

# 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  
30th Legislative Day  
Thursday, March 27, 2003

Representative DUNLAP of Old Town assumed the Chair.  
The House met according to adjournment and was called to order by the Speaker Pro Tem.

Prayer by Pastor Kristen A. Bjorn, Fairfield Center United Methodist Church.

National Anthem by Maine Central Institute Vocal Jazz Ensemble, Pittsfield.

Pledge of Allegiance.

Doctor of the day, Scott Buchanan, M.D., Portland.

The Journal of yesterday was read and approved.

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**COMMUNICATIONS**

The Following Communication: (H.C. 95)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC  
DEVELOPMENT**

March 21, 2003

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 178 An Act to Allow the Sale of Motorcycles on  
Sundays

L.D. 708 An Act To Allow Limited Sunday Sales of  
Automobiles

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Lynn Bromley

Senate Chair

S/Rep. Nancy B. Sullivan

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 96)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

March 21, 2003

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 747 An Act to Provide Funding for the Maine  
Computer Crimes Program

L.D. 792 An Act To Make the Use of Scheduled Drugs  
without a Prescription a Crime

L.D. 922 An Act To Clarify the Bind-over Provisions of  
the Maine Juvenile Code

L.D. 949 An Act To Eliminate the 6 Regional Emergency  
Medical Services Councils and To Transfer  
Authority and Funding to the Technical  
Colleges in Each Region

L.D. 1026 An Act To Broaden the Law Enforcement  
Authority of University of Maine System Public  
Safety Officers

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Ethan Strimling

Senate Chair

S/Rep. George H. Bunker, Jr.

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 97)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON JUDICIARY**

March 21, 2003

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 118 An Act To Clarify the Powers of Guardians

L.D. 367 An Act To Limit the Duration of a Reversion  
Clause in the Deed of a Church

L.D. 515 An Act To Require Litigation Bonding

L.D. 581 An Act Requiring Payment of Child Support by  
Incarcerated Individuals

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Peggy A. Pendleton

Senate Chair

S/Rep. William S. Norbert

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 98)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON NATURAL RESOURCES**

March 21, 2003

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 134 Resolve, To Regulate the Disposal of Dental Mercury Amalgam
- L.D. 215 Resolve, to Direct the Department of Environmental Protection to Create Statewide Standards for Incinerators
- L.D. 552 An Act To Establish Cleaning Stations for Boats Entering Maine
- L.D. 817 An Act To Amend the Laws Governing Sand and Salt Sheds
- L.D. 829 An Act To Strengthen the State's Air Toxics Laws
- L.D. 851 An Act To Test for and Reduce Mercury Emissions from Resource Recovery Facilities
- L.D. 948 An Act To Ensure Clean Air in Communities Affected by Privately Owned Incinerator Facilities

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,  
S/Sen. John L. Martin  
Senate Chair  
S/Rep. Theodore Koffman  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 99)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON TRANSPORTATION**

March 21, 2003  
Honorable Beverly C. Daggett, President of the Senate  
Honorable Patrick Colwell, Speaker of the House  
121st Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:  
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 189 An Act To Amend the Law Governing the Use of Seat Belts
- L.D. 250 An Act to Establish the Avon-Phillips Airport Authority
- L.D. 839 An Act To Create the Motor Vehicle Inspection Advisory Board
- L.D. 864 An Act Allowing Certain Modifications to Tires and Wheels on Vehicles with Antilock Braking Systems
- L.D. 1015 An Act To Accommodate the Unique Circumstances Affecting Regional Transportation Providers in the Administration of Car Seat Laws

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,  
S/Sen. Pamela H. Hatch  
Senate Chair  
S/Rep. Ronald E. Usher  
House Chair

**READ and ORDERED PLACED ON FILE.**

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Improve Participation in the Farms for the Future Program"

(H.P. 1066) (L.D. 1461)

Sponsored by Representative McKEE of Wayne.  
Cosponsored by Senator BRYANT of Oxford and Representatives: CARR of Lincoln, LUNDEEN of Mars Hill, PINEAU of Jay, Senator: KNEELAND of Aroostook.  
Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

Bill "An Act To Amend Maine's Arborist Licensing Laws"

(H.P. 1068) (L.D. 1463)

Sponsored by Representative McKEE of Wayne.  
Cosponsored by Senator BRYANT of Oxford and Representatives: CARR of Lincoln, PINEAU of Jay, PIOTTI of Unity, Senator: KNEELAND of Aroostook.  
Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

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.

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Bill "An Act To Amend the Forester Law"

(H.P. 1063) (L.D. 1455)

Sponsored by Representative McKEE of Wayne.  
Cosponsored by Representative: RECTOR of Thomaston, Senator: TREAT of Kennebec.  
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act To Raise the Fee Caps of the Board of Dental Examiners"

(H.P. 1074) (L.D. 1469)

Sponsored by Representative SULLIVAN of Biddeford.  
Cosponsored by Senator BROMLEY of Cumberland.  
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

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.

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Bill "An Act To Establish the Landowners and Sportsmen Relations Advisory Board"

(H.P. 1064) (L.D. 1456)

Sponsored by Representative DUNLAP of Old Town.  
Cosponsored by Senator BRYANT of Oxford and Representatives: HONEY of Boothbay, PINEAU of Jay, RICHARDSON of Greenville, TOBIN of Dexter, WHEELER of Kittery, WOTTON of Littleton, Senators: KNEELAND of Aroostook, MAYO of Sagadahoc.  
Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.

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.

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Bill "An Act To Clarify that the Unauthorized Sale of Public Records Is a Crime"

(H.P. 1062) (L.D. 1454)

Sponsored by Representative DUNLAP of Old Town.

Cosponsored by Senator BRYANT of Oxford and Representatives: CUMMINGS of Portland, FISCHER of Presque Isle, McKEE of Wayne, SIMPSON of Auburn, THOMAS of Orono, TOBIN of Dexter, TRAHAN of Waldoboro, Senator: MARTIN of Aroostook.

Submitted by the Secretary of State pursuant to Joint Rule 204.

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

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

Sent for concurrence.

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Resolve, Amending the Commissioner of Administrative and Financial Services' Authorization To Convey a Portion of the Kennebec Arsenal in Augusta Pursuant to Resolve 1999, Chapter 56 and To Direct Proceeds from the Sale of the Maine State Prison Property in Thomaston

(H.P. 1069) (L.D. 1464)

Sponsored by Representative McLAUGHLIN of Cape Elizabeth.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located in Hallowell

(H.P. 1070) (L.D. 1465)

Sponsored by Representative McLAUGHLIN of Cape Elizabeth.

Cosponsored by Senator TREAT of Kennebec and Representative: COWGER of Hallowell.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Bill "An Act To Relocate the Prohibition of Use of State Government Computer Systems for Political Purposes to the Election Laws"

(H.P. 1071) (L.D. 1466)

Sponsored by Representative McLAUGHLIN of Cape Elizabeth.

Cosponsored by Representative: PEAVEY-HASKELL of Greenbush.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Bill "An Act To Amend the Civil Service Law with Respect to Classified Employees Who Accept Appointment to the Unclassified Service"

(H.P. 1073) (L.D. 1468)

Sponsored by Representative McLAUGHLIN of Cape Elizabeth.

Cosponsored by Representative: PEAVEY-HASKELL of Greenbush.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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 Conform the Maine Tax Laws for 2002 with the United States Internal Revenue Code" (EMERGENCY)

(H.P. 1067) (L.D. 1462)

Sponsored by Representative LEMOINE of Old Orchard Beach.

Cosponsored by Senator STANLEY of Penobscot and Representatives: PERRY of Bangor, TARDY of Newport.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Bill "An Act To Make Minor Substantive Changes to the Tax Laws"

(H.P. 1075) (L.D. 1470)

Sponsored by Representative LEMOINE of Old Orchard Beach.

Cosponsored by Senator STANLEY of Penobscot and Representatives: PERRY of Bangor, TARDY of Newport.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

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

Sent for concurrence.

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Bill "An Act To Make Technical Amendments to Truck Size and Weight Laws"

(H.P. 1065) (L.D. 1457)

Sponsored by Representative COLLINS of Wells.

Cosponsored by Senator SAVAGE of Knox.

Submitted by the Department of Transportation pursuant to Joint Rule 204.

Bill "An Act To Repeal the Provision of Law Requiring Permits for 53-foot Trailers"

(H.P. 1072) (L.D. 1467)

Sponsored by Representative USHER of Westbrook.

Cosponsored by Senator HATCH of Somerset and Representatives: COLLINS of Wells, McNEIL of Rockland.

Submitted by the Secretary of State pursuant to Joint Rule 204.

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

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

Sent for concurrence.

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

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#### ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 24)

ORDERED, that Representative Joan Bryant-Deschenes of Turner be excused Tuesday, March 18th and Wednesday, March 19th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Randy E. Hotham of Dixfield be excused Tuesday, March 18th and Wednesday, March 19th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Julie Ann O'Brien of Augusta be excused Wednesday, March 19th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lillian LaFontaine O'Brien of Lewiston be excused Tuesday, March 11th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Thomas R. Watson of Bath be excused Tuesday, March 25th and Wednesday, March 26th for personal reasons.

**READ and PASSED.**

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Nate Hart, of Waterville, who is the recipient of the 2002-2003 Travis Roy Award, which is given annually to a senior ice hockey player at a Class A school and is based on academic achievement, community involvement and playing ability. Nate scored more than 50 percent of the team's goals, completing his high school hockey career as one of the best players from Waterville High School. In 4 years he scored 105 goals and added 100 assists for a total of 205 points, fifth on the school's all-time list. Receiving Maine's top high school hockey honor is a tremendous achievement. We commend Nate for his hours of dedication to the sport and wish him well as he goes on to the University of Maine;

(HLS 376)

Presented by Representative BROWNE of Vassalboro. Cosponsored by Senator GAGNON of Kennebec, Representative MARRACHÉ of Waterville, Representative CANAVAN of Waterville, Representative FINCH of Fairfield.

On **OBJECTION** of Representative BROWNE of Vassalboro, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Vassalboro, Representative Browne.

**Representative BROWNE**: Mr. Speaker, Ladies and Gentlemen of the House. I stand before you to offer my congratulations to Nate Hart, a senior at Waterville High School for his selection in 2002 and 2003 Travis Roy Award winner. Travis Roy was an outstanding Maine high school hockey player from Yarmouth who suffered a paralyzing injury during his first collegiate game at Boston University. His spirit and positive attitude after his injury have been an inspiration statewide to hockey players, coaches and fans, plus many not associated with the game. For these reasons, the Travis Roy Award is presented annually to the outstanding Maine Class A high school player who symbolizes everything that is good about high school athletics. This year's recipient is obviously an exceptional player, but also an outstanding school citizen, team player and scholar. Nate Hart is an athlete who not only exceeds in two sports, but also was elected to captain of those. He is enrolled in accelerated classes and is an honor roll student. Nate comes from a very athletic and successful family. His brother, Josh, was one of three Travis Roy finalists last year. A cousin, Chad, won the award four years ago and is now playing for Bowdoin College. Nate's many cousins were very successful in Waterville hockey players down through the years, a fact that contributed to Coach Norm Gagne's status as a legend. Nate's father was an all-state football player years ago. Nate, like his brother Josh, will be studying engineering at the University of Maine next year and will try out for the University of Maine Hockey Team as a walk on. Again, I would like to congratulate Nate on his many successes and wish him the best in the future. Thank you.

Subsequently, **PASSED** and sent for concurrence.

**In Memory of:**

Robert G. Dillenback, of Cumberland, our respected colleague who served as a member of the House of Representatives from 1981 to 1986 and as a member of the Maine Senate from 1987 to 1990. He was a man well known as a caring and dedicated citizen who provided sound leadership to the State of Maine and a variety of private sector enterprises;  
(SLS 101)

On **OBJECTION** of Representative MURPHY of Kennebunk, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

**Representative MURPHY**: Mr. Speaker, Men and Women of the House. It was a little over a week ago in committee that I had received a phone call from a former member of the House informing me of the death of Robert Dillenback. I think in the year of term limits, we lose contact with the men and women that have served in these chambers and have made tremendous contributions to the future of the state. If you have small shopping centers, era 1950s, 1960 or early 1970s, Bob Dillenback designed that small shopping center all throughout the state. Many of them had as an anchor, IGA stores, but there were literally probably approaching 75 of those throughout the state. He had always commented that whenever he passed one of his shopping centers, he always really felt good about Maine because he knew every day that people were going to work in his shopping centers. He also designed those in such a way, especially the grocery stores that they were energy independent, being able to use the coolers within that facility. There is more to Bob Dillenback than building shopping centers.

He was a young boy, 17 or 18 years old, face down in the first wave in black volcanic gravel and stone on the beach of Hiroshima. They were there trapped on the beach waiting for the additional waves to come in. That was something that had stayed with him all of his life.

He was a man that in his 60s decided to build a new house. His family had extensive acreage in the Town of Cumberland. As soon as we would finish in the Legislature he would go out and cut the trees and he had a portable mill brought to his site and he would cut and mill every stick of lumber that went into that house as he built that house. There were also very good memories that there were four of us that once a week would meet in Cumberland and we would meet and commute up. Part of that was the four of us to be able to talk about what was happening in our committees in a way of being informed. I tended to be pretty conservative on the gas pedal. Bob tended to be foot to the pedal and pedal to the floor. He always had a radar detector. Whenever it was my turn to drive, that one time a month, he would always bring the radar detector with him. This was an era of personal responsibility, the 1980s, and President Reagan was explaining that to us and Bob was the number one advocate of personal responsibility. He hooked up the detector in my car and as we were going the Route 1 bypass through Yarmouth it started to going off. He said, "You gotta push it. We are going to be late. Get this car moving." I said, "The radar detector is going off." He said, "It does it all the time because there is banks along here and every bank you go by, it sets it off. Trust me. Let's get through here." Blue light, pulled over and \$110 fine. People in the car said that we are all in this together. We are going to share. Bob Dillenback said, "Not me." The others said, "You encouraged him to do it." Bob said, "In the height of personal responsibility, he didn't have to do it. He didn't have to listen to me." I have very good memories. My pocketbook has very good memories of Bob Dillenback.

An example of what he did for the Town of Cumberland, the extensive land holding, which he held in a community that is under tremendous pressure in terms of its open space. As he got to the last years of his life and looking at a legacy for a token amount of money, that land was given or sold to the Town of Cumberland and the citizens use it today. The State of Maine has lost a former Representative, a former State Senator. I am glad there is a few of us grey hairs in this chamber that we can tell you about some of the tremendous people who have proceeded you in this chamber. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative MCKENNEY: Mr. Speaker, Ladies and Gentlemen of the House. Bob Dillenback's life is one to emulate if you have a desire for public service. Bob served at the highest level of industry. He was always high up in any company he worked for, but he also had plenty of time to serve the Town of Cumberland and the State of Maine. Bob probably served on every single board there ever was in Cumberland, planning board, school board, and town council and if there was a dogcatcher board, he served on it. He probably invented some of those boards. We are going to miss Bob Dillenback. You heard from Representative Murphy about the property that the Dillenback family had. If any of you have children or grandchildren who play youth soccer, if you go to the Town of Cumberland for the many tournaments they have there, you will be playing on the fields that were donated by the Dillenback family. They are called Twin Brooks. It is a very valuable recreational area in Cumberland, thanks to the Dillenback family. We are going to miss him. We can celebrate his accomplishments, but we are going to mourn his passing. Thank you.

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

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House. I also served with Representative and Senator Dillenback in both houses. Everything that folks have said is true, but they have missed one of the great contributions that Bob made. I mentioned to somebody else the other day that Bob Dillenback died and somebody said, he did everything. That was kind of part of the color here. Almost everything that we were discussing, Bob would get up and say that he did and the things that have already been mentioned gave him some of that ability. One of the other things that haven't been mentioned is that he was also a mortician. That led him into other areas where he could advise us and we got a great deal of information, a great deal of wisdom and we got a great deal of pleasure listening and working with House member and Senate member Bob Dillenback. I am glad we have and have had people like him. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Usher.

Representative USHER: Mr. Speaker, Men and Women of the House. I, too, served with Bob Dillenback. As a matter of fact, from the comments from the good Representative from Kennebunk brought back memories. I gave Bob a ride home more than once. He gave me directions to his small farm. It was a good size field that he had. I have relatives that live in Cumberland. He had one of the first cottages on northern Moosehead on an island that he built himself. It encouraged me to locate in that area also. He was a very ambitious person. He always offered advise to everyone. He is active and it was a pleasure to serve with him.

Subsequently, **ADOPTED** in concurrence.

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## REPORTS OF COMMITTEE

### Change of Committee

Report of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Limit the Damages Recoverable in Accidents Involving Snowmobile Clubs' Trail-grooming Activities" (S.P. 266) (L.D. 787)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

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

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## CONSENT CALENDAR

### First Day

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

(S.P. 339) (L.D. 995) Bill "An Act To Exempt a Person Who Performs Work on Certain Vessels from the Laws Governing Professional Engineers" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 26) (L.D. 40) Resolve, to Extend the Reporting Deadline of the Commission to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-4)**

(S.P. 31) (L.D. 79) Bill "An Act Regarding the Enforcement Powers of the Office of the State Fire Marshal" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-3)**

(H.P. 369) (L.D. 477) Bill "An Act To Establish the Maine Week of Heroes" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 412) (L.D. 527) Bill "An Act To Improve the Method of Reapportionment of School Boards" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 451) (L.D. 621) Bill "An Act To Increase the Debt Limit of the Rockland Port District" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 455) (L.D. 625) Bill "An Act Regarding the Sale of Hard Cider" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass**

(H.P. 13) (L.D. 6) Bill "An Act to Amend the Child Labor Laws" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-56)**

(H.P. 39) (L.D. 32) Bill "An Act to Provide a 5% Increase in the State's Contribution for Insurance for Retired Teachers" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-55)**

(H.P. 56) (L.D. 48) Bill "An Act to Reduce Jail Overcrowding" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-52)**

(H.P. 109) (L.D. 100) Bill "An Act to Repeal the Presidential Preference Primary Elections Process" (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-34)**

(H.P. 319) (L.D. 411) Bill "An Act To Provide Employees Fair Access to Personnel Files" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-54)**

(H.P. 352) (L.D. 460) Bill "An Act To Encourage Dog Tracking of Wounded Big Game Animals" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-39)**

(H.P. 383) (L.D. 494) Bill "An Act To Enhance Consumer Protections in Relation to Certain Mortgages" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-53)**

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

**CONSENT CALENDAR  
Second Day**

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

(H.P. 9) (L.D. 2) Bill "An Act to Extend the Time to Pay a Premium to the Insured" (C. "A" H-29)

(H.P. 72) (L.D. 64) Bill "An Act to Reduce Workers' Compensation Costs for Self-insured Public Utilities" (C. "A" H-30)

(H.P. 130) (L.D. 171) Bill "An Act to Require the Superintendent of Financial Institutions to Adopt Rules Regarding a Conversion of a Field of Membership by a Credit Union" (C. "A" H-31)

(H.P. 277) (L.D. 357) Resolve, Authorizing the Department of Transportation To Erect Signs Identifying the Vietnam Memorial in Bangor (C. "A" H-26)

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

(H.P. 234) (L.D. 291) Bill "An Act To Provide Parity in Lending by State-chartered Lenders" (C. "A" H-32)

On motion of Representative DUDLEY of Portland, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

**BILLS IN THE SECOND READING  
House as Amended**

Bill "An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education"

(H.P. 284) (L.D. 364)  
(C. "A" H-33)

Reported by the Committee on **Bills in the Second Reading**, read the second time, 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**.

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

**REPORTS OF COMMITTEE  
Divided Report**

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-50)** on Resolve, Regarding Legislative Review of Portions of Chapter 130: Implementation of the State Purchasing Code of Conduct for Suppliers of Apparel, Footwear and Textiles, a Major Substantive Rule of the Department of Administrative and Financial Services (EMERGENCY)

(H.P. 26) (L.D. 19)

Signed:

Senators:

ROTUNDO of Androscoggin

LaFOUNTAIN of York

GILMAN of Cumberland

Representatives:

McLAUGHLIN of Cape Elizabeth

BUNKER of Kossuth Township

BARSTOW of Gorham

KETTERER of Madison

SUSLOVIC of Portland

PEAVEY-HASKELL of Greenbush

BOWEN of Rockport

STONE of Berwick

SUKEFORTH of Union

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-51)** on same Resolve.

Signed:

Representative:

CROSTHWAITE of Ellsworth

**READ.**

On motion of Representative McLAUGHLIN of Cape Elizabeth, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-50)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Monday, March 31, 2003.

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

**UNFINISHED BUSINESS**

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

Bill "An Act To Allow Municipalities To Establish Areas within Which Engine Brakes Are Prohibited"

(H.P. 1047) (L.D. 1428)

(Committee on **STATE AND LOCAL GOVERNMENT** suggested) **TABLED** - March 25, 2003 (Till Later Today) by Representative SUKEFORTH of Union.

**PENDING - REFERENCE.**

On motion of Representative McLAUGHLIN of Cape Elizabeth, the Bill was **REFERRED** to the Committee on **TRANSPORTATION**, ordered printed and sent for concurrence.



HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-25)** - Minority (4) **Ought Not to Pass** - Committee on **TRANSPORTATION** on Bill "An Act to Require Flashing Lights for Private Snow Plows"

(H.P. 156) (L.D. 197)

TABLED - March 26, 2003 (Till Later Today) by Representative USHER of Westbrook.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. The bill in front of you today is a classic example of a solution in search of a problem. There is actually no record of any accident ever caused by a plow truck that doesn't have a flashing light on it. The new law will require all private plows, the people that plow your driveway, to have a flashing light. Current law allows them to have a light now, but they make it optional. It is not necessary to have this light. They can put it on if they want.

Probably everybody in this body knows somebody that plows a driveway. These are people that buy a truck for basic transportation reasons and thinking that they can make a few extra dollars in the wintertime, put a plow on it. Having done that many years ago, they haven't made much money with this. They are probably going to make less money if this law goes into effect.

These trucks, as you probably know, can easily cost \$30,000 or more for a 4-wheel drive pick up truck with a plow. The people that buy these trucks buy them because they need transportation, first of all. They are proud of these vehicles. I don't know if you have noticed how these new plows are arranged when the plow comes off the truck in the summertime, there is no indication that the plow was ever there. That is because the plow manufacturers have realized that these are expensive trucks and they don't want to mar them up with a lot of hardware on it. In the old days you used to have to bounce down the road with this plow frame on the truck all summer and all fall. Now you can take it off so it doesn't look like a plow truck. That is the same reason why some people don't want a light on their truck, even though you can buy a magnetic based light that you kind of pop on the top, it moves around and it will scratch the finish. Sometimes you even have to drill a hole through the top of the truck. People with \$30,000 or \$40,000 trucks sometimes just don't want to do that.

At the committee hearing there was no opposition to this bill. That is because the people we are doing this to have no idea we are doing it. The only way they are going to find out about it, is next winter they are going to get stopped and they are going to get a ticket. If enough people get enough tickets, then sooner or later that information will filter down that they have to have a plow light on the top of their truck.

The present law allows them to have a light. If they get a ticket, it is probably \$93 to pay that fine, plus the cost of a light. The cheapest one I have priced is about \$100. In my way of figuring, they are probably going to have to plow about seven driveways to pay the fine and buy the light. I think this is a bill that is not necessary. I would hope that you would follow me in voting this down. Let's not keep any more regulations on people who are just trying to earn a few bucks in the wintertime by plowing driveways. Thank you.

Representative CARR of Lincoln **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative McKEE of Wayne **REQUESTED** that the Clerk **READ** the Committee Report.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Usher.

Representative **USHER**: Mr. Speaker, Men and Women of the House. In regards to the comments from the good Representative from Cumberland, one driveway would pay for the light. I stopped and checked with VIP. The cheapest magnetic light that they have is \$18.50. The next light, which is a better one is \$22. We are concerned about the safety. It has happened on my street. It has happened in different parts of the state with high snow banks. The people go in and make three or four swipes to your driveway. If your driveway is bigger, they would take more. They just back right out into the road when traffic is coming. They can't even see the traffic, but you have to see them. It is a real road safety thing.

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

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **COWGER**: Thank you Mr. Speaker. I see on our desks an amendment to this bill, which makes me feel much more comfortable about the legislation. I know we can't discuss the amendment, but my question is to the good Representative from Westbrook, are you planning on submitting that House Amendment?

The SPEAKER PRO TEM: The Representative from Hallowell, Representative Cowger has posed a question through the Chair to the Representative from Westbrook, Representative Usher. The Chair recognizes that Representative.

Representative **USHER**: Thank you Mr. Speaker. As soon as we get through the first phase of this bill, I plan to offer an amendment, which will protect all people who have large driveways.

On **POINT OF ORDER**, Representative McKENNEY of Cumberland asked the Chair if the remarks of Representative USHER of Westbrook were germane.

The Chair reminded all members to stay as close as possible to the issue.

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

Representative **MARLEY**: Mr. Speaker, Ladies and Gentlemen of the House. I am rising in support of this bill as well. I am speaking actually on behalf of Representative Paradis who unfortunately could not be here. His mother in law passed away. He was very passionate about this bill. He was the one that turned me to support this bill. He was speaking about his area, as Representative Usher, the chair of the committee spoke about, situations they have had where the high snow banks have made it very difficult for safety reasons to see a person as they are backing out into a public way. They are putting people in danger. He spoke of several specific incidences where there were very bad accidents relating to the lack of a light on a plow vehicle. I just want to share that perspective to you since Representative Paradis was not here to do it himself. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is acceptance of the Majority

Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 18**

YEA - Adams, Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Churchill E, Churchill J, Clark, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Hatch, Hutton, Jackson, Kane, Ketterer, Koffman, Laverriere-Boucher, Lemoine, Lerman, Lessard, Mailhot, Makas, Marley, Marraché, McKee, McLaughlin, McNeil, Moody, Norbert, Norton, O'Brien L, O'Neil, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Stone, Sukeforth, Sullivan, Suslovic, Thompson, 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, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Fletcher, Glynn, Goodwin, Greeley, Grose, Heidrich, Honey, Hotham, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Ledwin, Lewin, Lundeen, Maietta, McCormick, McKenney, Millett, Mills J, Mills S, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Sykes, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Young.

ABSENT - Ash, Dugay, Duprey B, Landry, McGlocklin, McGowan, Paradis, Perry J, Tardy, Thomas.

Yes, 75; No, 66; Absent, 10; Excused, 0.

75 having voted in the affirmative and 66 voted in the negative, with 10 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-25) was **READ** by the Clerk.

Representative USHER of Westbrook **PRESENTED** House Amendment "A" (H-59) to Committee Amendment "A" (H-25), which was **READ** by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Bowles.

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. I am a little bit confused about exactly what this amendment is going to do. As someone who plows his own driveway and does not plow commercially, if I plow my own driveway, looking at the amendment, it would appear that I would be exempted from having to comply with the regulation to have such a light. However, if after leaving my driveway, I drive down the street to my neighbor who has just been buried by the Town of Sanford's snowplow is out there trying to shovel out the end of his driveway or his mailbox, if I stop and help him and I am not accepting pay for that, I am confused as to whether or not I would be subject to the exemption that is stated in the amendment? I wonder if I could have that clarified please.

The SPEAKER PRO TEM: The Representative from Sanford, Representative Bowles has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Westbrook, Representative Usher.

Representative **USHER**: Mr. Speaker, Ladies and Gentlemen of the House. I am not a lawyer, but I would assume you would have to have a light if he is on a public way.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the attention to this amendment that the Representative from Westbrook made, but I think he actually makes my point. They were talking earlier when we debated this about a safety issue. If it is safe to plow my own driveway without a light, then why isn't it safe to plow my neighbor's driveway without a light? You would think the safety argument would hold both ways. It just goes to show that we have no documented evidence that there was ever an accident caused by a plow truck that did not have a light on.

There is one more fact that I would like to have you keep in mind, if we use the example of the Representative from Sanford and he leaves his driveway and goes to his neighbor's driveway, if he has a light on his truck, he has to turn that light off, because it is illegal for a plow truck to drive down the road with the flashing light going. They will get a ticket for that. I have seen it happen a number of times. That is another reason why people don't want to put a light on their truck, because sometimes they might forget to turn it off and that invites scrutiny from the law enforcement community. Thank you.

Representative BRUNO of Raymond **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-59) to Committee Amendment "A" (H-25)**.

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-59) to Committee Amendment "A" (H-25). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 19**

YEA - Adams, Bennett, Blanchette, Brannigan, Breault, Brown R, Bull, Bunker, Canavan, Churchill J, Clark, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Goodwin, Grose, Hutton, Jackson, Kane, Ketterer, Koffman, Laverriere-Boucher, Lemoine, Lerman, Mailhot, Makas, Marley, McGowan, McKee, McLaughlin, McNeil, Mills J, Norbert, Norton, O'Brien L, O'Neil, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thompson, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Ash, Austin, Barstow, Berry, Berube, Bierman, Bliss, Bowen, Bowles, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Earle, Fletcher, Glynn, Greeley, Hatch, Heidrich, Honey, Hotham, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Ledwin, Lessard, Lewin, Lundeen, Maietta, Marraché, McCormick, McKenney, Millett, Mills S, Moody, Moore, Murphy, Muse, Nutting, O'Brien J, Patrick, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Young.

ABSENT - Dugay, Duprey B, Landry, McGlocklin, Paradis, Thomas.

Yes, 70; No, 75; Absent, 6; Excused, 0.

70 having voted in the affirmative and 75 voted in the negative, with 6 being absent, and accordingly the motion to **ADOPT House Amendment "A" (H-59) to Committee Amendment "A" (H-25) FAILED**.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **ADOPTION Committee Amendment "A" (H-25)** and later today assigned.

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

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

**SENATE PAPERS**

Bill "An Act Regarding the State Police Command Staff"  
(S.P. 481) (L.D. 1449)

Bill "An Act Regarding Railroad Police Training"  
(S.P. 482) (L.D. 1450)

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 Allow for Immediate Unemployment Fact-finding Interviews for Able and Availability Issues"  
(S.P. 485) (L.D. 1453)

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

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

Bill "An Act To Manage the Sea Urchin Fishery"  
(S.P. 483) (L.D. 1451)

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 Provide Incentives for Development and To Amend Traffic Movement Permit Standards"  
(S.P. 484) (L.D. 1452)

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

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

**ENACTORS  
Emergency Measure**

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005  
(H.P. 973) (L.D. 1319)  
(H. "K" H-46 to C. "A" H-27)

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

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. We have had slightly less than two months to begin to review what is a \$5.3 billion proposal. I wonder how many of us have actually gone through the document and looked at it in terms of some of the interesting items that are in there. I don't see anywhere the total amount of new fees or expanded fees, but as I go through page after page after page, they are numerous and they are quite heavy. As I go through this document, I see a

savings of \$5.9 million for restructuring of Human Services and Behavior and Developmental Services, but I don't see the plan. I look to see where the leadership is. To achieve that savings, are the past commissioners there? They are gone. Unless I have missed something, I haven't seen the nominations yet of the two new commissioners, the leadership that would be charged with carrying this out. I see a \$5.9 million savings and question the assumptions. The leadership isn't there to carry it out. How well thought out has this been thought out to the point where the court master finds out about it by reading about it in the newspaper.

I see page after page on Medicaid revenues. Shall seek reimbursement. How many of those reimbursements are not approved, that are projected revenue reimbursements that are booked, but what happens if that approval doesn't come on the federal side.

I was very much surprised to see on the fish and game side, language that allows the commissioner to raise and adjust fees for licenses and permits without a vote of that committee, without a vote of the Legislature that in this document the Legislature is giving up its responsibility and its authority to raise fees and taxes. You will need to talk to your sportsmen and women at home that you made a decision that you gave that power to the bureaucracy. You were willing to give up that responsibility.

I look at the highway fund and after 15 years serving in this chamber, I thought there was a constitutional firewall between the monies that are collected at the pump that are supposed to go for roads and bridges. I thought that was a constitutional firewall. I found out that on the supplemental budgets that have moved through here already, \$16 million collected at the pump went to the general fund. This budget proposes money paid at the pump and it is not a small tax. Ask your constituents about the size of that tax. Look at how it compares to other states.

In this budget that is before you, it proposes taking \$34 million, yet to be collected at the pumps and moving it to the general fund. With your positive vote, you are going to have to explain to your constituents that July 1st when the owner of that station walks to the pump and starts cranking up the numbers of the price per gallon, that there is an increase coming that is retroactively calculated based on inflation.

The **SPEAKER**: Would the Representative please defer? The Chair would remind the Representative to keep his remarks as close as possible to the issue. The Representative may continue.

Representative **MURPHY**: Mr. Speaker, I am in error that this doesn't include a \$34 million transfer from the Highway Department to the General Fund?

The **SPEAKER**: The Representative was addressing, perhaps I misunderstood, a provision otherwise known as indexing. That is not before this body at this time.

Representative **MURPHY**: Mr. Speaker, I would argue that the \$34 million that is included in this budget is calculated from monies based upon that increase July 1st and an increase in the gas tax.

The **SPEAKER**: This body will have its opportunity to vote on whether that provision goes into effect. Would the Representative please confine his comments to the unified Part I Budget before this body?

Representative **MURPHY**: Thank you Mr. Speaker. As we look at a department that will not have the money to carry out the roads and bridges, I would place a bet, and I am not really a betting person, that we will probably very quickly see bonding proposals to be able to do those roads and bridges.

As I look through, I hear from throughout this state and I heard a Representative talk about seniors the other evening, as you go through this thick, thick document, you begin to see that

the nursing homes lose their inflation adjustment. I don't know about your region of the state, but those nursing homes are closing at our end of the state. By your vote for this budget, you make their survival more at risk. I would call this budget the blinders budget. We are closing our vision, as we did with previous budgets that had structural gaps. If we did this as a business, and we have been proven as wrong as we were in the previous Legislature, we wouldn't be in business anymore, because we would be bankrupt. On one hand while we talk about national corporations, rightfully for their false assumptions, this budget is based on false or flimsy assumptions on savings and revenues and it has as one of its key ingredients cost shifts.

We have gone and invented brand new assumptions and we have booked them. We have gone along politically and said that a fee is not a tax. Ask that to the thousands of Mainers in all areas who are now going to be taxed more through fees. We lay a balance or a problem on our communities that is our problem. The problem was generated by our spending. We are laying a disproportionate amount of pain on our local property taxpayer. We restructure the unfunded liability for the Retirement System, not as horrendous as originally proposed, but we still do it. There is a balloon payment there. What we are doing is borrowing from that fund. We are borrowing without the approval of the voters and without the approval of the men and women who are dependent upon that Retirement System. You know based upon what we see in this budget that we are going to see a record amount of bonding requests. You don't need a crystal ball to know that with the passage of this budget we need to bring plastic in to keep this going.

This budget has layoffs involved. If you exclude the state liquor stores, the liquor enforcement and the public safety side, and I still cannot figure out why did the public safety side get targeted and the rest of state government was left alone, but by the time you pull them out, there are no layoffs here in Augusta. That process is starting locally. I got home last night and Noble High School, the Berwicks, the teachers there have already gotten pink slips. Those pink slips have gone so deep that a teacher with 10 years seniority is going to lose their job.

A good friend in South Portland, a sixth grade teacher, has been pink slipped. Back home your local school units are 30 days away from determining their budget. They haven't gotten to that point, but there is a provision in the law where they can't wait for August or September, but they have to send those notices out. I don't think there is a district in this state that isn't going to see layoffs in the schools. No district is exempt. It may not have happened yet in your district, but by the time they finish their budget, it is going to happen.

I think probably the last cheers that you are going to hear about this budget are the cheers from about a half hour ago. What is going to begin to happen is back home they have a homestead exemption. Talking to our assessor on the impact now and then looking in August when the revaluation goes into effect, those Maine citizens who stay here and pay their taxes, they don't flee to Florida or elsewhere, they stay here. In my community and I think in York County, Cumberland and elsewhere, you are going to see a small minority still get the homestead. They stay here and call this home and you are going to treat them on the property tax exactly the same way as someone who is out of this state for six months and a day. Before anything else happens, you have raised their taxes because you have taken away or reduced the homestead exemption. You have decided to put a cocoon around state government at the loss of that homestead exemption. That is included in here and you will be voting for it. In August you are going to get your property tax bill. Your constituents are going to

get the property tax bill and they are going to see on the school side what this budget does to them. They are going to see on the municipal side the new mandates that you have laid on those municipalities for liquor enforcement and law enforcement in the woods. You have laid new mandates upon them and your constituents are going to see that in the property tax bill.

A month later the parents in your district, when their children head off to school, are going to see the teachers who are no longer there and the programs that are no longer offered and the increase in class sizes. I think what is most irresponsible about this budget and why I call it the blinders budget is because we are shutting our eyes to the potential of a \$1.1 billion shortfall. Again, as we have done over the last two years, the message is, don't worry, because happy times will come back again. I think for the people at home that there will be no cheering at the gas pump, in the schools and in town hall and how the pain you are going to cause in all of our districts on the property tax increases that are coming. I think by your action and the cheers that I heard earlier, you have actually cheered on probably the beginnings of an accelerated property tax revolt in this state. I would not be too proud of this budget. Thank you Mr. Speaker.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. There is an old phrase that I hear many times. You see the good and praise it. Today I stand to say I see the distance that we travel and I want to thank and praise those who helped us along that way. I especially want to recognize the fact that we, together, in a bipartisan fashion reached a unanimous recommendation from the Appropriations Committee. I want to thank the Appropriations Committee. I want to thank the leadership of the Appropriations Committee, especially Representative Brannigan and Representative Rosen. I want to thank the Republicans who sit on that committee who did tireless work late at night, early in the morning, never giving up and always looking to reach a consensus and bring back something, which all of us could endorse. To my Democrat colleagues, I want to thank them as well.

In this budget there is a lot of tough love. There is a lot not to like about it. We heard clearly from Maine people that they did not want us to raise taxes in order to balance this budget. We met our obligation and Maine people should be very proud of you in this hall today because we took extraordinary measures yesterday to come together in consensus and we are going to do it today as soon as I finish my speech, I hope.

Without the leadership, without the coming together in a bipartisan fashion, this would never have happened for us. I want to applaud everyone here today for the hard work that they put in their committees and the hard work that the Appropriations Committee did in tying it all together.

I especially want to thank the Chief Executive for his leadership. I want to thank his staff for being diligent and always being there to answer the questions we had. Most of all, I want to thank the Senate for standing up and doing what is right for Maine people and balancing his budget without raising taxes.

I look back on the accomplishments. As I said, my parents have taught me to see the good and praise it. I want to just check off a few of the accomplishments that we should be very proud of. There is a lot of pain in this budget. There is a lot not to be proud of, but there are some things that we can walk away and say under very tight financial circumstances we were able to achieve, 2 percent increase in state aid to local schools. Who would have thought that that would have been possible when we first started, but we accomplished it because we accomplished it together. We also funded economic development initiatives,

which is what we need to get this economy moving here in Maine to put our people back to work. We funded drugs for the elderly. That is going to be very meaningful to people who are very vulnerable, the citizens in the twilight of their life who do not have the means to take care of themselves and who need these drugs for their assistance. We maintain eligibility for Medicaid. I am proud of that and you should be too.

We now are looking past this particular budget process to the issues of health care and economic development and tax reform. I want to thank, on behalf of my colleagues on this side of the aisle, the leadership demonstrated by the good Representative from Raymond, Representative Bruno, and his colleagues on the Appropriations Committee for stepping forward at a time when Maine people expected us to work together. We achieved that result. They are going to be very proud of us today. That makes me feel good because there is pain in this budget. I agree with the good Representative from Kennebunk. There is an awful lot in here not to like. Given the financial constraints and given the circumstances, I want to applaud everyone in this room for all the hard work you did on your committee and the Appropriations Committee for pulling it all together. The Chief Executive deserves a lot of credit for the leadership. Neither side got all they wanted. Neither side can claim victory in this. This is a bipartisan effort to balance this budget.

We now need to look forward, not look behind, not look with what is wrong with this particular budget, but look to what we say we can do in this budget. We can fund GPA to local schools, look at economic initiatives, making sure that Medicaid and the kinds of programs that treat the ones who are most in need are maintained. Those are the programs that we all can be very proud of. I am proud of them. I hope you will be too when this vote is cast.

We have much work to do, but we have laid the groundwork here for some great bipartisan spirit to get the job done, which Maine people have asked us to do. As we approach the issues of health care, as we approach the issues of economic development, as we approach the issues of tax reform, we are going to need your help. Neither one side or the other side of the aisle can do it alone. I am challenging everyone in this room to endorse this unanimous budget, because it is the best under very difficult circumstances. Is it a great budget? No. Does it meet all of our needs? No, but it does the most that we can possibly do under the limited circumstances. I ask all of you to support me. Support the Republican floor leader and his efforts in a bipartisan fashion, to pull this together, to make Maine people proud of the fact that they brought us here, elected us here to do their job. I ask you, when I am done speaking, and that will be shortly, that we, in fact, enact this matter for the benefit of Maine people. Again, I know there are things that people don't like about this budget. I can pick 10 things out about this budget, but who would have thought that when we first started that we would have balanced this budget without raising taxes? I don't hear anybody speaking up. I think that was something on everyone's minds. It was a fear from the Republicans that we might do that. It was a concern on the democratic side of the ledger that that might be necessary. Working together we found a way to do it. Again, I want to applaud the leadership, the Speaker, the Republican floor leaders, our outstanding chair of Appropriations and his lead, Representative Rosen and the hard work that every one of you have done. We never get enough opportunities to thank you. I am standing here today thanking every one of you, all the committee members for all their hard and tireless work. Let's put this budget together now. Let's vote on this budget so Maine people will be proud of us, but more importantly, so we will do the right thing. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative MILLETT: Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise to urge each of my colleagues here today, if you can do so within the limits of your own conscience, to support this budget. It has been said by many of us that it is far from a perfect document, yet it is the foundation upon which many of us ran for office last fall. It reflects the goals outlined by our new Chief Executive in his inaugural remarks just 11 weeks ago. When he outlined his fiscal priorities of presenting and getting approval of a balanced budget without raising broad based taxes in order that he and we could begin to get to work to grow the Maine economy. Our Chief Executive also made a comment at that inaugural speech that resonated particularly with me and I would like to share it with you this afternoon. He said that when it comes to state spending, it can no longer be business as usual. The boom and bust cycles of state spending and growth have been a roller coaster ride and it is time to get off. I have been directly involved as an observer or a participant in the Legislative/Executive budget making process for nearly four decades. I can speak from experience that we have often found ourselves unwittingly on that roller coaster and have been unable to get off at convenient points along the way. We are at a serious point in our history in this year and we must take serious action.

I applaud the Governor, his new commissioner of Administrative and Financial Services and his staff for bringing to us a budget that delivered on his promise. I want to thank each and every one of you through your work on the policy committees, because I truly believe you have helped make it a better document. It is a document, which everyone has said is no where near perfect, but it is, I think, the best that we can do and the best the administration could present under the difficult circumstances and very tight time constraints that we have been operating under.

I want to thank the chairs of the Appropriations Committee and all of my fellow members for the way in which we have not only received, reviewed and acted upon this budget within a 31 day period, which, to me, is probably about the fastest that could have possibly been dealt with, with the level of seriousness that we have given it.

I want to thank each of you for contributing to making it a better document. Whether you understand it and accept it or believe it or not, I speak particularly to my fellow freshman, you have helped to make it a better document. To me, it is in need on constant review, refinement and improvement over time. Many of the frustrations that were spoken to last evening in the offering of amendments and the debate that ensued and the debate that has occurred this afternoon reflect our common recognition that we must continue to work on it to make those improvements in the months that lie ahead. I look at it, however, as the first step in an essential and potentially long and difficult journey. We all know that we have at least the \$23 million problem lying ahead of us for the current year and a \$48 million revenue gap for the upcoming biennium. For many of us who are freshman, the likelihood is that if we return again in the 122nd, we will also face a structural gap of significant proportions. I feel strongly that we have to start. Today is the time to start.

I want to also acknowledge and express my appreciation for the positive working relationship that exists today between the corners of this chamber and between the second and third floor. I can illustrate, but I won't take your time. I can say that it has not always been so. I have the scars to prove it.

I would close by simply asking that particularly for the new comers and all of you who have an open mind of this subject, that

you give serious thought to sharing your vote on final enactment. I encourage you to stay engaged and keep involved and many of the amendments that you might have failed on last evening, may also be worthy of considering in the months ahead and certainly the door is open for presenting them in the months and years ahead. I think this is a first step, a necessary first step and I urge your support at final enactment.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. I want to thank the good Representative from Waterford, Representative Millett, for making me feel a whole lot younger knowing that he has worked in state government for four decades. I will not discount the remarks of the Representative from Kennebunk, Representative Murphy, on the problems with this budget. I know they are there. We all know they are there. We all know we have to do something about it. Our pledge from this corner and from our caucus is to work together. That is what this budget does. It is not a perfect document by any means. I was here in 1993, the last billion dollar hole. That budget was bad also. We did things in that budget, looking back, Representative Millett was there also, it was his budget, that didn't make us feel good either. We passed a two-thirds budget at that time. There are only 54 Republicans in the House, yet we passed a two-thirds budget. You know what, we came out of it and we fixed it as we went along. This document is going to need that same type of care. As we move forward we need to continue to work together, the only way you solve a billion dollar problem is to work together. It is the only way to do it. Once you split off, there is too much animosity, too much partisanship. I take the Representative from Kennebunk's comments very seriously. We will try to address them. We have to address them. As the Representative from Waterford pointed out, we have \$23 million in this year, \$48 million going forward. For the new members, you have to realize there is a lot more pain to come. This budget is painful, but there is more pain to come. We will have very difficult decisions to make, but this is starting us on the path, leading us down the road to hopefully a budget that addresses the structural gap in '06 and '07 and addresses the problems of taxes. We will have to do tax reform at some point. We will have to do health care. These are things we heard about on the campaign trail. We need to work together on them. There is not one party that has a better idea than the other. Only working together will we solve those problems also. I urge all of you on both sides of the aisle, the third party candidate, and the green party, to vote for this budget. I know it is not perfect, but we will address those problems moving forward. Thank you Mr. Speaker.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. It was my specific intention to not speak on this matter today. I cannot articulate it any better than my colleagues, the Representative from Brunswick, Representative Richardson, the Representative from Raymond, Representative Bruno, and the Representative from Waterford, Representative Millett. I will not attempt to.

However, I will use this opportunity to request that when the vote be taken, it be taken by the yeas and nays.

Representative DUNLAP of Old Town REQUESTED a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

**ROLL CALL NO. 20**

YEA - Adams, Ash, Barstow, Bennett, Berube, Bierman, Blanchette, Bliss, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Bunker, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Cowger, Craven, Cummings, Curley, Daigle, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Greeley, Grose, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kane, Ketterer, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Moore, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Smith W, Stone, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Bowen, Bryant-Deschenes, Campbell, Collins, Courtney, Cressey, Crosthwaite, Davis, Eder, Hatch, Heidrich, Honey, Joy, Kaelin, Lewin, Maietta, McNeil, Murphy, Muse, Nutting, Snowe-Mello, Sukeforth, Tobin J, Trahan, Treadwell, Twomey, Vaughan.

ABSENT - Duprey B, Goodwin, Landry, Paradis, Peavey-Haskell.

Yes, 115; No, 31; Absent, 5; Excused, 0.

115 having voted in the affirmative and 31 voted in the negative, with 5 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

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

**SENATE PAPERS**

The following Joint Order: (S.P. 489)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 31, 2003, at 10:00 in the morning.

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

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

On motion of Representative McKENNEY of Cumberland, the House adjourned at 1:50 p.m., until 10:00 a.m., Monday, March 31, 2003 pursuant to the Joint Order (S.P. 489) and in honor and lasting tribute to Robert G. Dillenback, of Cumberland and Major Jay Thomas Aubin of the United States Marine Corps and formerly of Skowhegan, Maine.