

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
37th Legislative Day
Monday, April 14, 2003

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

Prayer by Chaplain Warren Doersam, Waldo County Sheriff's Department, Belfast.

Pledge of Allegiance.

The Journal of Thursday, April 10, 2003 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Require Flashing Lights for Private Snow Plows"

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

Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on April 7, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-25) in NON-CONCURRENCE.**

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 148)

STATE OF MAINE

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

April 8, 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 Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 834 An Act To Protect the Solvency of Workers' Compensation Trust Funds

L.D. 943 An Act To Discourage Abuse and Fraud under the Workers' Compensation Laws

L.D. 1165 An Act To Provide Qualified Interpretation and Translation Services in Workers' Compensation Proceedings BY REQUEST

L.D. 1185 An Act To Provide Paid Family and Medical Leave

L.D. 1193 An Act To Strengthen the Family Medical Leave Laws

L.D. 1225 Resolve, To Assist Retired Teachers by Establishing a Health Insurance Payment Program

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

Sincerely,

S/Sen. Betheda G. Edmonds

Senate Chair

S/Rep. William J. Smith

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 149)

STATE OF MAINE

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

April 8, 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 Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 187 An Act To Fairly Assess Sales Tax on Vehicles

L.D. 202 An Act To Make Certain Housing an

Acceptable Use of Tax Increment Financing

L.D. 251 An Act Concerning Tax-acquired Property

L.D. 269 An Act To Exempt Special Mobile Equipment

from Sales Tax

L.D. 314 Resolve, To Study the Property Valuation Process

L.D. 436 An Act To Create a Minimal Excise Tax for Farm Trucks

L.D. 504 An Act To Strengthen the Taxpayer Bill of Rights

L.D. 643 An Act To Provide a Property Tax Exemption to All Veterans of the United States Armed Forces

L.D. 761 An Act To Create an Agricultural Property Tax Reimbursement Program

L.D. 950 An Act Authorizing the Creation of Individual Medical Savings Accounts

L.D. 1019 Resolve, To Create the Industrial Property Assessing Methods Group

L.D. 1320 An Act To Extend Tax Increment Financing Zones To Include the Development of Large-scale Affordable Housing

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

Sincerely,

S/Sen. Stephen Stanley

Senate Chair

S/Rep. David G. Lemoine

House Chair

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

(H.P. 1141) (L.D. 1558)

Sponsored by Representative BUNKER of Kossuth Township.

Cosponsored by Senator: DAVIS of Piscataquis.

Submitted by the Department of Conservation 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.

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$70,000,000 for Municipal Facilities and for Investments in Research, Development, Farming and Affordable Housing in Order To Sustain and Improve Maine's Economy"

(H.P. 1148) (L.D. 1566)

Sponsored by Representative RICHARDSON of Brunswick. (GOVERNOR'S BILL)

Cosponsored by Senator TURNER of Cumberland and Representatives: BRANNIGAN of Portland, Speaker COLWELL of Gardiner, ROSEN of Bucksport, Senators: BROMLEY of Cumberland, CATHCART of Penobscot, President DAGGETT of Kennebec.

Bill "An Act To Make Additional Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2003" (EMERGENCY)

(H.P. 1150) (L.D. 1574)

Sponsored by Representative BRANNIGAN of Portland. (GOVERNOR'S BILL)

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

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

Sent for concurrence.

Bill "An Act To Amend the Laws Concerning State Board of Alcohol and Drug Counselors"

(H.P. 1142) (L.D. 1559)

Sponsored by Representative SULLIVAN of Biddeford.

Cosponsored by Senator MARTIN of Aroostook and Representatives: CURLEY of Scarborough, DUGAY of Cherryfield, EARLE of Damariscotta, PERRY of Calais.

Submitted by the Department of Behavioral and Developmental Services 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 Regarding School Bus Contracts" (EMERGENCY)

(H.P. 1146) (L.D. 1564)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: CUMMINGS of Portland, DAVIS of Falmouth, FINCH of Fairfield, GAGNE-FRIEL of Buckfield, MURPHY of Kennebunk, SAMPSON of Auburn, THOMAS of Orono, Senator: MITCHELL of Penobscot.

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

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

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

Sent for concurrence.

Bill "An Act Regarding Standard Contracts for Assisted Living Services"

(H.P. 1145) (L.D. 1563)

Sponsored by Representative KANE of Saco.

Cosponsored by Senator WESTON of Waldo and Representatives: CRAVEN of Lewiston, DUGAY of Cherryfield, EARLE of Damariscotta, LAVERRIERE-BOUCHER of Biddeford, LEWIN of Eliot, WALCOTT of Lewiston, Senator: BRENNAN of Cumberland.

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 Authorize a Pilot Project To Allow Commercial Vehicles at Canadian Weight Limits Access to the Woodland Commercial Park in Baileyville"

(H.P. 1147) (L.D. 1565)

Sponsored by Representative USHER of Westbrook.

Cosponsored by Senator SHOREY of Washington and Representatives: BUNKER of Kossuth Township, DUGAY of Cherryfield, GOODWIN of Pembroke, Senator: HATCH of Somerset.

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

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

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

Sent for concurrence.

**Pursuant to Resolve
MCJUSTIS Board**

Representative NORBERT for the **MCJUSTIS Board** pursuant to Resolve 2001, chapter 45 asks leave to report that the accompanying Bill "An Act To Implement Recommendations of the MCJUSTIS Policy Board Concerning the Drafting of Crimes and Civil Violations Pursuant to Resolve 1997, Chapter 105, as Amended"

(H.P. 1149) (L.D. 1567)

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

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

Sent for concurrence.

**Pursuant to Statute
Maine Rural Development Authority**

Representative SULLIVAN for the **Maine Rural Development Authority** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 1: Community Industrial Building Program, a Major Substantive Rule of the Maine Rural Development Authority (EMERGENCY)

(H.P. 1143) (L.D. 1560)

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

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Mark Brian Cote, of Sanford, a senior at Sanford High School, who has been selected to receive the 2003 Maine Principals' Association Citizen of the Year award. This award is sponsored by the Maine Principals' Association and is given in recognition of a high school senior's academic achievement and citizenship. Mark also received the Princeton Book Award in 2002. He was the USA Triathlon All-American in 2001, a 2-time USAT All-American Honorable Mention and a member of the Triathlon Team USA in 2001. Mark participates in varsity swimming, track and cross-country. He is also a member of the concert and marching band, concert and chamber choir and drama club. He is active in student council, peer helpers, student leaders, Friends of Sanford High School, the variety show and homecoming and tutoring math, all while maintaining a 3.9 grade point average. Mark is an outstanding student and athlete. We send our congratulations and best wishes to Mark on this occasion;

(HLS 441)

Presented by Representative LANDRY of Sanford. Cosponsored by Representative BOWLES of Sanford, Senator CARPENTER of York, Representative COURTNEY of Sanford.

On **OBJECTION** of Representative LANDRY of Sanford, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **LANDRY**: Mr. Speaker, Ladies and Gentlemen of the House. If I may, particularly on a Monday when we are very busy and our desks are filled with so many important matters, that we need to address. I wanted to take a moment of your time to recognize a young man who I consider epitomizes our youth of today and what they can attain in the time that they are in high school. You have to read the body of this sentiment to see the accolades of what this young man has been able to accomplish in a short period of time.

I wanted to take a moment during session to convey my thanks to him for a lot of hard work, dedication and my thanks to his parents for showing him the way to obtain all of these magnificent goals that he has attained. I will add that Mark has been accepted by MIT and I am going to spend a good portion of the day talking him into moving back to the State of Maine with that education. I just wanted to take a moment to bring your attention to the accolades that I am so very proud to give to this young man who is a fine example of the kind of youth that comes out of the great town of Sanford. Thank you very much.

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

In Memory of:

Benjamin F. Chandler, of Portland, beloved husband of Elinor Chandler, a decorated veteran of the U.S. Marine Corps and a longtime educator who was well-known for his dedication and commitment to the education and well-being of his students. Mr. Chandler taught at Lincoln Junior High, later moving to Portland High School where he was a teacher and counselor for 20 years. He was a member of the Retired Maine Teachers Association and the Disabled American Veterans. He was also a volunteer for the United Way. Mr. Chandler will be remembered by his loving family, many friends and thousands of students who knew him as a fair and compassionate teacher;

(HLS 444)

Presented by Representative DAVIS of Falmouth.

Cosponsored by Senator BRENNAN of Cumberland, Representative NORBERT of Portland, Representative DUDLEY of Portland, Representative EDER of Portland, Representative SUSLOVIC of Portland, Representative ADAMS of Portland, Representative CUMMINGS of Portland, Representative MARLEY of Portland, Representative BRANNIGAN of Portland, Senator STRIMLING of Cumberland.

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

READ.

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

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. Ben Chandler was a friend of mine for over 30 years. He was a teacher at Lincoln Junior and then at Portland High School for 20 years. He is a decorated war veteran of the Korean War. He wore a brace on his right leg for the remainder of his days on Earth. He was in some pain, but he never complained about it. Ben and I resembled each other being of Irish heritage and people would often call me Ben and called Ben Gerry. I take that as a great honor.

In the Korean War he stepped on a landmine and later was decorated for his combat service in Korea. I always talked about him coming to the Legislature to meet other veterans and we had planned on him doing that, to meet Representative Treadwell and Heidrich and Pineau and all the veterans in the Legislature. The Marine Corp. has a very, very powerful and potent slogan, "Semper Fi, Always Faithful". Ben Chandler was always faithful to his family, his school and to his country. A great patriot has passed and I will miss him very much. Thank you.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Limit State Land Ownership"

(S.P. 124) (L.D. 348)

Signed:

Senators:

BRYANT of Oxford
KNEELAND of Aroostook

Representatives:

McKEE of Wayne
LUNDEEN of Mars Hill
PINEAU of Jay
PIOTTI of Unity
SMITH of Monmouth
HONEY of Boothbay
CHURCHILL of Orland
FLETCHER of Winslow

EDER of Portland
Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-30)** on same Bill.

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representative:

CARR of Lincoln

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

READ.

On motion of Representative McKEE of Wayne, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Prevent Health Insurance Fraud"

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

Signed:

Senators:

LaFOUNTAIN of York

MAYO of Sagadahoc

Representatives:

VAUGHAN of Durham

PERRY of Calais

WOODBURY of Yarmouth

O'NEIL of Saco

GLYNN of South Portland

SNOWE-MELLO of Poland

YOUNG of Limestone

PERRY of Bangor

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

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

BREAULT of Buxton

CANAVAN of Waterville

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

READ.

On motion of Representative O'NEIL of Saco, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Increase Penalties for Passing a Stopped School Bus"

(S.P. 329) (L.D. 988)

Signed:

Senators:

HATCH of Somerset

SAVAGE of Knox

DAMON of Hancock

Representatives:

JODREY of Bethel

McNEIL of Rockland

COLLINS of Wells

USHER of Westbrook

BROWNE of Vassalboro
MARRACHÉ of Waterville
McKENNEY of Cumberland
PARADIS of Frenchville

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

Signed:

Representatives:

MARLEY of Portland

SAMPSON of Auburn

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

READ.

On motion of Representative USHER of Westbrook, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-107)** on Bill "An Act To Reimburse Employees for Attorney's Fees and Costs When Forced To Pursue Petitions for Payment of Medical Services"

(H.P. 395) (L.D. 510)

Signed:

Senators:

EDMONDS of Cumberland

STANLEY of Penobscot

Representatives:

SMITH of Van Buren

HUTTON of Bowdoinham

HATCH of Skowhegan

PATRICK of Rumford

JACKSON of Fort Kent

WATSON of Bath

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

Signed:

Senator:

BLAIS of Kennebec

Representatives:

TREADWELL of Carmel

CRESSEY of Baldwin

HEIDRICH of Oxford

NUTTING of Oakland

READ.

Representative SMITH of Van Buren moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-98)** on Bill "An Act to Amend the Liquor Law as it Pertains to Special Taste-testing Festival Licenses"

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

Signed:

Senators:

GAGNON of Kennebec

LEMONT of York

MAYO of Sagadahoc

Representatives:

CLARK of Millinocket
PATRICK of Rumford
BLANCHETTE of Bangor
CANAVAN of Waterville
JENNINGS of Leeds
GLYNN of South Portland
HOTHAM of Dixfield
BROWN of South Berwick
MOORE of Standish

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-99)** on same Bill.

Signed:

Representative:

LANDRY of Sanford

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-98)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, April 15, 2003.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Resolve, To Allow Public Camping on Number 9 Lake in Aroostook County

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

Signed:

Senators:

BRYANT of Oxford

KNEELAND of Aroostook

YOUNGBLOOD of Penobscot

Representatives:

McKEE of Wayne

LUNDEEN of Mars Hill

PINEAU of Jay

PIOTTI of Unity

SMITH of Monmouth

CHURCHILL of Orland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-101)** on same Resolve.

Signed:

Representatives:

CARR of Lincoln

HONEY of Boothbay

FLETCHER of Winslow

EDER of Portland

READ.

On motion of Representative McKEE of Wayne, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **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. 201) (L.D. 592) Bill "An Act Regarding Age Eligibility for Enrollment in a Public Secondary School" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(S.P. 474) (L.D. 1437) Bill "An Act To Amend Marine Resources Special License Requirements for Educational Programs" Committee on **MARINE RESOURCES** reporting **Ought to Pass**

(H.P. 886) (L.D. 1212) Bill "An Act To Create the Bayside Utilities District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(H.P. 14) (L.D. 7) Bill "An Act to Address Funding of the North Jay Water District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-111)**

(H.P. 77) (L.D. 69) Bill "An Act To Clarify the Intent of School Budget Referendum Language" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-115)**

(H.P. 317) (L.D. 409) Bill "An Act To Allow a Former Spouse or Domestic Partner To Cancel a Life Insurance Policy in That Person's Name" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-112)**

(H.P. 603) (L.D. 826) Resolve, To Allow Certain State Employees To Be Voting Board Members of Project SHARE Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-114)**

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:

(S.P. 115) (L.D. 333) Resolve, Directing the Department of Audit To Establish a Fraud Hotline (C. "A" S-26)

(S.P. 127) (L.D. 351) Bill "An Act To Promote Clarity Regarding Death Certificates" (EMERGENCY) (C. "A" S-24)

(S.P. 133) (L.D. 396) Bill "An Act To Allow Dealers of Manufactured Housing To Install Oil Tanks" (C. "A" S-23)

(S.P. 216) (L.D. 607) Resolve, To Study the Effects of NAFTA on Maine Businesses (C. "A" S-22)

(S.P. 290) (L.D. 895) Bill "An Act To Clarify the Responsibilities of Contract Law Enforcement Officers" (C. "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"

(H.P. 16) (L.D. 9) Bill "An Act to Amend the Laws Governing the Workers' Compensation Board Administrative Fund" (C. "A" H-106)

(H.P. 246) (L.D. 303) Bill "An Act To Increase Protection for Endangered and Threatened Species" (C. "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" (C. "A" H-100)

(H.P. 614) (L.D. 837) Bill "An Act To Require Motorists To Use Caution When Approaching a Safety Zone" (C. "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" (C. "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" (C. "A" H-103)

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

BILLS IN THE SECOND READING
Senate as Amended

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

(S.P. 215) (L.D. 606)
(C. "A" S-27)

Reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence.

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, April 10, 2003, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE REPORT - Ought to Pass - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Require Continuing Education for Professional Engineers"

(S.P. 320) (L.D. 979)

TABLED - April 10, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

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

The Bill was **READ ONCE.**

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

Representative SULLIVAN of Biddeford **PRESENTED House Amendment "A" (H-109)**, which was **READ** by the Clerk.

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

Representative **SULLIVAN:** Mr. Speaker, Men and Women of the House. This simply adds a fiscal note to it, not from the General Fund, but an allocation from the board in order to implement this change that has been made. It is a unanimous report. It got out of committee without that fiscal note. Thank you.

Subsequently, **House Amendment "A" (H-109)** was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **House Amendment "A" (H-109)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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)

TABLED - April 10, 2003 (Till Later Today) by Representative SULLIVAN of Biddeford.

PENDING - **PASSAGE TO BE ENGROSSED.**

On motion of Representative SULLIVAN of Biddeford, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-89)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-110)** to **Committee Amendment "A" (H-89)** which was **READ** by the Clerk.

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

Representative **SULLIVAN:** Mr. Speaker, Men and Women of the House. All this does is change the effective date of this change from September 24, 2004 to June 19, 2005. It was a mistake. If we were not to add the amendment, we would actually be removing somebody from the board before their legal term is up. That is not the desire of the committee. Thank you.

Subsequently, **House Amendment "A" (H-110)** to **Committee Amendment "A" (H-89)** was **ADOPTED.**

Committee Amendment "A" (H-89) as Amended by **House Amendment "A" (H-110)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-89)** as Amended by **House Amendment "A" (H-110)** thereto 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 following items were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$16,800,000 To Construct and Upgrade Water Pollution Control Facilities, To Remediate Solid Waste Landfills, To Clean Up Uncontrolled Hazardous Substance Sites and To Make Drinking Water System Improvements"

(S.P. 528) (L.D. 1569)

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

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

Bill "An Act To Make Minor Changes to the Required Law Enforcement Policies"

(S.P. 532) (L.D. 1573)

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 Change the Name of the Augusta Mental Health Institute to 'Riverview Psychiatric Center'"

(S.P. 525) (L.D. 1562)

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

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

Bill "An Act To Protect Plaintiffs and Minor Children in Certain Civil Protection Order Cases"

(S.P. 527) (L.D. 1568)

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

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

Bill "An Act Concerning Storm Water Management" (EMERGENCY)

(S.P. 529) (L.D. 1570)

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

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

Bill "An Act To Authorize Department of Transportation Bond Issues in the Amount of \$75,000,000 for Improvements to Highways; Bridges; Airports; State-owned Ferry Vessels; Ferry and Port Facilities; Port and Harbor Structures; Development of Rail Corridors; Improvements to Railroad Structures and Intermodal Facilities; Investment in Public Transportation Fleet and Public Park and Ride and Service Facilities; and Statewide Trail and Pedestrian Improvements"

(S.P. 531) (L.D. 1572)

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

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

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

Bill "An Act To Clarify the InforME Public Information Access Act"

(S.P. 524) (L.D. 1561)

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

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

Bill "An Act Concerning Technical Changes to the Tax Laws"

(S.P. 530) (L.D. 1571)

Bill "An Act To Assist Brascan, the Successor to Great Northern Paper, in Paying the Property Taxes Due to the Towns of Millinocket and East Millinocket" (EMERGENCY)

(S.P. 535) (L.D. 1575)

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

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

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

UNFINISHED BUSINESS

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

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

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

TABLED - April 10, 2003 (Till Later Today) by Representative BUNKER of Kossuth Township.

PENDING - **PASSAGE TO BE ENGROSSED.**

Representative MILLS of Farmington **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED.**

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 Farmington, Representative Mills.

Representative **MILLS**: Mr. Speaker, Ladies and Gentlemen of the House. I think this bill had all kinds of laudable intentions, but I think it rests on some misconceptions about the current state of the criminal code. I would like to explain that to you briefly. I have been involved with the enactment and recodification and changes in the criminal code for nearly 28 years. I would explain that our criminal code, unlike other state statutes, is a very modern document. It precisely defines the state of mind required to convict somebody of a crime.

This matter was heavily debated in the early stages of the criminal code in 1975 and 1976 and later it has been dealt with by the Criminal Law Advisory Commission as well. I would not when presented with this bill a few months ago, the Criminal Law Advisory Commission, which is delegated by statute to review all criminal code amendments and which includes approximately 10 members of the criminal justice community, including Justice Robert Clifford, Deputy Attorney General Charles Ledbetter, Judge Anderson, District Attorney Mike Povich and several other district attorneys and defense attorneys. They voted unanimously that this bill should not be enacted. Their message was as follows: "Clark believes philosophically that the present intoxication statute is fair and has worked well. This bill should not be enacted." I respect their views wholeheartedly and ask that this body respect them as well.

I would point out that this so-called defense is perhaps misconceived. Under the current state of the law, intoxication is not an excuse, not a justification for any kind of crime. It may be used to raise a reasonable doubt in the case of an intentional crime when one has a conscience object to cause a particular result. In our criminal code we do not use terms like malice of forethought and things of that sort. We are only talking about intentional crimes, very narrowly defined, when as a result of a mental disturbance or intoxication or many, many other things, a person may lack the conscience object to cause a particular result, then that state of mind, the intoxication and other

circumstances may be generated or viewed by a jury to determine whether or not the person has a requisite state of mind. This all sounds very technical, but the point is the philosophy of our criminal code is you are not guilty of an intentional crime unless you commit a criminal act and you have the requisite state of mind. That is basic criminal philosophy in our code. I believe this bill undermines that philosophy.

I have been trying to figure out what generated the bill and I understand that some other states have passed similar legislation. I suggest that their actions are not apt to our criminal code and perhaps not pertinent to what we are doing here today. I have also heard somehow that this may have something to do with domestic violence or protecting victims of domestic violence. I would suggest that the only case in my area where this defense has been raised successfully was a case where a victim of domestic violence used it to defend herself in a case where she and her husband had been drinking heavily and she fired a shot gun into him at the distance of 10 or 12 feet and told the jury that as a result of intoxication, she did not intentionally intend to cause his death. She only meant to maim him or scare him. The jury found that she lacked the conscience object to cause his death and so that defense was used to allow her to be found guilty of manslaughter rather than murder, in the appropriate circumstance, I suggest.

I ask you to defeat this bill simply to be able to use this defense in appropriate and narrow circumstances when appropriate. It is very rarely used as it is now. It should be retained in our criminal code, as a result of the discussions held 27 or 28 years ago and for the sake of preserving the philosophy of the criminal code. Thank you Mr. Speaker.

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

Representative SYKES: Mr. Speaker, Ladies and Gentlemen of the House. We currently have in our statute a law that provides an exception and states that it is okay to use voluntary intoxication as defense. I interpret that as someone saying that I was too intoxicated to know what I was doing, therefore, I am not responsible for my action. In this day and age, it seems like no one is responsible for anything and someone made me do it anyway.

I would submit that this particular bill makes much better public policy than allowing that statement or that exception to remain in the statute. In fact, I would submit to you that in two other places in the criminal statute you have very specifically a statement that says that voluntary intoxication is not a defense to an action under this chapter. That is under protection from abuse or a violation of a protection order from harassment. I do not want to put my name on anything that says you can use voluntary intoxication as a defense. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cornville, Representative Mills.

Representative MILLS: Mr. Speaker, Men and Women of the House. The good previous speaker, I think misconstrues the current state of the criminal code that we have in the State of Maine. Intoxication is not a defense that gets you off. It is rarely, and sometimes, used to refute what is called specific intent, rather than the more general intent that suffices to convict a person of a crime in any circumstances. It may, for example, suffice to reduce the charge or the finding from murder down to something like manslaughter, which requires nearly a reckless state of mind, which may indeed be the right thing to convict these people of.

It is not being used, and it is unfair to characterize the current criminal code, which was written 28 years ago after a great deal of thought, as stating that you get off because you were drunk.

That is a completely inaccurate statement about our criminal code. Intoxication may serve to relieve a person of responsibility of having the specific intent to kill somebody. It doesn't relieve you of responsibility for the harm that you have caused. You will be found guilty of manslaughter or some other appropriate charge.

We had chaos in this state 30 years ago under common law. We had criminal laws and criminal statutes and common law crimes and the state of our criminal code was a mess, frankly, when I was going through law school. Twenty-eight years ago a bunch of people got together and adopted a nationally accepted code basically on the model penal code and they adapted it to the State of Maine. Every single word in that code means something special. It has been reviewed by hundreds or thousands of people and it has passed in this form in many other states. To tinker with it can really upset the apple cart when you start making changes based on emotion rather than logic and thoughtful processes. For that reason, I urge that you vote no or red in the pending motion. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative TOBIN: Thank you Mr. Speaker. To anyone who might answer, presently if you are driving under the influence and you cause the death of either a pedestrian or another motorist, you are charged with aggravated, elevated manslaughter, at least you could be. If this bill is passed as it is, would this mean that the driver who was under the influence would be charged with murder? Thank you Mr. Speaker.

The SPEAKER: The Representative from Dexter, Representative Tobin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Mr. Speaker, Men and Women of the House. A couple years ago I had sponsored a bill and it passed. The present law says that if a person who is intoxicated gets in the vehicle and he or she perchance kills someone because he was under the influence of alcohol, it says now if he knowingly and intentionally got into the vehicle and he was under the influence, that he could be found guilty. As far as whether this change of law would change that, I guess I really can't answer that. I just wanted to let you know that in the law as it currently is, a person would be found guilty.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. This little tiny bill has caused an awful lot of problems. Shortly after the election last fall we all get a magazine called the *National Council of State Legislatures*. There was an article in there. I read it and found out that we were one of the states that had two different levels. We recognize intoxication, voluntary intoxication as being a crime that is convictable if you are in a motorized vehicle, a boat, an ATV, a car, a truck, any of those is convictable. If you are not in a motorized vehicle, there is another level that says you can hit someone in the middle of a fight and not realize how hard you hit them and you could use this law, I was too drunk to know what I was doing. It is not recklessness, which is what the OUI under a motorized vehicle is.

I found that sort of amazing. In today's world we talk about personal responsibility, we talk about accountability in general. It is real hard for me as a seventh grade teacher to look at my seventh graders and say if you drink behind a vehicle and you

are drunk, you are convicted. You know what you are doing, but if you happen to hit someone, you are not. It sends the wrong public message, especially with what we spent on domestic abuse.

I thought it was a pretty cut and dry thing and then all of a sudden all the lawyers came to me and said, no, we understand this. Because of the problem this bill is causing right now in understanding, I would like to know how many people could go home and explain this bill. If you can't explain it to the people that are going to have to live under it, then maybe we don't need to build. Maybe you need to be responsible. If you drink too much, then you pay the consequences. That means if you beat your wife and slug her a little harder than you meant to or you hurt your kids a little more than you meant to, you are responsible.

Someone said it is never used, not used very much. Well, there wasn't a McDonalds that expected that you could sue for a hot cup of coffee. It cost them \$3 million. It only takes one thing before we look like we have a rule that okays it to be drunk. I am just asking that we try to keep up with historical interpretation and we look at this today and we understand that drinking is a personal accountability. You get behind the wheel or you put a little power behind your fist, you are responsible.

I am amazed at the confusion. I am not a lawyer and the public message to me is real simple. If you drink, you are responsible. Period. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Lessard.

Representative **LESSARD**: Mr. Speaker, Ladies and Gentlemen of the House. As a committee member I voted for this. I have heard state of mind. I have heard 28 years ago. I think it is time for a change and get it off the books. As far as I am concerned, if you do something to yourself, excessive drinking, that is when it starts, taking responsibility for your future actions. It may be of a criminal nature, so be it. As time progresses, more intoxicated an individual is, it gets out of hand. I guess I am from the old school, but I feel it is still no excuse. I know it is not used in the most hideous cases, for example, homicide or murder. Still, public policy should dictate and intoxication should be off the statutes. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Mills.

Representative **MILLS**: Mr. Speaker, Men and Women of the House. I rise to respond to the question from Dexter, Representative Tobin, with respect to motor vehicle crimes. They are not defined differently except for Title 29 issues, but manslaughter whether it is with a motor vehicle or a gun or a knife or any other instrument. Manslaughter requires a recklessness state of mind, not an intentional state of mind. Aggravated assault requires only a reckless state of mind. Many other crimes in our code require only a reckless state of mind. Under the current language of the code, intoxication can't even be used to raise a reasonable doubt as to recklessness and states of mind, in terms of bar room brawls, most domestic violence situations and motor vehicle manslaughters and other kinds of manslaughters. Current law right now does not in any respect excuse a crime because of intoxication. I think we should leave it that way. Current law, the only thing this would change, is with respect to intentional crimes, crimes in which it is an element of the crime no matter what that you have a conscience object to cause the particular result. It should be a jury decision whether or not an individual had that conscience object to cause a particular result no matter what and the jury should be allowed to consider all the surrounding circumstances. Again, the only time I can think of, at least in my area, when this very narrow

defense has been used was when a victim of domestic violence used it successfully and it only reduces the crime from, for instance, from murder to manslaughter. It is not available in most sex crimes, aggravated assault, arson or most of the other crimes on the books. Thank you.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I am very pleased to hear the debate going forward at this point, back and forth. The committee of jurisdiction took a great amount of time in listening to the folks that came to the committee to discuss this. They do agree that five or six members of the board did meet one day and say that there was no need and a very short stipend of a paragraph that said that we don't see any need in changing the code. What I am trying to ask you, being the parent or the grandparent or the father or the wife or the husband of the person of a deceased individual that is now on trial and it is going forward and suddenly we bring in Barry Sheck or one of OJ Simpson's lawyers and we suddenly are now going to pull out the idea that my client was too drunk to know or have the intentional or culpable state of mind to have affected that murder so let's let him off with manslaughter and give them seven years in jail instead of some of the mandatories. I think that is a poor public policy message to be sending to folks that you can indulge in alcohol or drugs and if you can afford one, and you can afford the best representation possible to set the stage for the proper defense, then the jury could be swayed or the judge has to order the jury in his orders to the jury that intoxication can be taken into consideration if you find that there is no formal, intentional act, committed by the perpetrator. I just don't want to put myself in that position. Fifteen or 16 other states have done that. We, in this body, have done it for every one of our OUI and Title 29 offenses. We tell everybody that once you take that dangerous weapon out on the highway and drive it down the road, that you no longer can claim that I was too drunk to know I was driving. Why wouldn't we do the same thing when we give somebody a gun, a knife, a weapon to kill their neighbor, their friends, their loved ones or one of your relatives? It just doesn't make sense.

Everybody who came in front of us said it is really not a problem because we don't use it and juries aren't very sympathetic to the intoxication defense. It really doesn't matter. Ladies and gentlemen, I respectfully submit that it does matter. It does matter from a policy-making point of view. It does matter when you are the person that is the family member that is left behind after you have lost somebody through murder. Keep in mind, ladies and gentlemen; nobody has really touched this very clearly. The only crimes that have the intentional mind set necessary, the intentional culpable state of mind necessary for conviction, are the toughest ones to prove, murder, attempted murder intentionally.

I was a victim of somebody that attempted to murder me. He is in jail today. That is the most difficult crime in the state to prove because you have to prove the intent of that person's mindset in order to get a conviction. They found him guilty of attempting to murder me, but found him not guilty of attempting to murder a forest ranger that was with me. He knew the person personally and if he really knew it was Bill, then he wouldn't have tried to shoot at him. Go figure. This man was too drunk, intoxicated and on drugs. They still found him guilty, God love them, but I don't think we need to give that extra little open door for somebody that chooses and gets the best defense in the world and can present the proper case in the proper light to open that door and find somebody not guilty of a very, very serious crime. Thank you.

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

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

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. To anyone who may answer, listening to this debate I am convinced of a couple of things, one that this is a very technical matter, second, it is very emotional. I am swayed by the opinions of two of our members who have the most experience in this very technical matter. I am curious if the Attorney General's Office had a position on this bill also so that I may have a third opinion that was based upon administering criminal justice statutes and not on feelings?

The **SPEAKER**: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. In response to that question, typically the Attorney General does not send somebody there to go on the record one way or the other. They do have at least one member that I am aware of that serves on that board that was identified earlier, the Criminal Law Advisory Commission. In a round about way those people are involved in sending recommendations to our committee. I think you may have been passed around that short, brief memo. They are in opposition of this proposed legislation in all fairness.

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

Representative **FISCHER**: Mr. Speaker, Ladies and Gentlemen of the House. We have been hearing much today about a public policy message that we might be sending. The public policy message that we have been hearing is that I was too drunk to know. I would submit to you, and I am not a lawyer, that the criminal code is not supposed to be boiled down to sound bites and simplicity. It is complex and it is complex for a reason. I urge you to vote Ought Not to Pass on this bill.

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

ROLL CALL NO. 32

YEA - Annis, Ash, Barstow, Bowen, Bowles, Brannigan, Breault, Bunker, Carr, Churchill J, Clark, Courtney, Cummings, Dunlap, Duprey B, Earle, Finch, Gagne-Friel, Greeley, Grose, Jacobsen, Lessard, Maietta, Makas, Marley, Peavey-Haskell, Perry A, Richardson J, Richardson M, Shields, Smith N, Sullivan, Suslovic, Sykes, Treadwell, Mr. Speaker.

NAY - Adams, Andrews, Austin, Bennett, Berry, Berube, Bierman, Blanchette, Bliss, Brown R, Bruno, Bryant-Deschenes, Bull, Campbell, Canavan, Churchill E, Clough, Collins, Cowger, Craven, Cresse, Crosthwaite, Curley, Daigle, Davis, Dudley, Dugay, Duplessie, Eder, Faircloth, Fischer, Glynn, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jennings, Jodrey, Joy, Kaelin, Kane, Ketterer, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lewin, Lundeen, Mailhot, McCormick, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Smith W, Snowe-Mello, Stone, Sukeforth, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Twomey, Usher, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young.

ABSENT - Browne W, Duprey G, Fletcher, Gerzofsky, Goodwin, Landry, Marraché, Moore, Simpson.

Yes, 36; No, 106; Absent, 9; Excused, 0.

36 having voted in the affirmative and 106 voted in the negative, with 9 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENGROSSED**. Sent for concurrence.

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

The **SPEAKER**: The Chair recognizes the Representative from Cape Elizabeth, Representative McLaughlin who wishes to address the House on the record.

Representative **MCLAUGHLIN**: Mr. Speaker, Men and Women of the House. Last Thursday, had I been present for Roll Calls 28, 29, 30 and 31, I would have voted yea on all of them. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Monmouth, Representative Smith who wishes to address the House on the record.

Representative **SMITH**: Mr. Speaker, Men and Women of the House. Last Thursday, had I been present for Roll Calls 28, 29, 30 and 31, I would have voted yea for all of them. Thank you.

On motion of Representative DAVIS of Falmouth, the House adjourned at 12:46 p.m., until 10:30 a.m., Tuesday, April 15, 2003 in honor and lasting tribute to Benjamin F. Chandler, of Portland.