

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
36th Legislative Day
Thursday, April 10, 2003

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

Prayer by Pastor Steve Straubel, United Baptist Church, Littleton.

National Anthem by Katelyn Wood, Gorham High School.

Pledge of Allegiance.

Doctor of the day, Joseph Kerwin, D.C., Gorham.

The Journal of Tuesday, April 8, 2003 was read and approved.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

**Pursuant to the Constitution
Apportionment Commission**

Bill "An Act To Reapportion the House Legislative Districts"
(H.P. 1138) (L.D. 1555)

Sponsored by Representative DUNLAP of Old Town.
Cosponsored by Representatives: BRUNO of Raymond, CARR of Lincoln, Speaker COLWELL of Gardiner.
Submitted by the Apportionment Commission pursuant to the Constitution of Maine, Article IV, Part First, Section 3.

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

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

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

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

**Pursuant to Statutes
Apportionment Commission**

Bill "An Act To Reapportion the Districts for Representatives to the United States Congress"
(H.P. 1139) (L.D. 1556)

Sponsored by Representative DUNLAP of Old Town.
Submitted by the Apportionment Commission pursuant to the Maine Revised Statutes, Title 21-A, section 1206.

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

**Pursuant to Statutes
Apportionment Commission**

Bill "An Act To Reapportion the County Commissioner Districts"
(H.P. 1140) (L.D. 1557)

Sponsored by Representative DUNLAP of Old Town.
Submitted by the Apportionment Commission pursuant to the Maine Revised Statutes, Title 30-A, section 65.

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

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

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

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

Bill "An Act To Reapportion the Districts for Representatives to the United States Congress"

(H.P. 1139) (L.D. 1556)

Which was **TABLED** by Representative DUNLAP of Old Town pending **FURTHER ACTION**.

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

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

Representative TARDY of Newport **PRESENTED House Amendment "A" (H-108)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Tardy.

Representative **TARDY**: Mr. Speaker, Men and Women of the House. Our amendment offered today is a compromise that should resolve the differences over the First and Second Congressional District lines. This alternative plan is certainly distinct from our original plan, which had the much debated east-west divide. It is also different and distinct from our second map, which created two districts that had an east west dividing line, but protected both incumbents.

The amendment I offered today is a third Republican Congressional Plan, which keeps the status quo in the truest sense of the word. Currently the First District is Knox, Lincoln, Cumberland, Sagadahoc, York and all of Kennebec County, except Wayne, Monmouth, China and Unity Township. In our new plan I offer today, the First District is comprised of all of York, Cumberland, Sagadahoc, Lincoln, Knox, Waldo and the towns of Pittston, Chelsea, Hallowell, Augusta, Winsor, China, Albion and Unity Township in Kennebec County. In this plan, Waldo goes back into the First District where it used to be and more towns in Kennebec County are moved into the Second District, including Waterville and Winslow, which are in the Democrat plan.

Why this amendment is perhaps a better compromise than the plan before us today is the fact that the voter registration margin in the Second District remains virtually the same as in the previous district, the current margin with Democrats over Republicans is roughly 15,000 and that margin is maintained within 100 votes in the proposal that I am offering today.

In addition, this plan has a deviation of one person, splits no towns and only one county. In the world of reapportionment, Mr.

Speaker, this plan meets strictly, constitutional, statutory and most importantly common sense scrutiny. I respectfully suggest that this plan is the better plan and I would urge its adoption. Thank you.

Representative DUNLAP of Old Town moved that **House Amendment "A" (H-108)** be **INDEFINITELY POSTPONED**.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. I am pleased that the Representative from Newport, Representative Tardy, is compromising, but I am not sure who his compromising with other than himself because we have not had a chance to discuss this compromise as members of the commission. The commission voted last week on two plans, a Republican plan and a Democratic plan, the Democratic plan received eight votes of the 15-member commission, including the vote of the commission chair. The reasoning behind that was because the Democratic plan did the least amount of damage to the current districts in terms of the people who are represented. Maintaining about 95 percent of the people in their current districts. The Republican plan had a much, much lower figure for that. This plan, under our quick analysis of it, is still inferior to those numbers, only about 88 percent of the people in the Second District remain so and a similar number in the First District.

It was our intention, Mr. Speaker, men and women of the House, to attempt to negotiate all four of these plans. We were successful in negotiating two of them. If we send these issues forthwith to another chamber and can find agreement, then let us do so. Until that time comes, I think we have a plan before us that we must vote on and we can talk about compromises when compromises are, in fact, reached. Thank you Mr. Speaker. I request a division.

The same Representative **REQUESTED** a division on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-108)**.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-108)**.

A vote of the House was taken. 66 voted in favor of the same and 58 against, and accordingly **House Amendment "A" (H-108)** was **INDEFINITELY POSTPONED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

COMMUNICATIONS

The Following Communication: (H.C. 138)

STATE OF MAINE

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

April 3, 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. 893 An Act To Authorize County Jails To Purchase Prescription Drugs and Other Medications in Bulk for Prisoners

L.D. 1125 An Act To Eliminate the Concealed Weapons Permit

L.D. 1164 An Act To Allow a Victim of Domestic Violence To Carry a Firearm without a Concealed Firearm Permit

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.

The Following Communication: (H.C. 139)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 3, 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 Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 624 Resolve, Directing the Department of Education to Use Money for School Transportation Costs for Payment of School Crossing Guards

L.D. 1205 Resolve, Regarding the Effect of the Income Factor on General Purpose Aid for Local Schools

L.D. 1303 An Act To Provide for Full State Funding for Special Education Costs

L.D. 1355 An Act To Increase State Funding for Renovation, Repair and Replacement of Schools for Local Communities by Limiting the State's Debt Limit for New School Construction

L.D. 1369 An Act To Establish the Maine Community College System

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

Sincerely,

S/Sen. Neria R. Douglass

Senate Chair

S/Rep. Glenn Cummings

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 140)

STATE OF MAINE

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

April 3, 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. 537 An Act To Ensure Access to Expert Testimony
- L.D. 543 An Act To Promote Corporate Ethics
- L.D. 594 An Act To Establish a Limit on Noneconomic Damages in Medical Malpractice Actions
- L.D. 675 An Act To Allow Copies of E-9-1-1 Tapes To Be Admitted into Evidence
- L.D. 912 An Act To Protect Children in Protection from Abuse Proceedings
- L.D. 961 An Act Clarifying Child Support Obligations
- L.D. 1037 An Act Regarding District Attorneys' Staff

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.

The Following Communication: (H.C. 141)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

April 3, 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 State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 456 Resolve, Directing the Department of Administrative and Financial Services to Examine the Potential Cost Savings of Offering State Employees Early Retirement

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Margaret Rotundo
Senate Chair
S/Rep. Janet L. McLaughlin
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 142)

STATE OF MAINE

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

April 3, 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 bill out "Ought Not to Pass":

- L.D. 520 An Act To Improve Motor Vehicle Safety
- We have also notified the sponsor and cosponsors 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.

The Following Communication: (H.C. 143)

STATE OF MAINE

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

April 3, 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 bill out "Ought Not to Pass":

- L.D. 1006 An Act To Require Confirmation of Appointments to the Board of Accountancy

We have also notified the sponsor and cosponsors 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.

The Following Communication: (H.C. 144)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

April 3, 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 Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1188 An Act To Control Unsolicited Commercial E-mail

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Christopher Hall
Senate Chair
S/Rep. Lawrence Bliss
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 145)
**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
APPORTIONMENT COMMISSION**

April 3, 2003
Millicent M. MacFarland
Clerk of the House
121st Maine Legislature
2 State House Station
Augusta, Maine 04333
Dear Clerk MacFarland,

The Apportionment Commission is pleased to submit its proposal for apportionment of the Maine House of Representatives pursuant to Article IV, Part First, Section 3 of the Maine Constitution. This plan was approved by unanimous vote of the Commission with one abstention.

I would like to take this opportunity to thank the Commission members and the staff members of the Republican and Democratic parties for their thorough and collegial work on this proposal.

Sincerely,
S/Donald N. Zillman
Chairman

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 146)
**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
APPORTIONMENT COMMISSION**

April 3, 2003
Millicent M. MacFarland
Clerk of the House
121st Maine Legislature
2 State House Station
Augusta, Maine 04333
Dear Clerk MacFarland,

The Apportionment Commission is pleased to submit its proposal for the apportionment of the Congressional Districts in Maine pursuant to 21-A MRSA sec. 1206. The plan was approved by a closely divided vote. Because of the closeness of the vote, we submit the final proposals of both the Democratic and Republican parties.

I would like to take this opportunity to thank the Commission members and the staff members of the Republican and Democratic parties for their thorough and collegial work on these proposals.

Sincerely,
S/Donald N. Zillman,
Chairman

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 147)
**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
APPORTIONMENT COMMISSION**

April 3, 2003
Millicent M. MacFarland
Clerk of the House
121st Maine Legislature
2 State House Station
Augusta, Maine 04333
Dear Clerk MacFarland,

The Apportionment Commission is pleased to submit its proposal for apportionment of the county commissioner districts pursuant to 30-A MRSA, section 65. I am pleased to report that this proposal comes with the unanimous approval of the Apportionment Commission.

I would like to take this opportunity to thank the Commission members and staff members of the Republican and Democratic parties for their thorough and collegial work on these proposals.

Sincerely,
S/Donald N. Zillman,
Chairman

READ and with accompanying papers ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To License Home Building and Improvement Contractors"

(H.P. 1137) (L.D. 1551)

Sponsored by Representative COWGER of Hallowell.
Cosponsored by Senator BRENNAN of Cumberland and Representatives: BERUBE of Lisbon, DUDLEY of Portland, DUPLESSIE of Westbrook, KOFFMAN of Bar Harbor, ROGERS of Brewer, SULLIVAN of Biddeford, SUSLOVIC of Portland, Senator: BROMLEY of Cumberland.

Submitted by the Department of the Attorney General 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.

Bill "An Act To Amend Certain Provisions Relating to a Permit To Carry Concealed Firearms To Be Consistent with Changes to the Statute Relating to Possession of Firearms by Prohibited Persons"

(H.P. 1132) (L.D. 1546)

Sponsored by Representative CARR of Lincoln.
Cosponsored by Representative: SNOWE-MELLO of Poland.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

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.

Bill "An Act To Effectively Separate Children's Homes from Adult Residential Care Facilities Regarding Fire Safety"

(H.P. 1131) (L.D. 1542)

Sponsored by Representative KANE of Saco.

Cosponsored by Senator WESTON of Waldo and Representatives: CAMPBELL of Newfield, CRAVEN of Lewiston, CURLEY of Scarborough, DUGAY of Cherryfield, EARLE of Damariscotta, WALCOTT of Lewiston.

Submitted by the Department of Human Services pursuant to Joint Rule 204.

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 Clarify the Appointment of Coguardians and Coconservators under the Probate Code"

(H.P. 1127) (L.D. 1538)

Sponsored by Representative NORBERT of Portland.

Cosponsored by Senator PENDLETON of Cumberland and Representatives: BRANNIGAN of Portland, CHURCHILL of Orland, WALCOTT of Lewiston.

Submitted by the Department of Human Services pursuant to Joint Rule 204.

Bill "An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies, Limited Liability Partnerships and Marks" (EMERGENCY)

(H.P. 1128) (L.D. 1539)

Sponsored by Representative NORBERT of Portland.

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.

Bill "An Act To Amend the Election Laws"

(H.P. 1134) (L.D. 1548)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Senator GAGNON of Kennebec and Representatives: MOORE of Standish, PATRICK of Rumford, Senator: MAYO of Sagadahoc.

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

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

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

Sent for concurrence.

Bill "An Act To Amend Certain Laws Administered by the Department of Environmental Protection"

(H.P. 1133) (L.D. 1547)

Sponsored by Representative KOFFMAN of Bar Harbor.

Cosponsored by Senator MARTIN of Aroostook.

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

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

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

Sent for concurrence.

Resolve, Conveying The State's Interest in a Parcel of Property Located in Orrington

(H.P. 1130) (L.D. 1541)

Sponsored by Representative ROSEN of Bucksport.

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

Resolve, Authorizing the Transfer of Land from the State to Maine School Administrative District No. 16

(H.P. 1136) (L.D. 1550)

Sponsored by Representative COWGER of Hallowell.

Cosponsored by Senator TREAT of Kennebec and Representative: McCORMICK of West Gardiner.

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.

Pursuant to Public Law

Health Care System and Health Security Board

Representative O'NEIL for the **Health Care System and Health Security Board** pursuant to Public Law 2001, c. 439, Pt. ZZZ, section 1 asks leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Health Care System and Health Security Board"

(H.P. 1129) (L.D. 1540)

Be **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Resolve

Joint Standing Committee on Natural Resources

Representative KOFFMAN for the **Joint Standing Committee on Natural Resources** pursuant to Resolve 2001, chapter 93 asks leave to report that the accompanying Bill "An Act To Fund Municipal Collection of Household Hazardous Waste"

(H.P. 1135) (L.D. 1549)

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

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 25)

ORDERED, that Representative Donald P. Berry, Sr. of Belmont be excused Monday, March 31st for health reasons.

AND BE IT FURTHER ORDERED, that Representative Robert A. Berube of Lisbon be excused Monday, March 31st for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Brian M. Duprey of Hampden be excused Thursday, March 27th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Theodore H. Heidrich of Oxford be excused Tuesday, April 1st for health reasons.

AND BE IT FURTHER ORDERED, that Representative Jeff Kaelin of Winterport be excused Tuesday, April 1st for legislative business.

AND BE IT FURTHER ORDERED, that Representative Louis B. Maietta, Jr. of South Portland be excused Monday, April 7th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lisa T. Marraché of Waterville be excused Monday, March 31st for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Robert W. Nutting of Oakland be excused Monday, March 31st, Tuesday, April 1st, and Wednesday, April 2nd for health reasons.

AND BE IT FURTHER ORDERED, that Representative John L. Patrick of Rumford be excused Monday, March 31st, Tuesday, April 1st, and Wednesday, April 2nd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Edward Pellon of Machias be excused Thursday, March 27th, Monday, March 31st, Tuesday, April 1st, Wednesday, April 2nd, Monday, April 7th, Tuesday, April 8th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas R. Watson of Bath be excused Monday, March 31st for health reasons and Tuesday, April 1st for personal reasons.

READ and PASSED.

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

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Ryan Kelly, of Allagash, whose death has shocked and saddened his family, friends and community. Ryan was one of numerous Allagash area loggers who participated in 1998 and 1999 in the blockade of private roads and the U.S.- Canada border in a protest that received international attention. We join Ryan's family and friends in mourning the loss of this young man;
(HLS 435)

Presented by Representative JACKSON of Fort Kent.

Cosponsored by Senator MARTIN of Aroostook, Representative PARADIS of Frenchville, Representative SMITH of Van Buren.

On **OBJECTION** of Representative JACKSON of Fort Kent, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **JACKSON**: Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to take a moment of your time to speak about a friend of mine. Coming from a small town and knowing most everyone in the town, I have always known Ryan. The first time that I really spent very much time with him was when I was hired by his father to work a small mill of his. I believe I was 18 at the time. Ryan was only 10, but in the summers he would come out and work with us. He impressed me then just being 10 years old and anything you would ask him to do, he would do it. He would never give you an excuse. He

never told you that this was my father's mill, I don't have to do that. If you asked him to do something, he did it. He really impressed me being only 10 years old that he was willing to do that. I can remember playing a lot of jokes or pranks on him. He always took it as good natured as he was and he laughed it off. After I got done working there, through the years, he grew up, got tall, got bigger than me and I often worried that some of those pranks that I played on him was going to catch back up to me because he was bigger than me at the time.

The week that we decided to go to the Canadian border, I remember thinking to myself and watching Ryan, he had a lot of courage. Not the type of courage that our troops are showing in Iraq, but courage to stand up and take a stand for things that he believed in. He never wavered. I found myself, at the time, questioning what we were doing. I was worried that it was going to come back to ruin my logging career or my family. I got a lot of respect for him. He never once questioned what we were doing. He thought it was right. He believed in it. After that week, we kind of went away from each other. I see him now and then and we would talk a little bit about it. Eventually he had a daughter. He did a lot during my campaign just talking to people and basically giving me a hard time. After I was elected, he used to stop and call me Senator and joke with me, can we pass a bill on this and all these funny little things that he would do.

He was really good-natured and had a great sense of humor. Whenever we would get all done joking, he would talk about hoping that we would find a good job, something that had benefits, things like health insurance. I told him that was probably the main reason why I wanted to be here to work on those issues.

About three weeks ago he was complaining about chest pains and went to the emergency room. Being only 26, they treated him for acid reflux. The fact that he had no health insurance, like I said, being 26, I think that is probably some of the reasons why they didn't dig into it more. The week after that he got up at his customary 2:00 in the morning and went off to work. By 6:00 that morning, he convinced people he was working with to give him a ride out. He got in his car, drove to Fort Kent and three miles outside of Fort Kent, his car went off the road, flipped over and landed against a tree. By the time the people behind him got over to him, he was dead. He died of a massive heart attack.

He was 26 years old with a four-year-old daughter. I am not sure if it is appropriate to be saying this here, but I just would like everyone here to have a small idea how good a guy he was. Second, that I came here for health insurance and I hope that the rest of you will help me with that and no one else like Ryan will have to die. Thank you Mr. Speaker.

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

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" (S-27)** on Bill "An Act To Improve State Accounting Procedures" (EMERGENCY)

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

Signed:

Senators:

ROTUNDO of Androscoggin

LaFOUNTAIN of York

GILMAN of Cumberland

Representatives:

McLAUGHLIN of Cape Elizabeth

PEAVEY-HASKELL of Greenbush

STONE of Berwick
KETTERER of Madison
BARSTOW of Gorham
BOWEN of Rockport
SUSLOVIC of Portland
SUKFORTH of Union
BUNKER of Kossuth Township

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

Signed:

Representative:

CROSTHWAITE of Ellsworth

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-27)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-27)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, April 14, 2003.

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

CONSENT CALENDAR

First Day

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

(S.P. 115) (L.D. 333) Resolve, Directing the Department of Audit To Establish a Fraud Hotline Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-26)**

(S.P. 127) (L.D. 351) Bill "An Act To Promote Clarity Regarding Death Certificates" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-24)**

(S.P. 133) (L.D. 396) Bill "An Act To Allow Dealers of Manufactured Housing To Install Oil Tanks" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-23)**

(S.P. 216) (L.D. 607) Resolve, To Study the Effects of NAFTA on Maine Businesses Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-22)**

(S.P. 290) (L.D. 895) Bill "An Act To Clarify the Responsibilities of Contract Law Enforcement Officers" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-25)**

(H.P. 852) (L.D. 1153) Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2004" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 16) (L.D. 9) Bill "An Act to Amend the Laws Governing the Workers' Compensation Board Administrative Fund" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-106)**

(H.P. 246) (L.D. 303) Bill "An Act To Increase Protection for Endangered and Threatened Species" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-105)**

(H.P. 576) (L.D. 777) Bill "An Act To Amend the Laws Regarding the Location of the Wells National Estuarine Research Reserve" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-100)**

(H.P. 614) (L.D. 837) Bill "An Act To Require Motorists To Use Caution When Approaching a Safety Zone" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-102)**

(H.P. 711) (L.D. 954) Bill "An Act To Require Disclosure of the Amount and Duration of Unemployment Benefits to Recipients" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-104)**

(H.P. 712) (L.D. 955) Bill "An Act To Allow Recipients To Withdraw from Receiving Unemployment Benefits by Phone and at Any Time before Receiving Benefits" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-103)**

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

(S.P. 320) (L.D. 979) Bill "An Act To Require Continuing Education for Professional Engineers" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

On motion of Representative RICHARDSON of Brunswick, was **REMOVED** from the First 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.

CONSENT CALENDAR

Second Day

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

(S.P. 99) (L.D. 265) Bill "An Act To Promote Affordable Telephone Service for Business and Residential Customers in Rural Maine" (EMERGENCY) (C. "A" S-21)

(H.P. 950) (L.D. 1296) Bill "An Act To Amend the Maine State Grant Program"

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

BILLS IN THE SECOND READING

House as Amended

(9-2) Bill "An Act To Provide Parity in Lending by State-chartered Lenders"

(H.P. 234) (L.D. 291)

(C. "A" H-32)

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.

Bill "An Act To Exclude Voluntary Intoxication as a Criminal Defense" (EMERGENCY)

(H.P. 592) (L.D. 815)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative BUNKER of Kossuth Township, was **SET ASIDE**.

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

Bill "An Act To Expand the Membership of the Plumbers' Examining Board To Include a Local Plumbing Inspector"

(H.P. 499) (L.D. 682)

(C. "A" H-89)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative SULLIVAN of Biddeford, was **SET ASIDE**.

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

ENACTORS
Emergency Measure

An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2004

(H.P. 18) (L.D. 11)

(C. "A" H-63)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Rename the Town of Westport

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

(C. "A" S-18)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Emergency Measure

An Act to Repeal the Presidential Preference Primary Elections Process

(H.P. 109) (L.D. 100)

(C. "A" H-34)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Improve the Method of Reapportionment of School Boards

(H.P. 412) (L.D. 527)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Suspend Property Tax Abatement Appeals When the Taxpayer Fails To Pay Taxes

(S.P. 191) (L.D. 551)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Eliminate Potential Restrictions to the Establishment of an Alternative Form of Regulation for Some Telephone Utilities

(H.P. 575) (L.D. 776)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Emergency Measure

An Act To Revise the Boundary between the Town of Harrison and the Town of Bridgton

(S.P. 272) (L.D. 793)

(C. "A" S-16)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Expand the Mission of the Marine Patrol
(S.P. 458) (L.D. 1388)
(C. "A" S-28)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 136 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Emergency Measure

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
(H.P. 26) (L.D. 19)
(C. "A" H-50)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 13 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

Acts

An Act to Amend the Child Labor Laws
(H.P. 13) (L.D. 6)
(C. "A" H-56)

An Act to Amend the Laws Governing the Extension of Benefits for Partial Incapacity Under the Maine Workers' Compensation Act of 1992
(H.P. 17) (L.D. 10)
(C. "A" H-62)

An Act to Provide a 5% Increase in the State's Contribution for Insurance for Retired Teachers
(H.P. 39) (L.D. 32)
(C. "A" H-55)

An Act to Protect the Privacy of Maine Nurses
(S.P. 22) (L.D. 36)
(C. "A" S-9)

An Act To Allow Free Clinics To Purchase Medications and Supplies through State Contracts
(H.P. 54) (L.D. 46)
(C. "A" H-73)

An Act to Reduce Jail Overcrowding
(H.P. 56) (L.D. 48)
(C. "A" H-52)

An Act To Allow Experimentation in the Cultivation of Industrial Hemp
(H.P. 61) (L.D. 53)
(C. "A" H-61)

An Act To Set the Minimum Legal Shell Size for Scallops

(H.P. 90) (L.D. 81)
(C. "A" H-58)

An Act Regarding the Sampling of Products
(S.P. 45) (L.D. 122)
(C. "A" S-19)

An Act To Improve the Health and Safety of Young Workers
(H.P. 129) (L.D. 170)
(C. "A" H-64)

An Act Restricting Telemarketers from Blocking Their Telephone Numbers When Making Solicitation Calls
(S.P. 113) (L.D. 331)
(C. "A" S-15)

An Act To Strengthen the Animal Control Laws
(H.P. 280) (L.D. 360)
(C. "A" H-60)

An Act To Increase Civil Process Fees
(S.P. 136) (L.D. 399)
(C. "A" S-17)

An Act To Provide Employees Fair Access to Personnel Files
(H.P. 319) (L.D. 411)
(C. "A" H-54)

An Act To Encourage Dog Tracking of Wounded Big Game Animals
(H.P. 352) (L.D. 460)
(C. "A" H-39)

An Act To Allow Fire and Emergency Medical Services Response Vehicles To Display One Blue Light at the Rear of the Vehicle
(H.P. 356) (L.D. 464)

An Act To Enhance Consumer Protections in Relation to Certain Mortgages
(H.P. 383) (L.D. 494)
(C. "A" H-53)

An Act To Increase the Debt Limit of the Rockland Port District
(H.P. 451) (L.D. 621)

An Act Regarding the Sale of Hard Cider
(H.P. 455) (L.D. 625)

An Act To Clarify the Standard for Review of Preconviction Bail
(H.P. 535) (L.D. 729)
(C. "A" H-71)

An Act To Amend the Laws Governing Registers of Deeds
(S.P. 325) (L.D. 984)

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

Resolves

Resolve, Regarding the Reduction of Barriers to the Transmission of Electricity
(S.P. 232) (L.D. 668)

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

An Act To Honor Purple Heart Award Recipients
(H.P. 330) (L.D. 422)
(C. "A" H-68)

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

On motion of Representative RICHARDSON of Brunswick, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 28

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Eder, Faircloth, Fischer, Fletcher, Gagne-Friel, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Ketterer, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marraché, McCormick, McGowan, McKee, McKenney, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Tardy, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Usher, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - NONE.

ABSENT - Bierman, Browne W, Bruno, Finch, Gerzofsky, Goodwin, Kane, Marley, McGlocklin, McLaughlin, Muse, Peavey-Haskell, Perry J, Simpson, Smith N, Smith W, Thompson.

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

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

An Act To Establish the Maine Week of Heroes
(H.P. 369) (L.D. 477)

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

On motion of Representative VAUGHAN of Durham, was **SET ASIDE**.

The **SPEAKER**: The Chair recognizes the Representative from Durham, Representative Vaughan.

Representative **VAUGHAN**: Mr. Speaker, Ladies and Gentlemen of the House. The bill before you, LD 477, "An Act to Establish the Maine Week of Heroes" is even more pertinent now, given the war in Iraq and the recent turn of events. Our courageous soldiers are at this moment fighting for freedom, risking their own lives that others may know the joy of living without fear and oppression. As we watch, people are being liberated and children and families are being freed from the prisons that they were placed in because they would not fight.

On September 11th our world changed forever. We have now experienced the pain and fear of terrorism on our own soil. But we have also seen heroes emerge. In Maine, we have many such heroes that should be recognized, such as active duty military personnel, emergency medical technicians, firefighters, law enforcement officers, member of the National Guard, United States military veterans and all other heroes who have given their

courageous service without regard for their own lives or personal safety to benefit the people of this great land and to serve the needs of the citizens of the state.

I ask you to please join with me to pass this unanimously and give the recognition that is so justly deserved.

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

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

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

ROLL CALL NO. 29

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marraché, McCormick, McGowan, McKee, McKenney, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Tardy, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Usher, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Twomey.

ABSENT - Bierman, Browne W, Bruno, Gerzofsky, Goodwin, Marley, McGlocklin, McLaughlin, Muse, Peavey-Haskell, Perry J, Simpson, Smith N, Smith W, Thompson.

Yes, 135; No, 1; Absent, 15; Excused, 0.

135 having voted in the affirmative and 1 voted in the negative, with 15 being absent, and accordingly and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Require That Mental Health Workers with LCPC Licenses Are Recognized as Licensed Professionals for Purposes of Insurance Reimbursement

(H.P. 426) (L.D. 563)
(C. "A" H-72; H. "A" H-84)

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

On motion of Representative RICHARDSON of Brunswick, was **SET ASIDE**.

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

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

Representative GLYNN of South Portland **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

ROLL CALL NO. 30

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dudley, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Eder, Finch, Fischer, Fletcher, Gagne-Friel, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marraché, McCormick, McKee, McKenney, McNeil, Mills J, Mills S, Moody, Moore, Murphy, Norbert, Norton, Nutting, O'Brien J, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Tardy, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Usher, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - NONE.

ABSENT - Bierman, Browne W, Bruno, Bryant-Deschenes, Dugay, Faircloth, Gerzofsky, Goodwin, Marley, McGlocklin, McGowan, McLaughlin, Millett, Muse, O'Brien L, Peavey-Haskell, Perry J, Simpson, Smith N, Smith W, Thompson, Twomey.

Yes, 129; No, 0; Absent, 22; Excused, 0.

129 having voted in the affirmative and 0 voted in the negative, with 22 being absent, and accordingly and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

ENACTORS
Apportionment Plan

An Act To Reapportion the House Legislative Districts
(H.P. 1138) (L.D. 1555)

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

Representative EDER of Portland **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**: The Chair recognizes the Representative from Portland, Representative Eder.

Representative **EDER**: Mr. Speaker, Men and Women of the House. I am here today speaking on behalf of the residents of my district. Some of you may be familiar with the press that has been surrounding the treatment of my district and the reapportionment plan. Had this not come before us so quickly, I was working to offer an amendment that would have not significantly altered the plan, but moved just one block over in order to keep the district whole and in order to keep it so that the district would have the Representative that they voted for.

My district is long been a district that has had a proud history of putting forward progressive and populist Representatives. The Speaker of the House, Mike Saxl, was from my district. I understand that this is a political process. That given, this plan

summarily rips apart the strong voice of a district in Portland. When members of my district and myself brought our objections to the Reapportionment Commission, several members of the commission were heard to say that we didn't realize that Portland had separate and distinct neighborhoods. That is very interesting. Despite that, we are going to go with this plan because your district was the only district that objected to the plan.

Portland does have very separate and very distinct communities. This community has been gutted in order for a short-term political gain. I ask you what you might do if that were to happen to your community. The members of my district are extremely upset. I stand before you here today to ask that you vote against this plan. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. This has been a very long and painful process for everybody. I have been involved with it now since right after the election when I was approached by the Speaker and asked to serve on this commission. I would hope that those members who are lucky enough to either return here or stay here through the next decennial census cycle and are faced with redistricting again are wise enough to say, no, when they are offered this opportunity. It is a very, very complex and complicated process and I have learned an awful lot about the State of Maine through this, all of the members on the commission. It is a partisan process. It is a partisan commission. It is made up evenly of Democrats and Republicans with an Independent neutral who serves as the chair. I have gotten all very familiar with this over the last four months as we have been moving through this process and speaking with members of this body and of the other body as individuals learning more about their communities.

We do this not really to chop up districts arbitrarily, but to best serve the interest of the people of the State of Maine. We have to do this every 10 years because people move around. New people move to Maine, the districts change in terms of population, mills close, communities change and the constitutional test of representation cannot be met by maintaining all districts as they are. When we went into this process, we, as Democrats, had certain standards that we wanted upheld. The Republicans also had standards that they wanted upheld. We began to meet somewhere in the middle.

The court precedence and the historic precedence and constitutional test are extremely precise and clear on these points. The preeminent factor in judging districts should be that of one person, one vote. The fairest, most equitable representation that is possible, given all considerations molted together. The test for the Congressional Districts is somewhat more severe. If you have an odd number of people in your state, they tend to only want a deviation of one person. We tried to create ideal districts in terms of population. We try not to cut towns any more than possible. We try to avoid dividing communities of interest. We try to keep them contiguous so that if you are a representative of a district you may not leave that district to visit the other side of it.

There are many things we try to do and in our discussions with our Republican colleagues, which by the way, went as collegiate as I could have ever hoped for, I thought I was dealing with my own Fish and Wildlife Committee. It did not even seem like a partisan issue at all. It was a very, very pleasant negotiating process and when they brought their plan forward and we brought our plan forward, when we were done discussing the changes, what we found, much to our pleasure, was that we

had come up with a plan that was far better for the people of the State of Maine than the plans that we had officially placed forward.

As we all know now, the courts tend to frown on anything that gets too close or over a 10 percent total deviation from that ideal district size, which, for the record, is 8,443 people in a district. It is a slight increase, but that slight increase is enough to throw off almost every district in the state by a mean factor of around 30 percent, mostly in terms of geography.

There are significant changes to our House Districts. We are moving things around by 300 people or so. We were able to minimize the so-called small town splits to 14. We have seen that splitting small towns can create significant problems in elections in terms of who gets the right ballots. We have seen that in this very chamber in recent elections.

We do have incumbent match ups. I do believe this is one of the things that my good friend from Portland is referring to. He is now facing a match up with another incumbent, but we have three others in the state. That was something that we tried assiduously to avoid. It was a really high priority. As the Representative mentioned, you have communities that become used to their Representative and don't want to lose that individual certainly before the scope of term limits. We tried really very hard to avoid that. Along that line, it is significant that in 1993 when the court was forced to draw the plan because of failure of this body and the other body to act, we had eight primaries as well as eight incumbent match ups. That was in the initial plan and some of that was modified.

I think when you talk about the issues of continuity, we have fairly strongly continuous districts. We have gone a bit higher on our deviation, higher, I think, than we would have like, 9.3 percent, but that was part of a compromise in order to bring those communities of interest together as wholes rather than dividing them. That issue of the 9.3 percent, the majority of these House Districts are far closer in deviation than that. It was part of that spirit of compromise that we did offer a larger deviation and fewer town splits and having the best possible representation.

There are other incumbent match ups. There are other communities that changed, other than those that have been mentioned. I think if you look at the map, we have preserved the integrity of those neighborhoods in Portland, not splitting them as they have been split before and realistically our only other option in regards to the district in question in Portland was to take Munjoy Hill and split it up and then put part of that out as far as Cumberland, which is not something that anybody was terribly crazy about doing. Essentially we did what we had to do. We revisited it a couple of times and we were sort of left with where we were. It is not a matter of moving one or two census blocks. When you do that it has a very, very significant ripple affect, which would affect many districts around it. We avoided doing that and we did that cooperatively. It was painful. We know that everyone is not going to be happy with this plan, but we can't make everybody happy. We are here to put out a plan that best represents the right of citizens in our districts to fair and equitable representation. This plan does that. Thank you Mr. Speaker.

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

Representative **CARR**: Mr. Speaker, Men and Women of the House. I want to start out this afternoon by thanking the members of the Reapportionment Commission and our neutral chairman Don Zillman and the consultants that worked with us very hard over the past several months in order to make an agreeable map. This is due in large part to the cooperation of the commission members, the determination, the steady hand of our

neutral chair and the willingness of the two sides to sit down and actually draw a map.

The map we are offering today is a compromise in its truest sense. When the two parties brought forth their maps, each produced districts designed to enhance their party prospects for the next 10 years, but both sides quickly realized that there would have to be give and take if we were going to be successful in our charge. Consequently the map reflects a balance between both sides. To an extraordinary degree, incumbents and incumbent's districts were protected. There are only four match ups between incumbents and my good friend from Old Town has touched upon that. I will save you the time.

It is well known in both caucuses that some members are happier than others. I am sure that there are people on the side of the Democrats that are unhappy. We know that our friend from Portland, Representative Eder, is unhappy with this. We also have some in the Republican Caucus that are unhappy with this. The fact is that all of us are affected somehow in the districts that we represented prior to this agreement.

The district that I represent, presently, has three towns in it. I will be adding three towns to mine, making a total of six for the person who runs in my district next time. I know that the Representative from Newport, Representative Tardy, also has a town in his district that has a cut in it. It is divided. That is going to affect him. It is going to affect some of the towns around him. Nonetheless, these things had to be done and decisions had to be made to reach an agreement.

Although there are possible configurations that would split fewer towns and cities and cross fewer county lines, this map enables certain compromises that which were crucial to reach an agreement. The fundamental question is, who does this help and who does it hurt? Both sides analyzed the map and came to the same conclusion. More than one-third of the districts favor Democrats, more than one-third favor Republicans and a little less than one-third are competitive districts that will favor the best candidate.

The Passamaquoddy Tribe was interested in keeping its primary residential centers within the House District, which was readily agreed to by both parties combining Pleasant Point and Indian Township in one district. Our guidelines under the Constitution are to form compact and contiguous districts that cut towns the least number of times as practical to keep the district as equally populated as possible.

Throughout this process we have come to understand why the court has recognized that there are tradeoffs between these standards. For instance, if you accept a higher deviation, you can avoid cutting towns and crossing county boundaries. This plan balances a low deviation versus to cut towns in a fair and practicable manner.

I have heard from both sides of the aisle how much they appreciate the manner in which negotiations were conducted. Unlike the process 10 years ago that was eventually settled by the courts, we were able to show to the public that this Legislature is capable of following the rules and putting aside partisan differences to meet our constitutionally mandated responsibilities.

Under the Constitution there is a procedure where a legislatively adopted plan can be challenged. There was a challenge to a plan drawn up in 1983 when a legislator challenged the map because of a change to his district. The court ruled that just because there was possibly a better way to draw the map, that this did not make the legislature's map unconstitutional. The court does not have to accept the map that meets the salutatory requirements more closely.

This map may not be the best plan that could have been drawn, but it is the truest sense of compromise and it keeps the redistricting process in the Legislature and not in the court. I hope that you will join me in passing this today and demonstrate today that the Legislature can function as intended and we can begin the process of recruiting the best possible candidates for the next election. May the best party win. 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 am unhappy with this plan. I would like to stand here today and tell you why I think the process is flawed, why I think precedent was ignored and why I think the interests of the Portland people were completely disregarded. The truth is that none of that is true. As unhappy as I am, and I am unhappy, I lose 44 percent of my current district, close in proportion to what my seatmate and friend, Representative Eder, loses, but it was a fair process. The interests of all were taken into account, precedent was followed and the Constitution was adhered to, the interests that the court may have down the road was listened to. I am going to support the plan, as unhappy as I am, because it was done fairly.

I would like to add relative to potential impacts on Portland neighborhoods, that under this plan Munjoy Hill remains in one district. The Old Port remains in one district. The Parkside neighborhood remains in one district. Perhaps for the first time in 10 years or more, the Bayside neighborhood is now in one district. That is new. The west end is in one district now for the first time in more than 10 years. The interests of Portland's neighborhoods are very well served by this plan, as unhappy as I am about it.

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

In accordance with the provisions of Article IV, Part First, Section 3, Paragraph 1 of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 31

YEA - Adams, Andrews, Annis, Austin, Barstow, Bennett, Berube, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Bryant-Deschenes, Bull, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Crosthwaite, Curley, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McKee, McKenney, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Norbert, Norton, Nutting, 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, Smith W, Snowe-Mello, Stone, Sullivan, Suslovic, Sykes, Tardy, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Usher, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Ash, Berry, Cresse, Eder, Kaelin, Sukeforth, Twomey.

ABSENT - Bierman, Browne W, Bruno, Bunker, Cummings, Gerzofsky, Goodwin, Hutton, McGlocklin, McGowan, McLaughlin, Muse, Paradis, Peavey-Haskell, Simpson, Smith N, Thompson.

Yes, 127; No, 7; Absent, 17; Excused, 0.

127 having voted in the affirmative and 7 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

ENACTORS

Acts

An Act To Reapportion the County Commissioner Districts (H.P. 1140) (L.D. 1557)

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

SENATE PAPERS

The following Joint Order: (S.P. 518)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, April 14, 2003, at 10:00 in the morning.

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

Bill "An Act To Modify the Exemption for Compost under the Nutrient Management Law and the Nutrient Management Review Board's Authority To Hear Appeals"

(S.P. 517) (L.D. 1543)

Bill "An Act To Amend the Animal Welfare Laws"

(S.P. 520) (L.D. 1545)

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 Regarding Eligibility under the Municipal Investment Trust Fund"

(S.P. 523) (L.D. 1554)

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 To Permit Special Purpose Reinsurance Vehicles" (S.P. 522) (L.D. 1553)

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 Revise the Standards for Reporting Public Sector Workplace Deaths and Serious Injuries"

(S.P. 519) (L.D. 1544)

Bill "An Act To Allocate a Portion of the Reed Act Distribution of 2002 To Use for the Administration of the Unemployment Insurance and Employment Services Programs"

(S.P. 521) (L.D. 1552)

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 Clarify that the Maine Military Authority Is Part of the Military Bureau" (EMERGENCY)

(S.P. 516) (L.D. 1537)

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

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

CONSENT CALENDAR

First Day

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

(S.P. 478) (L.D. 1440) Bill "An Act To Establish the Commercial Fishing Safety Council" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-32)**

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

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

ORDERS

On motion of Representative CLARK of Millinocket, the following Joint Order: (H.P. 1144)

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs report out, to the House, legislation that authorizes Michaela Corbin-Burnford to sue the State.

READ and PASSED.

Sent for concurrence.

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

On motion of Representative JACKSON of Fort Kent, the House adjourned at 1:23 p.m., until 10:00 a.m., Monday, April 14, 2003 pursuant to the Joint Order (S.P. 518) and in honor and lasting tribute to Ryan Kelly, of Allagash.