the troops,

send a consistent message. When you say support the troops, do not give the opposition something that is going to strengthen their resolve, misjudge the likely war that is going to come and end up with more of them dying and the US having to kill them and US soldiers having to die in the process.

You are planting uncertainty, not because you want to plant uncertainty. I know you don't, but you are giving a vehicle out of this legislative body that will be used that way. When the hammer falls at the end, you cannot control what happens to this Resolution except think of your own political extinct and you know what will happen to this Resolution. It will not be good. Not go in this context means people die that don't have to. We don't have a Joint Standing Committee on International Affairs for good reason and this is one of them. We don't have a chance to take all this and to gain the perspective and experience and to vent these ideas and to say that this is the unintended consequence.

I hope you understand what it is now and think back. I know that everyone here supports the troops. We don't have to keep going over that. You will lose control of it, the moment the gavel falls, you will lose control of it. Many people say that they just want to be able to say, I told you so. What are you going to say when that happens and you get a letter from a Maine National Guardsman who says, do you know what I heard on the radio over here? Is that right? This paragraph about full support, I don't think that will be in the broadcast that they will put out in the Middle East. I think they will leave those words out. Do you? Of course they will.

Supporting our troops and working against war is best done if 186 of us gather in the Hall of Flags and have a press conference. As a member of the chain of command of government, we act this way where it is used against us.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I want to thank Representative Daigle from Arundel for his words. I had a chance to read his letter. I appreciated his thoughts. What persuades me in terms of this Resolution is someone who sits just behind him. That person went to Vietnam. He was a platoon sergeant and out of 11 people he was the only one that wasn't wounded or killed. He indicated that we ought to try through diplomatic efforts to do what we can to avoid war. If war is necessary, then we ought to support the troops.

I think back to my grandfather who was a young boy from Old Town when he joined the Yankee Division. He fought in World War I. I used to ask him, what was it like to fight in that war? He never would talk about it. He never spoke of it. He said to me that I don't want you to know about the horrors of war.

I know the good Representative from Arundel was in the military. He has not fought in a war. Those who have fought in a war do not glorify it. Those who have fought in a war informally as I have spoken to them, have urged us to do all that we can to avoid the conflict. That is what we need to do here.

About supporting the President, Congress and the troops, I want people to look closely at this Resolution and the amendment now that was adopted. It states succinctly that we support the troops and the diplomatic efforts. It says there is an urgent need for multilateral action to eliminate weapons of mass destruction. Does anybody here disagree with that? I think not. It says that Saddam Hussein is a menace to his country and to the region. None of us disagree with that. It says that if military action is initiated, then we stand in full support of the President, Congress and our troops. Does anyone in this institution disagree with that?

We urge, we do not demand in this institution, that the President pursue diplomatic efforts. There was no demand and there was no word demand within this Resolution. We stand in full support of the veterans, past, present and in the future, the disabled veterans, the ones that will come back from this war disabled. We stand in support of that. We stand in support of their families and no one in this institution disagrees with that.

We ask, we do not demand, that the President consider using the UN and its member states so long as such efforts do not unacceptably compromise the safety and security of the American people. That means that this President should use all the support he possibly can to form a coalition that supports us not just in this war, but on the war on terrorism. That is exactly what Maine people want us to do. That is what this Resolution says. It says nothing more than what I have just stated. I don't think anyone here would think to vote against what I have just mentioned.

I do respectfully disagree with the Representative from Arundel, that this Resolution plants doubts in the minds of military personnel. Nothing could be further from the truth. If I read this Resolution, it says that I support the troops. I support the families. I support the veterans that have come before me and support the veterans that will come later. I think diplomacy is certainly an avenue, which this President is pursuing. I am not here to say that this President is pursuing anything other than a course of peace. We have a right, no an obligation, to support and to acknowledge and to state what it is we believe in this institution. We are the people who represent Maine men, women and children. We are the people essentially that speak for those folks. It is appropriate and we have a time honored tradition here of speaking out on issues of foreign relations. Make no mistake about it, what I am hearing are arguments best made in the other body for the Joint Resolution. Perhaps I would have even joined you in that argument. That is why I put the House Amendment in. The House Amendment went in, essentially, to change what I thought was inappropriate. That is why we are dealing with a House Amendment. That is why the arguments related to this House Amendment and what I just said are germane.

I ask you to support this House Amendment and have a unified body in support of the President, our troops, our veterans and all the other things that I just mentioned. That is what this is about. This is not about bashing the President, the Congress or the troops. There is not one word in here that says that. I took some offense when I heard that. That is why I had to rise. I ask you to look plainly at the words and nothing more, not the inferences that you might draw, not the concerns that you think this is too political or pointed at one particular commander and chief or not. I ask you to look at the words. If you do, I think you will come to the inescapable conclusion that this Resolution is something you ought to support. Thank you very much.

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

Representative **PARADIS**: Mr. Speaker, Men and Women of the House. Since when can't we individually or collectively express our viewpoints? Is it a constitutional right to express our deep feelings about different situations? It is our duty to speak up and it is our duty as a country to make sure that we have adjusted all means besides war before going into war. To do otherwise is downright cynical and disingenuous. It is like parents telling kids to go play in the road and I will support you anyway. We are suffering from a bad case of UAS, Ugly American Syndrome. We are insulting our allies. We are downgrading the UN. We are a glaring case of cowboy diplomacy. Ask yourself this question, what if President Bush

had been President during the Cuban Missile Crisis? Would we be here tonight? There is a prevailing mood of anti-Americanism going on. Joe McCarthy lives on. People who do not agree are accused of being unpatriotic, communist. I guess if you apply that, General Swartzkoff, who spoke very eloquently yesterday on one of the shows doubting this move, going unilaterally and many other generals then they are un-American.

If we go to war unilaterally as seems to be the bet of this administration, we risk losing the whole Muslim world. Right now we need all the allies we can get. I would suggest that we spend even one tenth of what is being spent on this war effort and double, triple, quadruple the Peace Corp. We will get a lot more for our monies.

Our so-called maligned allies, Germany, France, Russia and Belgium have proposed alternatives, increased surveillance. We can do that. We have the technology to do that. We have more of a true presence on the parameter of the country, even within Iraq. That is clean. That is bloodless. We owe it to our troops to that. There is a double standard going on here too. What about other countries? North Korea, we don't want to tackle that one, because we might get our face bloody pretty fast. It is not unpatriotic to suggest that diplomacy can work and should work. What about China for many years? Talk about human rights violation. Did we take them on? The cost of this will be in trillions of dollars. If you really want to talk reality, come to Millinocket. Come to East Millinocket. Come to Medway. Come to Fort Kent and talk to people that have lost their jobs and talk to them about this war effort. See what kind of a response you get.

Mr. Speaker, I think it is time that we look at things seriously. I think it is time that we follow our own Constitution and we stop this lambasting of our allies. We cannot go on like this. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Mr. Speaker, Men and Women of the House. I just want to remind everyone that Representative Richardson kept going back and forth about we ought support our troops. Let me remind every one of you that the last President of the United States did not go to the UN. He went in and bombed Bosnia and Yugoslavia, blew bridges up, blew power plants up and killed innocent people. Don't forget that. Thank you Mr. Speaker.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. "Neither the United States of America nor the world community of nations can tolerate deliberate deception and offensive threats on the part of any nation, large or small. We no longer live in a world where only the actual firing of weapons represents a sufficient challenge to a nation's security to constitute maximum peril. Nuclear weapons are so destructive and ballistic missiles are so swift, that any substantially increased possibility of their use or any sudden change in their deployment may well be regarded as a definite threat to peace."

"The 1930's taught us a clear lesson: aggressive conduct, if allowed to go unchecked and unchallenged ultimately leads to war. This nation is opposed to war. We are also true to our word. Our unswerving objective, therefore, must be to prevent the use of these missiles against this or any other country, and to secure their withdrawal or elimination from the Western Hemisphere."

"Our policy has been one of patience and restraint, as befits a peaceful and powerful nation, which leads a worldwide alliance. We have been determined not to be diverted from our central concerns by mere irritants and fanatics. But now further action is

required, and it is under way; and these actions may only be the beginning."

"My fellow citizens: let no one doubt that this is a difficult and dangerous effort on which we have set out. No one can see precisely what course it will take or what costs or casualties will be incurred. Many months of sacrifice and self-discipline lie ahead, months in which our patience and our will be tested—months in which many threats and denunciations will keep us aware of our dangers. But the greatest danger of all would be to do nothing."

The four statements, which I have just read, were made on October 22, 1962 by one of America's most beloved Chief Executives, President John F. Kennedy. He made them during his radio and television report to the American people on the Soviet arms buildup in Cuba. These words, spoken more than 40 years ago, are as true today as they were then.

Our course is indeed, "difficult and dangerous" and the stakes are indeed high.

No one knows that better than the more than 170 men and women who serve in Maine's Army and Air National Guard who have been called to active service in support of Operations Noble Eagle and Enduring Freedom.

No one knows that better than the nearly 200 members of the United States Marine Corps Reserves from Company A, 1st Battalion 25th Marines in Topsham, who, just a few weeks ago, left their loved ones for an unknown duration.

No one is more keenly aware of the task before us than the United States Naval Reserve "Seabees" who have left their homes in service of our Country, or, the men and women who serve on active duty at Brunswick Naval Air Station, Bath Iron Works, and the Kittery Naval Shipyard.

And, no one, no one, knows the risks we face better than the families of the men and women of the United States Coast Guard and Coast Guard Reserve, based in South Portland, who were recently called into the service of the United States Navy to support America's efforts to disarm Saddam Hussein.

There are also Army Reserve, Air Force Reserve members, citizens of our Great State, who have either been notified of their impending recall to active duty, or are standing-by, ready to answer the call.

I mention these men and women, these brave souls, because they share a unique lineage. One that dates back to the time of the "Minute Men," the "citizen soldiers" that at a moments notice left job and family to defend our national interests.

Ladies and Gentlemen of the House, let me be clear, in each conflict that this Nation has faced good and patriotic men and women, who served and did not serve in our military, have done their civic duty and raised questions and objections as to the wisdom or timing of military actions. They have asked the tough questions and always urged diplomacy and restraint.

This is where we find ourselves today. The voices of good citizens on both sides of this issue are being heard. Diplomatic efforts to resolve the situation in Iraq continue to this day, even though, as Secretary of State Colin Powell outlined in his presentation to the United Nations last week, Iraq apparently has been and continues to be less than forthcoming in its dealings with the UN weapons inspectors.

So, the time appears to be drawing ever closer to a decision on whether or not America with it's allies will pursue military action in Iraq in order to disarm Saddam Hussein and enforce the UN resolutions.

And, should force be determined to be necessary and our armed forces are sent into action, this legislature must not be so arrogant as to assert that the opinion of a simple majority of each body is truly representative of the 1.2 million residents of Maine.

We must instead put our confidence in our leaders, support those who would put themselves in harm's way, and speak with one voice so that Maine and America will not be misunderstood.

Ladies and gentlemen of the House, now is the time to support both our fellow Mainers and fellow Americans who so nobly wear the cloth of our Nation.

As President Kennedy once said "divided there is little we can do, for we dare not meet a powerful challenge at odds and split asunder."

Mr. Speaker, I urge the members of this body to defeat the motion to adopt House Amendment "A" and go on to defeat Senate Paper 163. Thank you.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Fischer.

Representative FISCHER: Mr. Speaker, Ladies and Gentlemen of the House. I rise today in full and unwavering support of the Honorable George W. Bush, the President of the United States of America. I rise without questioning his integrity, without disputing his authority and without challenging his purpose.

Mr. Speaker, the President says America's purpose is to defend the civilized world. This Resolution does not disagree.

The President says Saddam Hussein is a threat to the civilized world. This Resolution does not disagree.

The President says action, possibly military action, will be necessary to rid the civilized world of this threat. This Resolution does not disagree.

The President says it is the responsibility of the United Nations to confront this threat and disarm Saddam Hussein. This Resolution does not disagree.

Finally, the President says that if the UN fails to act, the United States will lead a coalition to disarm him. Again, the Resolution does not disagree.

Mr. Speaker, the Resolution we debate today is not brash. It is not disrespectful. It is not ill intentioned nor is it beyond the purview of this body. When I raised my right hand and took my oath of office, I promised to do my very best for the constituents who sent me here to represent them. And I'm doing so here today. It's the blood of Maine's sons and daughters that will be spilled in the deserts of Iraq, and therefore my duty to speak to this matter.

Mr. Speaker, let's stop the rhetoric. Let's stop the divisive debate. Let's vote to support the President of the United States of America on the multilateral course that he is already pursuing. Let's vote to support the United Nations as it considers how to deal with Saddam Hussein in the coming weeks. Let's vote to support the troops who will then be charged with disarming him. Let's vote to continue to support peace until war is the only remaining option. Thank you.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. I wish to address the good Representative from Arundel, Representative Daigle's comment that perhaps this is beyond our purview. I am sure that all of you would agree with me that all politics is indeed local. I would also like to say that what Representative Daigle had to say about what will happen with this Resolution is probably true. No one is in Baghdad hanging on this. This piece of paper will be gone, just as the words of those generals' who have cautioned us have evaporated as well.

I want to read just a couple of them. Marine General Anthony Zinni, "It is pretty interesting that all the generals see it the same way and all the others who have never fired a shot, and are hot to go to war, see it another way. We are about to do something that

will ignite a fuse in this region and we will rue the day we ever started."

General Wesley Clark, "If we go into Iraq unilaterally, or without the full weight of international organizations behind us, if we go in with a very sparse number of allies, if we go in without an effective information operation, we're liable to supercharge recruiting for Al-Quida." Those are authorities. Those are people who know what is going on.

I don't feel that this is beyond our purview at all. When the state law doesn't square with your own moral law, you can declare a majority of one. I am not even concerned about the numbers here tonight. I am concerned about how I vote here tonight. My dad said over and over that the softest pillow is a good conscience. I can say in all good conscience, with the exception of one vote in seven years, I have been able to sleep. I will be able to sleep tonight also based on how I vote.

From my district there has been overwhelming support of his Resolution. I am a teacher and there are many teachers here. After 9-11 all across this state many of us had our students write about this event. It was a watershed event in their lives and in our lives. Those eloquent essays of that resonate in my mind at this moment. They dreamed of the same world that Ilan Ramon, the Israeli astronaut on the Columbia dreamed of just before the crash of the shuttle. He said, "The world looks wonderful from up here, so peaceful, so fragile. I wish we will have a peaceful land to live in very soon."

I want my constituents to know tonight and I want my family to know tonight, that includes my son, who is in the military, that I tried even here to slow down war, not just the Iraqi war to exhaust all possible efforts to deter war. Peace at any price, no, but we still have options. I don't have to apologize to any young man who is hearing this. I want to save human lives here and in Iraq.

Someone talked about consistency. I remember the words of Emerson, "A foolish consistency is the hobgoblin of little minds adored by divines and little statesmen. I can think something yesterday and today I can think something entirely different based on what I have learned." We are learning every day about this conflict. I want the textbooks to say that no matter what comes of this war that there was a group of people who tried to slow it down. I urge you to support the Resolution. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. I now have the opportunity to finish what I wanted to say. I really appreciate that. There is no denying where this Resolution came from. There is no denying what was in the original and there is no denying the statements that were made in the press. There is no denying the anti-war resolution that was across the headlines throughout our newspapers. Being a person who studied journalism who wanted to be a writer all of my life, one of the things that I learned when I started taking college classes was when you wanted to frame a story or a picture to say something, what you did was you use subtle little images in that photograph or in that article to shape the minds of the people that you wanted to change.

Unfortunately the statements have been made and they are there. Although I respect greatly the work of our colleague in the corner, the Majority Leader, I believe he has done a great thing by amending this Resolution. I believe what you have done is submitted in this chamber first what would have been embraced by everyone here. There is no changing the reality. No matter what we do in here, especially if we do it completely divided, is only going to add fuel to that image that has been created before our work.

Ladies and gentlemen, we were dealt a pretty bad hand with the Resolution we received. Unfortunately we can't change that. I respect and admire a lot of the people in this chamber that are standing here passionately giving speeches. On day one I expressed my concern that this would divide this chamber. Relationships would de-evolve. I ask you ladies and gentlemen, we will have to deal with our hand. Today, tell yourself that when we are done, we are not going to let this affect our work that we need to do in the near future. I feel in my heart that we are going there now. I urge you when today is done to send a note to your friends and say, although we disagreed on this issue, we will work together. Thank you.

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

Representative **EDER**: Mr. Speaker, Esteemed Colleagues of the House. I wish to paraphrase a famous quote that surely has been uttered here in these halls before. It is that a job of a politician is to speak much about that which he or she knows little of. That is what our people have elected us to do here. They have elected us to lead. It saddens me to think that this conversation might not be happening if a particular party wasn't in majority or if a particular party's president wasn't in the White House.

The party of which I am a member is a principled advocate of nonviolence and this goes beyond simply not supporting violent solutions such as war. It invokes working to learn, use and advocate proactive nonviolent solutions to situations that typically motivate emotions of anger, revenge or fear.

How can we as a society develop effective alternatives to our current patterns of violence at all levels from the family, from our homes, from the street, to the nations of the world? How can we expect nonviolence of our citizens here at home when we, as a nation, use the example of consistently turning to violence to solve our problems? Violence is contagious, gets easily out of hand and is too easily justified by some immediate need when the long-term consequences are deadly.

To quote Howard Zinn a bombardier in the Air Force in World War II and historian, "In war you kill the people who are the victims of the tyrant you claim to be fighting against, that is what you do. Wars are always wars against children and in every war unforgivable numbers of children die." I wish that we could remember that here today. We are talking about the lives of children who will undoubtedly die no matter how smart the bombs are and no matter how targeted our practices of killing have become.

It is for that reason that I rise today in support of this Resolution. Thank you.

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

Representative **COURTNEY**: Mr. Speaker, Ladies and Gentlemen of the House. As one of the 70 new freshman, as many of you, I was in awe when I walked in here and honored to be part of this body. For the past week we have all seen these little pink sheets of paper. So many so that we had to make labels to put the message on that it was an anti-war Resolution. I think that no matter how we spin this or how we change this, when this goes out of this body, it is going to be a watered down anti-war Resolution.

I think that we have things in this House that are more important to do than to pretend that we are an arm of the federal government. We have a budget to balance. We have health care to address. We have very many very serious issues. I have been fortunate to have made some really good friends on both sides of the aisle since I have arrived here. I see this divisiveness that is being sent down from the other end of the hall

that can turn this to a partisan issue, which it really doesn't need to be.

What I would ask my fellow freshman and fellow Representatives is to block the partisanship at the door. Don't let that poison from the other end of this building come down here. We have a job to do. The people didn't send us up here to argue over partisan, petty war resolutions that are perhaps just to get attention for one person or another.

I think that we have a lot of work ahead of us. I hope that we will vote this down and move forward and do it. We have a lot of good people that are committed to the people of the State of Maine. The people of the State of Maine don't want us up here fooling around with something like this. Thank you.

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

Representative **LANDRY**: Mr. Speaker, Ladies and Gentlemen of the House. I have been sitting here listening to this for darn near a couple hours now. I just want to voice my opinion for what it is worth. I spent 22 years in the military and as such, I spent an awful lot of time traveling on planes at the whims of a politician, somewhere or another. I came to learn that when I got off the plane in San Francisco in 1968 coming back from a year in Vietnam that I really didn't have a lot of people on my side back home. I swore then that if I ever had the opportunity, I would never do that to a GI.

When this Resolution came about and I found myself years later sitting in a position where I can have a say. I can speak up and say something in representation of the people who put me here. I, too, did not like the interpretation that I first got from the original document. It was an anti-war Resolution. I said it in the committee that looked at the verbiage. I said I close my eyes and all I can see is you people throwing flowers at me in an airport terminal in 1968. I know that there are another couple of Representatives sitting here this evening that have been there, done that.

I spoke up in that committee and asked that the verbiage be at least changed to show our support for the military, for our sons and daughters. I have a kid that is Tech Sergeant in Nebraska. He is a nurse. He goes on to enlist one March. He is probably going to be gone on the second of March. Yes, I have a vested interest.

I also have got experience in this. While I don't even want to pretend to dictate foreign policy to the folks in Washington, I don't think it is my right. They have the authority. I darn sure don't have the knowledge. What I do want to say in this final product we end up with, if we do end up with one ultimately, listen if the man says you go into harms way, then you do what you have got to do. We are going to stand here and support you. We are going to support you while you are in the armory waiting to go, while you are on the plane going over and when you get off the plane coming home, whether you have something wrong with you or you are disabled or whatever. We are going to back you. That is what I wanted in this. I wanted that message to go out to the military, those words are mine, past, present and future veterans and their families.

With the verbiage that it now has in front of us that we have been kicking around for some time, I believe that that is what we are saying. I believe that it can be interpreted no other way. I don't like the way it could have been interpreted in its original form, that's why we added these things to it. I refuse to allow this particular issue or any other to stand in the way of the strong relationships I have established with my colleagues across the aisle. I have made some good friends and we work together. Everybody knows that there are teams from both parties, made up from both parties, that represent a lot of towns and cities in

this state. I don't want to see this get in the way of those working relationships. When it comes down to it, we are going to need to work together or we are going to be spending a lot of nights together.

For us to get torn verbiage wise on something like this, I think is very counterproductive to what we are here for. For those reasons, I would like to lend my support to this particular amendment as it is written. Thank you.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Ledwin.

Representative **LEDWIN**: Mr. Speaker, Ladies and Gentlemen of the House. We all come here with a history and part of my history is that of being a Vietnam veteran's wife. When my husband left for Vietnam our daughter was four months old. When he came back, she was 18 months old and they were strangers. I have been through this whole thing. I know that. However, I feel that our best way to support our vets and our present military is to let this whole thing go away. None of us are remembering that our mothers taught us that sometimes the best thing to say is nothing. I commend those who have worked so hard on this issue. I feel what is before us now is better, but I also feel that once it is out of our control, it will be taken out of context and it is going to go all over the world as the word of Maine citizens. Please, I beg you as Americans, let's not get involved in any politics. This is not a political issue. It shouldn't be. It is an American issue. Please do what is best and just let it all go away. 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. I rise to support the pending motion also. Talk radio, water coolers, everywhere you go, people have an opinion on this matter. They have for quite some time. I sense within this room that there are several opinions, none of which seem to be changing, by the way. I have always had a dislike, even a disdain, for these Resolutions. I kind of laughed about them when we were in the Rules Committee. I liken these to putting a message in a bottle and throwing them into the Kennebec in hopes that they might find their way down to Washington on an outgoing tide.

I took particular interest in this one because I thought that it reflected the views of so many people that are coming in from all over the country. These views will make their way up the Potomac and they will make their way inside the Beltway regardless of what we do. I just feel as though there is not a whole lot of need for us to fight so over that which we agree so much upon.

Representative McKee and Representative Trahan, two good friends of mine, both said the same thing in different ways. They said that ultimately when we do finish this and leave, we will have voted our consciences and we will go home. Mr. Speaker, I respectfully ask that we take our opinions in good conscience, put a cork in this thing and throw it.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Laverriere-Boucher.

Representative **LAVERRIERE-BOUCHER**: Mr. Speaker, Ladies and Gentlemen of the House. I support this amendment. Actually, I would have supported the original Resolution. I grew up with the effects of World War II on a young soldier who after years of living in mental anguish finally took his own life. I am anti-war. Therefore, I am pro-troops. I am in favor of not having war casualties. I believe the human race needs to address conflict in other ways than war. Thank you.

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

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. I am disappointed that this is the first opportunity I have to rise before this body. I can't understand why this measure is in front of us. I haven't been here very long, but I know there is no Foreign Relations Committee in the Maine Legislature. While I give Representative Richardson, the Majority Leader, a lot of credit for trying to create something that may not be what it originally was, I don't think it goes far enough. I, too, got 20 or 30 pink slips that talked about the anti-war Resolution. No matter what kind of face you put on this, I think after its passage, if that is in fact what happens, as Representative Daigle said, this is going to go out of this room and it is going to be an anti-war Resolution.

I served in Vietnam. I didn't go overseas. We went to Cuba for three months and we played around with live fire and ran around with rubber wounds on our arms and legs and so forth and got ready to go. Fortunately we didn't have to go. I had a friend in high school that was killed and I don't want to see war either. I don't think anybody in this body wants to see war.

I have heard from a lot of people in my district about this. Every single military veteran that I heard from said the same thing, if this passes, it will be a signal to our military, the people that are being called up right now in our towns and cities, that the Maine Legislature does not support their being called up. At the same time we are asking our business people in this state to find it within their budgets to make these people's families whole, to pay them while they go overseas, which they don't have to do, all they have to do is give them a job when they come home and everybody is willing to do that. This will send the wrong message to people in this state and across the country that Maine has come out against the President of the United States.

I have heard people say they are in favor of the President of the United States here. Well, in reading the Resolve, the amendment that we just passed, it, in fact, directs that we don't want the President of the United States to use military force. It says that we urge you not to use military force. I don't have the knowledge to make that decision up here. In fact, many of the people that I heard from hadn't even called their United States Senators about this issue. In fact, the United States Senate unanimously required the President to go to the UN, which he did do. He is at the UN now. He is doing everything that this would have him do. I can't help but say that this second guesses the President of the United States. As a military veteran myself, I can't do anything but oppose it.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I request a roll call.

Representative **BRUNO** of Raymond **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-8) as Amended by House Amendment "A" (H-9)** thereto.

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

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. The damage of this Resolution has been done, not to the people of Iraq, not to the President, but to the Maine Legislature. All you have to do is listen to the tone of some of this debate. You can see the wounds, scars that may never heal, because of this Resolution and that is a shame. I applaud the Majority Leader for taking my request to try and tone down the Resolution and making a much better Resolution, which if it wasn't for the previous Resolution, many of us could probably

support it. I applaud him for that effort. What is a real sad day here is if this is such a good idea, why are we the only state even considering it? Are we just so much smarter than the rest of the country? I don't think so. I think many other legislatures would look at this and say it is the wrong thing to do. It sends the wrong message. When you take a straight party line on a Resolution, you haven't sent a message to anyone. That is unfortunate.

I received this green sheet of paper from Representative Dudley talking about other Resolutions that were previously passed on foreign affairs issues. I don't remember straight party lines on those. I don't remember a Resolution out of this body when President Clinton decided to bomb Kosovo. Where was the worry about the Yugoslavian people then? Where was the worry about the economic impact of that war? As a matter of fact, we still have troops over there. What about that economic impact? That is why this is sending the wrong message.

If this Resolution should happen to pass, I will be sending a letter from my office to the President saying, you know what Mr. President? It was a straight party-line vote. You take the message how you want. If the Congress of the United States gave the President authority to go to war in a bipartisan fashion, why are we sending a straight party line vote saying, don't listen to Congress?

I hope many of the new members have learned something from this. It is not the way we normally operate around here. We try to arrive at a compromise. We try to do the right thing. I am not sure this Resolution does it. I understand that the Democrats in this body have been put in a tough position because of what happened down the hall. That is not my fault. I have had many of you come to me and say, you know what? I don't want to support that Resolution. As I look around the room, many of them are not here tonight. I don't know the reason why. I have my ideas because I have been here for a while. That is unfortunate. When you have to leave because you are afraid of a vote you need to take, that sends the wrong message.

Vote however you need to on this Resolution. Do what you have to do, but I am sorry that many of you were put in this kind of position.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Cummings.

Representative **CUMMINGS**: Mr. Speaker, Ladies and Gentlemen of the House. I think we should make no mistake that 200 years of military service was done for the sole purpose to allow free people in a free country to honestly disagree. We are here tonight and we are honestly disagreeing. There will be other issues that we will honestly disagree. The blood that was sacrificed was exactly for this purpose. When it comes to precedent, let us ask the question, what is different about this war? What is significantly different is the absence of a standard of American foreign policy intervention that ignores clear and present danger. This is a different war. This is a war that says that our Executive, our Chief Executive, our Commander and Chief, may enter into engagements with those who happen not to be in our interests. As we change that standard, we put Maine men and women and children in danger. When we put those people in danger, it is not a question of whether it is relevant before this body, it is a necessity.

The **SPEAKER**: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. As a humble member of this voting body, I believe that the Maine Legislature is charged with many, many important responsibilities. We write laws. We pass budgets. We oversee the operations of our state government. As part of this work we ought to be trying to expand health care

access, lower the tax burden and create opportunities for working Maine families, not spending time debating on a "diplomatic Resolution." As citizens, every single member of the Maine Legislature is entitled to an opinion, their own opinion, in America's place in the world and how best to advance our interests. When it comes to the questions of war and peace, I can understand the strong feelings that people have. I think that we all have our concerns. We all worry. We all care about each other and our families and our military. State lawmakers must remember the limits and the bounds of the office that we hold. Should the Maine Legislature pass a Resolution this week concerning US policy with Iraq? It would be the first State Legislature in the country with the arrogance to take an official position on this all-important issue of foreign policy.

Ladies and gentlemen, I really believe that it is wrong to do this. I really believe that we need to stand united, each state in this United States must support our country and what our President is doing. We must set aside the political boundaries and we must be united. I think this absolutely critical to do this. I ask each and every one of you to please do the right thing. I know that this Resolution was written with good intentions. It is going to send the wrong message. We must stand united, just like I said before. It is absolutely critical.

The reasons that lawmakers from other states have not passed Resolutions on this manner is they understand that they would look foolish and perhaps even unpatriotic for passing judgment on an issue so far outside their area of expertise.

Everyone is entitled to his or her own views on the merits of military action in Iraq. This is true, but I believe, however, that it would be a mistake for the Maine Legislature to pass official judgment. Therefore, I am urging you to vote against this motion and this Resolution. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I have heard on the other side of this debate throughout the afternoon and evening, the word time or timing. I think we need to look at that issue. We have all seen that we have had life experiences, strong opinions that we have brought to this discussion, this debate, but I think we need to look at the issue of time. Three Presidents over an 11-year period have followed the diplomatic route, two Republicans and a Democrat President. The UN has passed 18 Resolutions asking Saddam Hussein to disarm. Nowhere in these amended, amended Resolutions does it talk about the reason why we are looking at the possibility of war. No one, at least in terms of the amenders want to address that issue. I don't think there is a member in this body that can dispute the fact that those biological germ and dirty additives are in Iraq right now.

The Resolution said, disarm. The UN Resolution said, disarm. We are coming to the 14th, which will probably be the last report of the inspectors. Time, 11 years, three Presidents, 18 UN Resolutions. The time for this Resolution was in October 2002. It is a memorial to the Congress and it is a memorial to the President. In September and October those policies were being formulated. The members of Congress were looking to hear from the citizens, whether individually or collectively as a body. The President was looking to hear from the people, either individually or collectively. That is when this amendment or this memorial should have been discussed or debated and voted up or voted down. That is the point where we would have had that input.

Timing, there is an international stall going on right now by a group of countries that you still have fingers left over on your hand after you count them. Saddam Hussein understands that. He understands that if he gets to May or June with 120-degree

temperatures and more that Americans in biological and germ resistant uniforms and enclosed tanks will be trying to fight a war where our technology does not give us an edge. He understands that he has to get through March, April and early May. He is stalling. He has some friends on the international level that are helping him. Timing, without the disarmament, and if this time drags out, then you put the American military at risk and you put Iraqi civilians at risk, because rather than the best conditions where technology can win this war quickly and minimize, not eliminate, but minimize American loses and Iraqi losses if you stall, then we are to the summer and more Americans will die. You can imagine 120 degrees and going into a chemical suit or being in the inside of a tank at 120 degrees or more or if you understand losing a technological edge, which gives the Iraqi military a better edge on killing Americans. That is what time can do.

This belonged in October. That is when this memorial should have been debated. It would have had influence. You are sending it after the fact. You are sending it more than 100 days after by partisan representation in the Congress and instructed the President to go forward. We have waited too long. This is too much after the fact.

Friday morning was a really hard morning. Those people that aren't organized, the spouses of Mainers who are in the military, began to call. We heard very early from those that are organized and activists. They are organized, because if you go to a launching at BIW, they are across the street. They were organized and got to us early. Friday morning and Saturday I started to hear from spouses. One is a good friend. She was afraid to call me because she was afraid that I had voted for that Resolution. She called another friend and said, would you please call him and tell him that every day he is down in Georgia. He spent a year in Kosovo. He has only been home three to four months. He is in Georgia and he is waiting to be deployed. He is into the mission. He understands that he has been called. He has been training. He is prepared. He is focused. She said, I buy the newspapers everyday and I send them to him so he has that feeling of home as he is down there and he gets ready to leave. For the first time, I have had to clip the papers. I had to clip the editorials. I have had to clip the news stories about this Resolution. I will give you her quote. "He will not understand that his state does not stand behind him and his mission." That is a spouse. You can shake your heads not, but that is the interpretation and that is the message going out. She is fearful that by some accident he could hear this on some cable show or some reference and the impact that that is going to have upon him. I think you are late. I think the pressure has got to be on that the disarmament actually has to occur. You do nothing to address that in this Resolution.

I think the impact on the Maine men and women that are already there, there are special ops, there are Americans in Iraq now looking for the landing sites, looking for the targets. They are already committed. Is that the message you want to send to stall, maybe have a 19th Resolution, maybe wait another year and possibly increase American casualties?

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I didn't realize we had so many veterans here. I would like to add my name to the list. I also served 22 years in the military and I fought two tours of duty in Vietnam. I know a little bit about what we are talking about here tonight.

In case you aren't aware, I think everybody here that reads the newspapers should be aware, that we have airmen right now

flying everyday over Iraq, ducking missiles and anti-aircraft fire trying to enforce the southern and northern no-fly zones in Iraq. We are not with war, but those bullets are just as dangerous as they would be if we were at war. Fortunately we haven't lost an airplane or an aircrew up until this point. It is only by the stroke of luck has that happened.

We have four Navy aircraft carrier battle groups now in the Middle East and a fifth on the way. We have a wide array of air and ground units from the Army, Air Force and Marine Corp on station right now in the Middle East. Those men and women are well aware of what we are doing right here tonight. As the good Representative Murphy just mentioned, their wives are concerned and I am sure that they are just as concerned that we are not supporting them in their effort over there.

This brings back memories that I had from Vietnam. The pictures of Hanoi Jane Fonda on an anti-aircraft gun symbolically shooting at American airplanes that were flying over Vietnam causes a churning in my stomach every time I think about it. I was flying some of those missions and I was being shot at by the same guns that she was sitting on, perhaps. I am just appalled that we are here taking an issue like this up and, believe it or not, I know that it is hard for some in this chamber to believe it. We are showing a lack of support for our troops.

Please don't repeat the mistakes we made in Vietnam. Let's get about doing the business that we were elected to come here and do. Let's defeat this Resolution and the amendment and get about our work.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Mr. Speaker, Ladies and Gentlemen of the House. A few weeks ago we took a tour of Bath Iron Works, both sides of this aisle. We looked at the eyes of 19 and half year olds. That is the average age we were told. They are going to go out to sea March 1st. The young gentleman that took us on the tour, I ask him where are you going to see Saddam? He looked me in the eye and he smiled and he said, I hope so. We had lunch and spent time with these 19 and a half year olds. Why won't we stand up and support them now? Thank you.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Heidrich.

Representative **HEIDRICH**: Mr. Speaker, Men and Women of the House. I would like to defeat this amendment and the Resolution. There is one advantage to being an old man. I know history because I saw it. I didn't have to read it. I saw it with my own eyes. I think this Resolution was put forth to embarrass the President. That is okay. It had another consequence, of course. It did the same thing that the Hanoi Janes' did in Vietnam.

I am going to take you back a little bit further than that, if I may.

On **POINT OF ORDER**, Representative DUDLEY of Portland objected to the comments of Representative HEIDRICH of Oxford because he was questioning the motives of the sponsor of this piece of legislation.

The Chair reminded Representative HEIDRICH of Oxford that it was inappropriate to question the motives of other members of the Legislature.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Heidrich.

Representative **HEIDRICH**: Thank you Mr. Speaker. I can remember the newsreels in 1938 and 1939. I can remember going to the movies on the weekends and seeing Chamberlain coming with his high silk hat and his formal suit saying, "Peace in our time." I can remember Churchill saying, "Shame or war." I guess we ended up with both didn't we. We let that little goose

stepping Nazi walk around and kill millions. The pacifists in this country wouldn't get involved. The pacifists over there didn't get involved. Six million Jews died in the Holocaust. God knows how many millions died under Joe Stalin's hands.

We never seem to be prepared in this country. We are a peace-loving nation. I don't know of anybody that wants war. Ladies and gentlemen, there are some things that are worse than war.

I had the opportunity when I was 18 years old, after World War II, to go to Germany. I went to Germany because my grandparents were alive and survived the war. I went with my dad. My dad said, "Ted, I want them to see their oldest grandson." It was very difficult for my father. Here he was making bombers to go over and fly over Germany to drop bombs and his mother and father were receiving them. That is a pretty horrible thought.

We landed in Homburg, Germany. If you have ever seen destruction, you want to see Homburg Germany. My father said, "Don't worry. It is going to get better. Wait until you see the railroad station. The most beautiful railroad station in the world." It was the first time I have ever seen my father cry. My father cried when he looked at that twisted wreckage of metal and steel. This was 1949. Around that railroad station were German policeman standing with their arms locked for as long as I could see. The other thing that I saw were ambulances, block after block of ambulances. I asked, "What is going on?" I didn't speak German. He said, "I don't know. I will find out." He asked the German policeman. For the first time in my life I saw a living skeleton. You have seen pictures of the Holocaust, I bet you have never seen the German prisoners coming back from Russia. They were the same. There was absolutely no difference. They were young men that were nothing but bones and filthy rags wrapped around them and rags wrapped around their feet as they shuffled to the ambulances or were carried.

I thought I would hate Germany. I got to see something that I thought I would never see again in my life. I went along a little further and then came along June 25, 1950. I was happy as the devil. I had a job and was making \$50 a week. I met a girl and she was quite a young lady. I married her, but not yet. Something else got in the way. It was the Korean War when the communist forces came across from the north into the south. Again, we weren't prepared. They killed our troops. It was unbelievable. An American soldier was not taught to fight. The pacifists didn't want them to know how to use a bayonet. They didn't want them to use the phrase when you are in combat like that you kill. We had a beautiful parade Army. They had pretty blue and red scarves.

There is a gentleman here in the State House all the time, Mike Brown. Mike Brown was with the First Marine Division. He came out of the reservoir. Some day when you get a chance, talk to Mike. You know what else came out of that reservoir, 100,000 North Koreans that the First Marine Division took out with them. Can you imagine that somebody would walk through snow and 35 degree below zero to go to freedom? The First Marines took them out.

I landed in Korea in 1952. I was with Dog Company, First Tank Battalion, First Marine Division. I saw Seoul totally destroyed. It looked just like Homburg, Germany. My God, it happened again. I watched little children going around the street begging for food. Thank God for the American Army and the Marines. They fed those kids.

Fifty years ago this month on a raid on Kanggye in Korea, my lieutenant was killed, my good friend, Tommy Clossin, had his chin shot off as he tried to save the lieutenant's tank. I think in that raid we had six dead and 90 wounded.

I left Korea and I arrived in the 21st Replacement Draft. I left in the 20th Draft. I was up on the lines when my sergeant came up to me and said, "How would you like to go home a month early?" I couldn't believe it. I will go. You know it took me years to realize that when I boarded that ship that there was the 20th Draft and half of our 21st Draft and we didn't fill the ship. We went over with both Drafts with 4,000 men. We came back with less than 4,000. Life has a mysterious way of working.

I watched Vietnam come and I watched our people prolong the war and cause countless American deaths, because we didn't stand up as Americans. Ho Chi Minh loved everything we did, just like Saddam Hussein I am sure is enjoying everything we do. I did have an opportunity to see something. I often wondered, was it worth it? My wife and I went back to Korea about 14 years ago. All this time it nagged at me. You know what I found? I found a beautiful, beautiful city. I said to my wife before I landed, you are going to go to the filthiest place on the Earth, but I want to see it again. I am going to land right in the same place I fought. I couldn't believe it. It was a modern, beautiful city with flowers and people walking all over. That night I said to my wife that I wanted to go walk on the streets of Seoul. We asked another two couples if they would like to go with us. The girls said that no, they were afraid, but the men said they would like to. We all three had served with the First Marine Division. We had red jackets with the Marine Corp emblem on it and we had a baseball cap with the presidential unit citation on it. We walked out in the street, the three fellas and my wife. We were totally amazed at what we saw.

I saw a gentleman approaching me. I sort of pushed my wife behind me and I made a fist. The last time I was there I had to defend myself and I didn't know what was going to happen. This Korean gentleman came up to me and said, "Did you fight the Korea war." I said, "Yes, I did." He said, "Are you a Marine?" I said, "Yes, I am." He said, "God bless you." He threw his arms around me and started to cry and said that I saved his family. I didn't know this man. He started yelling to the people on the street. Before we knew it, we had about 40 people standing around us grabbing our hands and crying.

One gentleman grabbed me and said, "I have grandchildren because of you." Can you imagine what that felt like? Another woman grabbed me and she said, "Please forgive our children, they are stupid like your children of the '60s. They don't know what the price is that you have to pay for freedom. You Americans gave it to us. Thank you."

My stay in Korea was supposed to be five days. We stayed 15 more. There wasn't a town that we went to in South Korea that people didn't come up to us and shake our hands.

The Chair reminded Representative HEIDRICH of Oxford to confine his debate to the question before the House.

Representative HEIDRICH: Thank you Mr. Speaker. I guess what I was trying to point out, Mr. Speaker, is this Resolution is going to give aide and comfort to the enemy. That, to me, is a wrong message to send. I respect what Representative Richardson tried to do here, but it still comes down to the original Resolution. I will be prepared to speak more on that one as we come. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-8) as Amended by House Amendment "A" (H-9). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 5

YEA - Adams, Ash, Barstow, Blanchette, Bliss, Brannigan, Bull, Bunker, Clark, Cowger, Craven, Cummings, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch,

Fischer, Gagne-Friel, Gerzofsky, Goodwin, Grose, Hatch, Hutton, Jackson, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lerman, Lessard, Lundeen, Makas, Marraché, McGlocklin, McKee, McLaughlin, Moody, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Fletcher, Glynn, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Kaelin, Ledwin, Lemoine, Lewin, McCormick, McGowan, McKenney, McNeil, Millett, Mills J, Mills P, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan.

ABSENT - Bennett, Breault, Canavan, Greeley, Jennings, Joy, Maietta, Mailhot, Marley, Percy, Young.

Yes, 74; No, 66; Absent, 11; Excused, 0.

74 having voted in the affirmative and 66 voted in the negative, with 11 being absent, and accordingly **House Amendment "A" (H-8) as Amended by House Amendment "A" (H-9)** thereto was **ADOPTED**.

Representative GLYNN of South Portland **REQUESTED** a roll call on **ADOPTION** as Amended.

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

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

ROLL CALL NO. 6

YEA - Adams, Ash, Barstow, Blanchette, Bliss, Brannigan, Bull, Bunker, Cowger, Craven, Cummings, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Goodwin, Grose, Hatch, Hutton, Jackson, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lerman, Lessard, Lundeen, Makas, Marraché, McGlocklin, McKee, McLaughlin, Moody, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Fletcher, Glynn, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Kaelin, Ledwin, Lemoine, Lewin, McCormick, McGowan, McKenney, McNeil, Millett, Mills J, Mills P, Moore G, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan.

ABSENT - Bennett, Breault, Canavan, Greeley, Jennings, Joy, Maietta, Mailhot, Marley, Percy, Young.

Yes, 73; No, 67; Absent, 11; Excused, 0.

73 having voted in the affirmative and 67 voted in the negative, with 11 being absent, and accordingly the Joint Resolution was adopted as **Amended by House Amendment**

"A" (H-8) as Amended by House Amendment "A" (H-9)
thereto in **NON-CONCURRENCE** 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:

CONSENT CALENDAR

First Day

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

(H.P. 293) (L.D. 373) Bill "An Act Eliminating the Receipt by
the Maine Veterans' Homes of Any Reimbursement from the
MaineCare Program for the Costs of Renovating the Existing
120-bed Maine Veterans' Homes Nursing Facility in Augusta"
(EMERGENCY) Committee on **LEGAL AND VETERANS
AFFAIRS** reporting **Ought to Pass as Amended by Committee
Amendment "A" (H-10)**

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

There being no objection, the House Paper was **PASSED TO
BE ENGROSSED as Amended** and sent for concurrence.

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

On motion of Representative GERZOFKY of Brunswick, the
House adjourned at 6:45 p.m., until 9:00 a.m., Friday, February
14, 2003.