

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
39th Legislative Day
Wednesday, April 16, 2003

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

Prayer by Reverend Lily L. James, Riverview Community Parish, South Gardiner.

National Anthem by St. John's Elementary/Middle School Band, Brunswick.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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.

Expression of Legislative Sentiment Recognizing Bishop Michael Richard Cote, of Portland

(HLS 325)

TABLED - March 18, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **PASSAGE**.

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

Representative **COURTNEY**: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to extend my profound congratulations to the Bishop. As a native of Springvale, I really want to express how proud we are of this new appointment and wish him the very best in his new endeavor. Thank you Mr. Speaker.

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

Representative **BOWLES**: Mr. Speaker, Members of the House. At a time when the moral leadership of many is being questioned, at a time when unfortunately it seems that our leaders in government and industry and occasionally even in the church falter and succumb to earthly temptations. It is good to reflect upon the many people, the many hundreds and thousands of people, who dedicate their lives to the betterment of others. One of those people is Father Michael.

Our community, Sanford and Springvale bask in reflective glory that has emanated from Father Michael. We pray to our Heavenly Father that he will look after and protect our Bishop as he continues to serve the people of this country. We thank you Bishop.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Lucky Hollander, of Portland, who has received the national 2003 Donna J. Stone Award for her work in protecting children across the State. Lucky Hollander is the vice-president for advocacy and prevention services at Youth Alternatives and

director of the Cumberland County Child Abuse Neglect Council. Over the years, Lucky has been in the forefront of the effort to bring child abuse prevention and community building to Maine and other areas of the world. We acknowledge her dedicated service to her community and State and the contributions she has provided to preventing the abuse and neglect of children. We extend our congratulations and best wishes to her on receiving this well-deserved award;

(HLS 469)

Presented by Representative HUTTON of Bowdoinham.

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

On **OBJECTION** of Representative HUTTON of Bowdoinham, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative **HUTTON**: Mr. Speaker, Women and Men of the House. Maine has been honored this year. One of the citizens of our great state is the recipient of the 2003 Donna J. Stone Award for her work in protecting and advocating for children across our state. That citizen is Lucky Hollander and no one is more deserving of this national award. Each year the Donna J. Stone Award is given to one individual nationwide. One might ask what it takes to win an award of this significance. Vision, understanding, perseverance and strength are the characteristics that come to mind. Lucky Hollander embodies all of these attributes. For over 20 years Lucky has worked in preventing the abuse and neglect of Maine's children. Her list of accomplishments is impressive.

This Portland resident is the Vice President for Advocacy and Prevention Services at Youth Alternatives and the Director of the Cumberland County Child Abuse and Neglect Council. Due to Lucky's vision and persistence, 16 counties in the State of Maine have strong child abuse councils. Lucky also lead a statewide initiative that resulted in legislation creating a task force to study and implement home visits, from that came the Maine Start Me Right Program. In 1999 and 2001, Lucky extended her vision to a global level working with the Jordan River Foundation in Jordan, she shared her knowledge of child abuse prevention and community building with the citizens of Jordan. Back on a local level, Youth Alternatives has established residential houses throughout the State of Maine. One of these houses happens to be in my community. I have had the privilege of getting to know some of the children that Lucky has helped. They are wonderful children. I thank Lucky and the Youth Alternatives for providing the children with safe houses to stay in during difficult times in their lives. Just to give you an idea of the extent of the benefit Maine receives from Lucky's efforts, Youth Alternatives serves approximately 7,000 children and families a year. Lucky, we send you our congratulations on your award. Thank you for your efforts. The State of Maine is full of promise for a better future for many of our young citizens due to your understanding, vision and tireless work on their behalf. Thank you.

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

Representative **BRANNIGAN**: Mr. Speaker, Men and Women of the House. A true advocate is someone who is bright

and tough and persuasive and persistent. Lucky Hollander is all of those things. She is also wise. For years she and her council struggled to help people, families and children. Eventually she lead her group under the umbrella of a larger organization, a stronger organization, which allowed her and her group to do their work and not have to struggle for survival at all times. She is a very wise and a very important person. Congratulations to Lucky and to Maine.

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

Representative DUDLEY: Mr. Speaker, Men and Women of the House. It gives me great joy to rise today and congratulate my friend, Lucky Hollander, for the receipt of the 2003 Donna J. Stone Award. I first met Lucky probably about 14 years ago. I met her as the mother of my prom date, Tonya. I didn't know a whole heck of a lot about Lucky at the time, except that she was Tonya's mom. When I first came to this Legislature five years ago, I learned very quickly what a powerful voice Lucky was on behalf of children and what a tireless advocate she was on behalf of our Start Me Right efforts and the Fund for a Healthy Maine. Many hours I have wondered at Lucky's ability to sit through committee hearings when all I wanted to do was get up and leave. She sat through these committee hearings thick and thin and she has done a great job on behalf of children in the State of Maine. I congratulate her and I thank her for the support she has given me over these many years.

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

Recognizing:

and honoring the memory of the late Francis W. Peabody, of Portland, on the occasion of the 100th Anniversary of her birth, April 18, 2003. Frannie greatly enriched many of Portland's leading cultural and civic organizations throughout her lifetime by her commitment and concerns. Many of the architectural treasures of the city have been restored and preserved through her persistent efforts. Frannie Peabody's unending commitment to compassionate and humane treatment for those suffering from HIV/AIDS resulted in the establishment of the Peabody Center, Maine's leading comprehensive service provider for those living with HIV/AIDS. She was the founding force behind the establishment of the first residential facility, Peabody House, a place for those with HIV/AIDS in Maine. Frannie in her lifetime was the 314th recipient of President George H. Bush's Points of Light Award, honoring those whose efforts as volunteers have made major contributions to the quality of life in America. We acknowledge the life of service that Frannie Peabody lived and the impact of her work will be felt by generations to come. We take this opportunity on the anniversary of her birth to declare April 18, 2003 to be Frannie Peabody Day in Maine;

(HLS 472)

Presented by Representative EDER of Portland.

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

On **OBJECTION** of Representative EDER of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative EDER: Mr. Speaker, Men and Women of the House. Francis Peabody was born on April 18, 1903, the daughter of the governor of the district of Mexico, before it was a state. Frannie was from a wealthy family and graduated from Smith College. Soon after, she married a wealthy man who owned shoe factories and did as the women of her day and class were to do, she raised children, presided over a grand household, traveled, hosted dinner parties and did charitable works while holding membership in many civic organizations. Frannie became a widow in 1954, out-living her spouse by nearly a half century. She was present that ill-fated day when they tore down the beautiful old train station in Portland and was instrumental in starting the historic preservation movement in Maine. With Portland Landmarks, she worked to save the Tate House and the Victoria Mansion, two of Portland's proudest historic buildings.

At 80 years of age, Frannie was cleaning out the attics of grand old Portland homes she was working to preserve and restore when she received terrible news from her daughter in California. Frannie's grandson was dying of a dreaded newly discovered disease called AIDS and in these dark early days of the epidemic, nobody would care for her grandson for fear of contracting the disease. So, Frannie left for the coast to help her daughter care for her grandson for two years until his death. Her daughter authored the book, *The Screaming Room*, which told account of this difficult time. When she returned to Maine in 1983, she found that she did not receive invitations to the annual galas and gatherings on the Portland social calendar. It seems her old friends were worried that she might have caught the disease and would thus pass it on to them.

Frannie took an AIDS/HIV antibody test, and began to educate the people around her about the disease that had not yet reared its horrible visage in the State of Maine. When the disease did begin to strike here in the state, Frannie showed special attention to the mothers of the victims, and traveled all across the state to be with them, to comfort and support them. She continued this practice into her mid 90's until they took her driver's license away.

Frannie then started the AIDS project to provide counseling services to people with AIDS, and the Peabody House to care for those on whom the disease had taken such a toll that they were no longer able to care for themselves. Her daughter incredulously said, "My mother, who has yet to tell me about the birds and the bees, is now going about educating people about safe sex and clean needle exchange?" The latter, she championed alongside Portland Police Chief Michael Chitwood. In the early nineties Frannie, a life-long Republican, received a phone call from George Bush, the elder, who identified himself as the President of the United States, who which Frannie replied, "Yes, and I'm Minnie Mouse." She hung up on the President twice, until her friend Olympia Snowe called to say it was indeed the President trying to tell her he was awarding her the Thousand Points of Light Award and would she please take the call.

Frannie lobbied Governor McKernan on gay rights and was the grand marshal of the Portland gay pride parade until her death in 2001. At 98, Frannie, sharp as a tack and always a smart businesswoman, worked until her death to merge and streamline the organizations she founded, the Peabody House and the AIDS Project, thereby achieving a savings of \$300,000 in annual operating expenses in the first year. Frannie would be sad to hear that 11 new clients have availed themselves of the services of the organization this month.

It was not my pleasure to know Frannie Peabody, but I am very honored to stand before you and talk about her. I am very honored and would love to think that this obviously very

courageous, singular type of woman, is still among us today working hard and showing great bravery on such issues. I ask that we adjourn the House today, Mr. Speaker, in the memory of Frannie Peabody.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative O'Brien.

Representative O'BRIEN: Mr. Speaker, Men and Women of the House. I rise today to share with you a part of my life that was very, very important and how it pertains to Frannie Peabody. I was fortunate enough in 1977 to go to International Women's Year in Houston, Texas. While I was at International Women's Year, I realized there were a number of issues that pertained to women: women's health, women's economy base and housing, just all the areas where women felt powerless throughout the world. In 1987 when I went back 10 years later to Washington, DC, for a reunion of the people for International Women's Year, there was a film being shown on Frannie Peabody's life. It showed her involvement with her grandson. It showed the people in Portland, Maine. It showed how she was out there in the forefront willing to risk everything that she had previously to finding out that someone she loved, her grandson, had AIDS and how he needed to have, not just a place to live, but people that would say, we still love you, you are still worthy, you are a good human being, you are not somebody that we throw out. I think if we do nothing else up here, but show that we honor the people who have gone before us who have, in fact, showed us the way to be better people in the State of Maine, we always need to continue to honor these people. I am very thankful today to say, thank you, Frannie Peabody.

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

Representative BLISS: Mr. Speaker, Men and Women of the House. I did know Frannie. I want to tell you a couple of stories about her. When Frannie returned from caring for her grandson and discovered that she wasn't being invited to all those events, she did more than decide that she had to teach people about AIDS. She invited 25 of, in her estimation, the most powerful business people in Portland to a breakfast at the Cumberland Club. Because she was Frannie Peabody, almost all of them showed up. It was at that breakfast that she explained to them what had happened and why we could not let this go unnoticed in our small community of Portland, Maine. She didn't let them leave that breakfast until they had made a commitment to help her establish something in Maine that became the AIDS Project.

It is her tireless effort, her unbelievable strength that made so many things happen in southern Maine to benefit so many people. Certainly, not just the AIDS Project, but Portland Landmarks, that has done so much to protect the beauty of not just Portland, but surrounding communities.

When Frannie turned 90, she allowed the AIDS Project and the Peabody House to throw a birthday party in her honor and have it be a fundraiser for those two organizations. Her family, most of whom still lived in New Mexico, came to the event, her children, her grandchildren, and her great grandchildren. I was part of the planning committee for that even and at one point several days before the birthday party actually happened, she pulled me aside and she said, "I am really worried because part of this event takes place in one location and part in another. We are going to have to walk several blocks as part of this party." I said, "Frannie, we can put you in a car. We can carry you. We will do whatever we need to do." She said, "Honey, I am not worried about me, I am worried about my children and grandchildren. Can we get a car for them? I will be happy to walk." This is a woman who was 90 years old. She was tireless in her love of her community and her efforts to help everyone. I

am very pleased that my good friend, the Representative from Portland, acknowledged her birthday. I only wish that her family could hear that we will recognize her in this way today. Thank you very much.

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

In Memory of:

Sergeant Daniel Francis Cunningham, Jr., formerly of Lewiston, while serving in the United States Army during Operation Iraqi Freedom. He received a posthumous promotion from Specialist to Sergeant. Daniel was born in Lewiston, attended Lewiston schools and was a graduate of Oxford Hills High School. Sgt. Cunningham was most recently stationed at Fort Stewart, Georgia, in the 41st Field Artillery Regiment until his deployment to Iraq. He had also served with the peace mission in Kosovo and served his country with pride and honor. He is survived by his wife Heather, his son Connor, his mother Nancy Cunningham of Lewiston, his 3 brothers and both grandmothers. We acknowledge the ultimate sacrifice he gave to his country and we extend our sincere sympathies to his loving family, his many friends and his colleagues;

(HLS 473)

Presented by Representative MAKAS of Lewiston.

Cosponsored by Representative O'BRIEN of Lewiston, Representative CRAVEN of Lewiston, Representative WALCOTT of Lewiston, Representative MAILHOT of Lewiston, Senator ROTUNDO of Androscoggin, Senator DOUGLASS of Androscoggin, Representative ADAMS of Portland, Representative ANDREWS of York, Representative ANNIS of Dover-Foxcroft, Representative ASH of Belfast, Representative AUSTIN of Gray, Representative BARSTOW of Gorham, Representative BENNETT of Caribou, Senator BENNETT of Oxford, Representative BERRY of Belmont, Representative BERUBE of Lisbon, Representative BIERMAN of Sorrento, Senator BLAIS of Kennebec, Representative BLANCHETTE of Bangor, Representative BLISS of South Portland, Representative BOWEN of Rockport, Representative BOWLES of Sanford, Representative BRANNIGAN of Portland, Representative BREAUULT of Buxton, Senator BRENNAN of Cumberland, Senator BROMLEY of Cumberland, Representative BROWN of South Berwick, Representative BROWNE of Vassalboro, Representative BRUNO of Raymond, Senator BRYANT of Oxford, Representative BRYANT-DESCHENES of Turner, Representative BULL of Freeport, Representative BUNKER of Kossuth Township, Representative CAMPBELL of Newfield, Representative CANAVAN of Waterville, Senator CARPENTER of York, Representative CARR of Lincoln, Senator CATHCART of Penobscot, Representative CHURCHILL of Orland, Representative CHURCHILL of Washburn, Representative CLARK of Millinocket, Representative CLOUGH of Scarborough, Representative COLLINS of Wells, Speaker COLWELL of Gardiner, Representative COURTNEY of Sanford, Representative COWGER of Hallowell, Representative CRESSEY of Baldwin, Representative CROSTHWAITE of Ellsworth, Representative CUMMINGS of Portland, Representative CURLEY of Scarborough, President DAGGETT of Kennebec, Representative DAIGLE of Arundel, Senator DAMON of Hancock, Representative DAVIS of Falmouth, Senator DAVIS of Piscataquis, Representative DUDLEY of Portland, Representative DUGAY of Cherryfield, Representative DUNLAP of Old Town, Representative DUPLESSIE of Westbrook, Representative DUPREY of Hampden, Representative DUPREY of Medway, Representative EARLE of Damariscotta, Representative EDER of Portland, Senator

EDMONDS of Cumberland, Representative FAIRCLOTH of Bangor, Representative FINCH of Fairfield, Representative FISCHER of Presque Isle, Representative FLETCHER of Winslow, Representative GAGNE-FRIEL of Buckfield, Senator GAGNON of Kennebec, Representative GERZOFSKY of Brunswick, Senator GILMAN of Cumberland, Representative GLYNN of South Portland, Representative GOODWIN of Pembroke, Representative GREELEY of Levant, Representative GROSE of Woolwich, Senator HALL of Lincoln, Senator HATCH of Somerset, Representative HATCH of Skowhegan, Representative HEIDRICH of Oxford, Representative HONEY of Boothbay, Representative HOTHAM of Dixfield, Representative HUTTON of Bowdoinham, Representative JACKSON of Fort Kent, Representative JACOBSEN of Waterboro, Representative JENNINGS of Leeds, Representative JODREY of Bethel, Representative JOY of Crystal, Representative KAELIN of Winterport, Representative KANE of Saco, Representative KETTERER of Madison, Senator KNEELAND of Aroostook, Representative KOFFMAN of Bar Harbor, Senator LaFOUNTAIN of York, Representative LANDRY of Sanford, Representative LAVERRIERE-BOUCHER of Biddeford, Representative LEDWIN of Holden, Representative LEMOINE of Old Orchard Beach, Senator LEMONT of York, Representative LERMAN of Augusta, Representative LESSARD of Topsham, Representative LEWIN of Eliot, Representative LORING of the Penobscot Nation, Representative LUNDEEN of Mars Hill, Representative MAIETTA of South Portland, Representative MARLEY of Portland, Representative MARRACHÉ of Waterville, Senator MARTIN of Aroostook, Senator MAYO of Sagadahoc, Representative McCORMICK of West Gardiner, Representative McGLOCKLIN of Embden, Representative McGOWAN of Pittsfield, Representative McKEE of Wayne, Representative McKENNEY of Cumberland, Representative McLAUGHLIN of Cape Elizabeth, Representative McNEIL of Rockland, Representative MILLETT of Waterford, Representative MILLS of Farmington, Representative MILLS of Cornville, Senator MITCHELL of Penobscot, Representative MOODY of Manchester, Representative MOORE of the Passamaquoddy Tribe, Representative MOORE of Standish, Representative MURPHY of Kennebunk, Representative MUSE of Fryeburg, Senator NASS of York, Representative NORBERT of Portland, Representative NORTON of Bangor, Representative NUTTING of Oakland, Representative O'BRIEN of Augusta, Representative O'NEIL of Saco, Representative PARADIS of Frenchville, Representative PATRICK of Rumford, Representative PEAVEY-HASKELL of Greenbush, Representative PELLON of Machias, Senator PENDLETON of Cumberland, Representative PERCY of Phippsburg, Representative PERRY of Calais, Representative PERRY of Bangor, Representative PINEAU of Jay, Representative PINGREE of North Haven, Representative PIOTTI of Unity, Representative RECTOR of Thomaston, Representative RICHARDSON of Greenville, Representative RICHARDSON of Brunswick, Representative RICHARDSON of Skowhegan, Representative RINES of Wiscasset, Representative ROGERS of Brewer, Representative ROSEN of Bucksport, Senator SAVAGE of Knox, Representative SAVIELLO of Wilton, Representative SAMPSON of Auburn, Senator SAWYER of Penobscot, Representative SHERMAN of Hodgdon, Representative SHIELDS of Auburn, Senator SHOREY of Washington, Representative SIMPSON of Auburn, Representative SMITH of Monmouth, Representative SMITH of Van Buren, Representative SNOWE-MELLO of Poland, Senator STANLEY of Penobscot, Representative STONE of Berwick, Senator STRIMLING of Cumberland, Representative SUKEFORTH of Union, Representative SULLIVAN of Biddeford, Representative

SUSLOVIC of Portland, Representative SYKES of Harrison, Representative TARDY of Newport, Representative THOMAS of Orono, Representative THOMPSON of China, Representative TOBIN of Windham, Representative TOBIN of Dexter, Representative TRAHAN of Waldoboro, Representative TREADWELL of Carmel, Senator TREAT of Kennebec, Senator TURNER of Cumberland, Representative TWOMEY of Biddeford, Representative USHER of Westbrook, Representative VAUGHAN of Durham, Representative WATSON of Bath, Senator WESTON of Waldo, Representative WHEELER of Kittery, Representative WOODBURY of Yarmouth, Senator WOODCOCK of Franklin, Representative WOTTON of Littleton, Representative YOUNG of Limestone, Senator YOUNGBLOOD of Penobscot.

On **OBJECTION** of Representative RICHARDSON of Brunswick, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of Representative MAKAS of Lewiston, **TABLED** pending **ADOPTION** and later today assigned.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

CONSENT CALENDAR

First Day

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

(H.P. 1150) (L.D. 1574) 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) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-135)**

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

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

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

Expression of Legislative Sentiment In Memory of Sergeant Daniel Francis Cunningham, Jr., formerly of Lewiston.

(HLS 473)

Which was **TABLED** by Representative MAKAS of Lewiston pending **ADOPTION**.

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

Representative **HEIDRICH**: Mr. Speaker, Ladies and Gentlemen of the House. I stand before you today to honor Sergeant Dan Cunningham. He served his country with pride and honor and he made the ultimate sacrifice for all of us. I did

not know Dan. I would like to refer to him as Dan, because after meeting his family, I found out what a fine young man he was. Yesterday, there were several of us that did not attend morning session because we went to the funeral over in Lewiston. It was there that I saw his wife, Heather, his son, Connor, his mother, Nancy and his three brothers and grandmothers. What impressed me was the absolute love that I saw displayed yesterday during that mass. I heard the Godmother of this young man speak. I guess I am a pretty emotional guy, because it was very difficult when the tears started rolling down my cheeks and then brother, Jim got up. This young man, any one of us here would have been proud to call him son. The love that was generated in that church was just absolutely beautiful.

With the permission of the Speaker, I would just like to say that there is also an extended family with all the veterans that fought for this country, whether in peace or war, please stand. Please stand if you were a veteran in this country. I want to say to the family of the Cunninghams that you have an extended family. It is these people that are standing that served their country with pride and honor, we were fortunate enough to come home. We will always remember your son. Thank you and God bless you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Makas.

Representative **MAKAS**: Mr. Speaker, Men and Women of the House and special guests of Danny's family and friends. I wasn't going to speak to the sentiment today, not because I don't support it. In fact, I do so wholeheartedly. I wasn't going to speak to the sentiment instead because I wasn't brave enough. I was going to ask someone else to speak the words that I didn't think I would be able to say. I wasn't going to, that is, until I reflected back last night and what I heard yesterday morning and the day before from Danny's family and friends. I wasn't going to until I saw how strong they were, how strong you are, his family. That is when I decided that I could be strong too, at least strong enough to offer my tribute to Danny and to you, his family.

I am sorry that I never met Danny. I know I would have liked him. I already respected him for his sacrifice and for putting himself in harms way for his belief to make the world a better place. That part I knew before I met his Mom, before I heard his aunt's eulogy, before I heard more about Danny by hearing his brother Jim and meeting his wife, Heather, and his son, Connor. That is when I knew I would have liked Danny too, as well as respected him. He was a good man, a good son, a good brother, a good husband, a good father and a good friend, as well as a brave soldier. That is why I decided to speak today rather than leaving that task and that privilege to someone else. I speak in honor of Danny's family and his friends, as well as in honor of Danny. Danny made a great sacrifice, but you did too. I am humbled by your sacrifice as much as by his. Thank you for giving me the strength to speak today, but most of all, thank you for helping Danny to be the person he was and thank you for sharing your loved one, your friend, to make this world a little safer, a little kinder and a little better. Thank you.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I stand here to speak on how proud I am to have gotten to know his wonderful family. My thoughts will be very quick and very simply stated. I am so proud of the ultimate sacrifice that Danny Cunningham, this man, gave to his country, which is his life. I am sad, very sad, that he was not able to live to see Iraq being free from the tyrant that held the people of Iraq captive. I thank the family. I thank his wife, his son, his brothers, and the whole family for their sacrifice. Thank you.

Subsequently, the Expression of Legislative Sentiment was **ADOPTED** and sent for concurrence.

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:

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-140)** on 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)

Signed:

Senators:

CATHCART of Penobscot
 ROTUNDO of Androscoggin
 TURNER of Cumberland

Representatives:

BRANNIGAN of Portland
 MAILHOT of Lewiston
 COWGER of Hallowell
 DUDLEY of Portland
 PINGREE of North Haven
 FAIRCLOTH of Bangor
 ROSEN of Bucksport
 O'BRIEN of Augusta
 MILLETT of Waterford

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

Signed:

Representative:

MILLS of Cornville

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-140)** was **READ** by the Clerk.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-140)** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 161)

STATE OF MAINE

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

April 14, 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. 23 An Act Authorizing the University of Maine System to Enter into Cooperative Agreements with Local Law Enforcement Agencies
- L.D. 1133 Resolve, To Establish the Study Committee to Study the Feasibility of a 4-year High School Vocational Program
- L.D. 1374 An Act To Ensure That No Maine Child Is Left behind by Improving the Overall Education of Disadvantaged Children and Complying with New Federal Education Funding Requirements
- L.D. 1384 An Act To Provide Student Loan Forgiveness to Maine Employees
- L.D. 1422 An Act To Promote Student and Taxpayer Equity in the School Funding Formula

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. 162)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

April 14, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 137 An Act to Make Hunting Hours Consistent
- L.D. 253 An Act Regarding the Use of Hunter Orange Clothing, Assisted Hunting, Baiting and the Possession of Gift Animals
- L.D. 565 An Act To Increase Fish Stocking in Aroostook County
- L.D. 626 An Act To Allow the Use of All Deer Parts
- L.D. 789 An Act To Allow a Moose Lottery Winner To Designate a Subpermittee after the Lottery Drawing
- L.D. 794 An Act To Remove Home Possession Limits
- L.D. 867 An Act To Waive the Fee for Fishing Licenses for Disabled Persons
- L.D. 953 An Act To Exempt Children under 17 Years of Age from Certain Fishing Restrictions
- L.D. 960 An Act To Allow the Alternate Use of Moose Permits when an Emergency Prevents Permittee Use

- L.D. 1179 An Act To Encourage Youth Participation in Fishing
- L.D. 1191 An Act To Require a Resident To Purchase a Hunting License Before Entering Any Hunting Lottery
- L.D. 1195 An Act To Allow the Transfer of Certain Permits
- L.D. 1238 An Act To Encourage Hunting by Improving Hunting Laws
- L.D. 1259 An Act Regarding Hunting Hours, Permits and Seasons
- L.D. 1426 An Act To Give Moose Permits to Members of the Wesget-Sipu Organization

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

Sincerely,

S/Sen. Bruce Bryant

Senate Chair

S/Rep. Matthew Dunlap

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 163)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

April 14, 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 Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 820 An Act To Prohibit a Governmental Entity from Endorsing a Political Candidate or a Referendum Issue
- L.D. 899 An Act To Provide an Alternative to Filing Nomination Petitions
- L.D. 935 An Act To Abolish Term Limits for Legislators
- L.D. 1267 An Act To Raise the Revenues of Agency Liquor Stores by 5% from the Sale of Liquor
- L.D. 1274 An Act To Promote Maine's Brewing Industry
- L.D. 1281 An Act to Allow Shipment of Wine By Mail
- L.D. 1284 An Act To Extend Term Limits from 8 Years to 14 Years

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

Sincerely,

S/Sen. Kenneth T. Gagnon

Senate Chair

S/Rep. Joseph E. Clark

House Chair

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Make Filling Out-of-State Prescriptions for Schedule II Drugs More Convenient" (EMERGENCY)

(H.P. 1151) (L.D. 1578)

Sponsored by Representative BRUNO of Raymond.

Cosponsored by Representative: NUTTING of Oakland.

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

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 Promote the Financial Security of Maine's Families and Children"

(H.P. 1152) (L.D. 1579)

Sponsored by Representative DUDLEY of Portland.

Cosponsored by President DAGGETT of Kennebec and Representatives: BULL of Freeport, COWGER of Hallowell, NORBERT of Portland, PINGREE of North Haven, RICHARDSON of Brunswick, Senators: BRENNAN of Cumberland, MAYO of Sagadahoc, TURNER of Cumberland.

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

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

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

Sent for concurrence.

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

**Pursuant to Statute
Department of Human Services**

Representative KANE from the **Department of Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 113: Rules and Regulations Governing the Licensing and Functioning of Assisted House Programs, a Major Substantive Rule of the Department of Human Services, Bureau of Elder and Adult Services (EMERGENCY)

(H.P. 1153) (L.D. 1580)

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

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** 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. 26)

ORDERED, that Representative Robert A. Berube of Lisbon be excused Monday, April 7th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William P. Browne of Vassalboro be excused Thursday, April 10th and Monday, April 14th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joseph Bruno of Raymond be excused Thursday, April 10th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Stanley A. Moody of Manchester be excused Tuesday, April 8th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Gary W. Moore of Standish be excused Monday, March 31st, Tuesday, April 1st, Wednesday, April 2nd for personal reasons.

READ and **PASSED**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Delay the Fiscal Sustainability of the Highway Fund"

(H.P. 1010) (L.D. 1375)

Signed:

Senators:

HATCH of Somerset

DAMON of Hancock

SAVAGE of Knox

Representatives:

SAMPSON of Auburn

JODREY of Bethel

MARLEY of Portland

McNEIL of Rockland

COLLINS of Wells

USHER of Westbrook

MARRACHÉ of Waterville

PARADIS of Frenchville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-121)** on same Bill.

Signed:

Representatives:

BROWNE of Vassalboro

McKENNEY of Cumberland

READ.

Representative USHER of Westbrook moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 134) (L.D. 397) Bill "An Act To Study the Development of an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-40)**

(S.P. 240) (L.D. 676) Bill "An Act Regarding Mortuary Trusts" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-39)**

(S.P. 300) (L.D. 904) Bill "An Act To Educate Consumers Regarding Voluntary Repossession" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-42)**

(S.P. 465) (L.D. 1409) Bill "An Act To Update the Process for the Allocation of the State Ceiling on Tax-exempt Bonds" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-41)**

(H.P. 190) (L.D. 235) Bill "An Act Concerning the Treatment of Gross Income in Cases in Which Both Child Support and Spousal Support Are Considered" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 914) (L.D. 1240) Bill "An Act To Amend the Regional Economic Development Revolving Loan Program" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 197) (L.D. 242) Bill "An Act To Require the Consideration of the Cumulative Effect on Protected Natural Resources When Permitting Activities" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-134)**

(H.P. 361) (L.D. 469) Bill "An Act To Clarify Arrest Powers of Law Enforcement Officers" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-123)**

(H.P. 518) (L.D. 701) Bill "An Act Regarding the Suspension of Licenses for Failure To Pay a Fine" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-128)**

(H.P. 574) (L.D. 775) Bill "An Act To Clarify That All Companies Offering Telephone Services for Compensation, Including Switchless Resellers, Are Telephone Utilities" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-125)**

(H.P. 595) (L.D. 818) Bill "An Act To Allow Modified Automotive Suspension" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-122)**

(H.P. 642) (L.D. 865) Resolve, Directing the Family Law Advisory Commission To Study and Report on Legal Issues Surrounding Surrogate Parenting and Gestational Agreements Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-127)**

(H.P. 652) (L.D. 875) Bill "An Act To Promote and Advance Wild Ring-necked Pheasant Propagation" (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-129)**

(H.P. 747) (L.D. 1030) Bill "An Act To Allow Consumer-owned Utilities To Purchase Power at Negotiated Wholesale Rates, Terms and Conditions" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-124)**

(H.P. 787) (L.D. 1069) Resolve, Directing the Maine Historic Preservation Commission To Examine Available Funding for Local Historical Societies Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-133)**

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. 365) (L.D. 1093) Bill "An Act to Conform State Workforce Development Laws to the Federal Workforce Investment Act of 1998"

(S.P. 386) (L.D. 1182) Bill "An Act To Change the Definition of Family or Household Members for Purposes of Criminal Statutes"

(S.P. 75) (L.D. 152) Bill "An Act to Require Signs on Interstate 95 for Chamberlain Freedom Park" (C. "A" S-36)

(S.P. 213) (L.D. 604) Bill "An Act To Allow the Maine Turnpike Authority To Benefit from Advantageous Interest Rates" (EMERGENCY) (C. "A" S-34)

(S.P. 267) (L.D. 788) Bill "An Act To Enhance Vistas" (C. "A" S-35)

(S.P. 309) (L.D. 968) Bill "An Act To Protect the Future of the U.S. Naval Air Station at Brunswick" (C. "A" S-37)

(S.P. 317) (L.D. 976) Bill "An Act To Ensure Effective Prosecution of Certain Repeat Offenders" (C. "A" S-33)

(H.P. 1055) (L.D. 1443) Bill "An Act To Clarify the Duties Relating to County Taxes and Remove Obsolete References to the Secretary of State"

(H.P. 19) (L.D. 12) Bill "An Act to Enhance School Zone Safety" (C. "A" H-119)

(H.P. 259) (L.D. 316) Bill "An Act to Prohibit Absolute Discretion Clauses in Health Carrier and Excess Loss Carrier Contracts" (C. "A" H-118)

(H.P. 331) (L.D. 423) Bill "An Act To Improve the Process of Credentialing Health Care Providers" (C. "A" H-116)

(H.P. 419) (L.D. 556) Bill "An Act To Establish New Standards for Credit Reporting" (C. "A" H-117)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **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.**

ENACTORS

Emergency Measure

An Act To Promote Clarity Regarding Death Certificates

(S.P. 127) (L.D. 351)
(C. "A" S-24)

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. 111 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 Improve State Accounting Procedures

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

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. 107 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

(S.P. 538) (L.D. 1577)

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

Acts

- An Act To Amend the Home Construction Contracts Laws
(H.P. 230) (L.D. 287)
(C. "A" H-88)
 - An Act To Clarify the Laws Regarding Reports to the State Auditor
(S.P. 115) (L.D. 333)
(C. "A" S-26)
 - An Act To Allow Dealers of Manufactured Housing To Install Oil Tanks
(S.P. 133) (L.D. 396)
(C. "A" S-23)
 - An Act To Clarify Campaign Finance Penalty Provisions
(H.P. 346) (L.D. 454)
 - An Act Concerning the Status of the Maine County Commissioners' Association and the Maine Sheriffs' Association as County Advisory Organizations
(H.P. 461) (L.D. 631)
(C. "A" H-95)
 - An Act Regarding Bail and Fines
(H.P. 615) (L.D. 838)
(C. "A" H-90)
 - An Act To Clarify the Responsibilities of Contract Law Enforcement Officers
(S.P. 290) (L.D. 895)
(C. "A" S-25)
- 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, To Study the Effects of NAFTA and Other Cross-border Issues on Maine Businesses
(S.P. 216) (L.D. 607)
(C. "A" S-22)
- Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, 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
Emergency Measure

- An Act To Establish the Commercial Fishing Safety Council
(S.P. 478) (L.D. 1440)
(C. "A" S-32; H. "A" H-126)
- 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. 109 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. **ORDERED SENT FORTHWITH**.

SENATE PAPERS

Bill "An Act To Amend and Improve the Education Laws"

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Report of the **Joint Standing Committee on Legal and Veterans Affairs** on Resolve, Authorizing Municipalities To Consolidate Voting Districts for Special Elections on Bond Issues Held in 2003 (EMERGENCY)

(S.P. 539) (L.D. 1581)

Reporting **Ought to Pass** pursuant to Joint Order 2003, S.P. 526.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

Report was **READ** and **ACCEPTED**. The Resolve was **READ ONCE**.

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

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. Just a question as to what this bill does? Could someone on the committee please describe this bill? Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. What this bill does is it says that municipalities can combine their voting wards if they choose in June with the referendum questions that are coming up in June.

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED** in concurrence. **ORDERED SENT FORTHWITH**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-131)** on Bill "An Act To Enhance Homeland Security"

(H.P. 530) (L.D. 724)

Signed:

Senators:

HALL of Lincoln
BROMLEY of Cumberland
YOUNGBLOOD of Penobscot

Representatives:

RINES of Wiscasset
FLETCHER of Winslow
LUNDEEN of Mars Hill
MOODY of Manchester
ADAMS of Portland
BERRY of Belmont
BLISS of South Portland
CRESSEY of Baldwin
RICHARDSON of Skowhegan

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

Signed:

Representative:
GOODWIN of Pembroke

READ.

On motion of Representative BLISS of South Portland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-131)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, April 28, 2003.

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

Divided Report

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-130)** on Bill "An Act To Clarify Reciprocity for ATV Registration"

(H.P. 279) (L.D. 359)

Signed:

Senators:

BRYANT of Oxford
CARPENTER of York
KNEELAND of Aroostook

Representatives:

DUNLAP of Old Town
McGLOCKLIN of Embden
WHEELER of Kittery
WOTTON of Littleton
WATSON of Bath
PINEAU of Jay
RICHARDSON of Greenville
TRAHAN of Waldoboro

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

Signed:

Representatives:

HONEY of Boothbay
TOBIN of Dexter

READ.

On motion of Representative DUNLAP of Old Town, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-130)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, April 28, 2003.

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

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought to Pass** on Bill "An Act To Amend the Laws Governing Noncompete Clauses in Broadcast Industry Contracts"

(H.P. 823) (L.D. 1120)

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:

CRESSEY of Baldwin
HEIDRICH of Oxford
NUTTING of Oakland
TREADWELL of Carmel

READ.

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

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

CONSENT CALENDAR

First Day

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

(H.P. 374) (L.D. 485) Bill "An Act Clarifying the Maine Consumer Credit Code" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 543) (L.D. 737) Bill "An Act To Clarify Inspection Standards Related to Vehicle Wheel Size" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 229) (L.D. 286) Bill "An Act To Title Mobile Homes, Boats, All-terrain Vehicles and Snowmobiles" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-141)**

(H.P. 328) (L.D. 420) Bill "An Act Regarding the School Board of the Governor Baxter School for the Deaf" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-139)**

(H.P. 380) (L.D. 491) Bill "An Act To Manage Water Resources" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-136)**

(H.P. 507) (L.D. 690) Bill "An Act To Create a Registration Plate for Experimental Automobiles" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-137)**

(H.P. 819) (L.D. 1116) Bill "An Act Regarding University of Maine System Boards of Visitors" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-138)**

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

ENACTORS

Emergency Measure

An Act Regarding Age Eligibility for Enrollment in a Public Secondary School

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

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. 106 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.

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

Acts

An Act To Provide Parity in Lending by State-chartered Lenders

(H.P. 234) (L.D. 291)
(C. "A" H-32)

An Act To Amend the Maine State Grant Program

(H.P. 950) (L.D. 1296)

An Act To Amend Marine Resources Special License Requirements for Educational Programs

(S.P. 474) (L.D. 1437)

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.

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

SENATE PAPERS

Bill "An Act To Provide Group Health Insurance Coverage to Maine Citizens Eligible for Assistance Under the Federal Trade Adjustment Assistance Reform Act of 2002" (EMERGENCY)

(S.P. 536) (L.D. 1576)

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

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

SENATE PAPERS

Non-Concurrent Matter

Joint Order Directing the Joint Standing Committee on Legal and Veterans Affairs To Report Out Legislation Authorizing Michaela Corbin-Bumford To Sue the State

(H.P. 1144)

READ and **PASSED** in the House on April 10, 2003.

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

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

ORDERS

On motion of Representative CLARK of Millinocket, the following Joint Order: (H.P. 1155)

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

READ and **PASSED**.

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

ORDERS

On motion of Representative McLAUGHLIN of Cape Elizabeth, the following Joint Order: (H.P. 1154)

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government report out, to the House, legislation regarding county government.

READ and **PASSED**.

Sent for concurrence.

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

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

ENACTORS

Emergency Measure

Resolve, Authorizing Municipalities To Consolidate Voting Districts for Special Elections on Bond Issues Held in 2003

(S.P. 539) (L.D. 1581)

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

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise on this issue to provide the body with some information on experiences in my municipality dealing with poll consolidation. I represent the City of South Portland and prior to being a legislator, I was on the South Portland Council for nine years as councilman at large. During that time, we currently had five voting precincts in our city. During that time on two separate occasions we participated in consolidating of voting districts. I would like to tell you what happened. The first time that we considered consolidating our voting districts was with the water district election that was going to be held in June and there was no other business to be had. We only had one candidate that was running for the water district. That person was running unopposed. The case was made to the local officials that it made no sense in opening up the voting polls. Instead, we consolidated the voting polls for the purpose of that one election and held it at City Hall, which was none of the five voting precincts that voters routinely go to. We had probably the worst voter turnout that we have ever had in the history of South Portland. We have a population of roughly 24,000 people in my municipality and we had under 500 people show up to vote. When they showed up to vote, there was a write in and the candidate that was running unopposed lost. Most of the voters that showed up to vote for their candidate went to the regular voting poll because notices weren't mailed out to each registered voter as is going to happen under this LD 1581 if it is passed. People didn't know. They showed up at the wrong voting precinct. They thought that maybe there wasn't an election. They were confused. Some of them were disenfranchised and went home.

The following election, people that went to City Hall to vote that time were confused and thought that that was their new voting place and showed up to vote there again the next election. We had all kinds of confusion going on.

The second time that we embarked on this was in a state election. This was the gay rights referendum that was considered. Our city council debated this issue very hotly, especially in light of our negative track record on the one other time that we consolidated our voting poll places. On a split vote of 4 to 3, the South Portland Council voted to close all of our five voting places and to consolidate to the municipal library in South Portland to be the voting place for that. During that election, just before the election, we had a lawsuit filed against the City of

Portland for discriminative practices to the voters, disenfranchising their rights to vote. That lawsuit was actually lost by the City of South Portland. We were forced to open all five of our voting precincts. By the way, we had almost 8,000 voters show up for that election. I am actually grateful that the lawsuit did prevail because there was no way at that one voting precinct that we could have accommodated that many voters.

I bring up these issues because what is before you authorizes, really, a recipe for disaster for communities that have multiple voting places. You have municipalities like South Portland with five voting places. I am not sure, but I believe the City of Portland has 27 voting places. When the decision is made to consolidate those voting places, that notification doesn't get out in any other way than a few ads in the newspaper. A lot of citizens of Maine are like myself, they are busy. If they read the newspaper everyday, I do have it delivered to my home, I don't read it cover to cover and I miss things. I know constituents I represent also do the same thing. I also know a number of our constituents do not receive the newspaper. That means that they wouldn't know. If their municipality decided to change the voting place, they have an obligation right now to send out a little card letting them know the new place that they are going to be voting. That notice gets rendered.

This measure is here before us, because when we look to adopt the bond package, what we are being asked to do is call a special statewide election and this is meant to mitigate a lot of the costs. My feeling is if we are going to save money, one place we shouldn't be saving money is at the expense of our great democracy in closing voting polls. I think we should be doing everything in our power to enhance voter turnout. We should be doing everything in our power to encourage people to participate in our great process. Closing voting polls isn't how you enhance voter participation. It causes confusion and a recipe for disaster. I would hope that other municipalities, if this does prevail, don't have the unfortunate experience my great city had in being sued for deciding to consolidate their voting places as disenfranchising registered voters. I would ask that you vote against this measure. When we take up the issue of the bond package, hopefully there will be an amendment offered to you to have you pay for the June primary elections so that things like this won't be necessary.

Mr. Speaker, when the vote is taken, I respectfully request the yeas and nays.

Representative GLYNN of South Portland **REQUESTED** a roll call on **FINAL PASSAGE**.

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

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Men and Women of the House. This is not a mandate. It is not telling municipalities that they have to consolidate their voting booths come the June primary. It says that you can. It saves municipalities money. There will be publications in the newspapers within a municipality where they vote. It is as simple as that. All it says is that if a municipality wants to consolidate where they want to vote, they can do so. There are no mandates whatsoever. Just because we have one bad apple in the tree that has happened in the last couple of years, it doesn't mean that all of the other municipalities will do the same. I urge you to vote for this. Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I sat on the city council for six years. I have to agree with Representative Glynn. Every time we had to change voting

places, it upset my seniors. The notification in the paper is not always seen. I think in the last six years when I was on the council, the phone calls that I received were from people who were upset. They were used to the voting places that they go to. They can walk there or they can get rides. They used to call me and say that this should not be allowed. In the name of democracy, I truly do believe that this really is something that we should seriously consider. I was sitting here nodding my head as Representative Glynn was speaking, because I, too, experienced it in Biddeford. I think in the name of democracy we should leave it the way it is. I respectfully just say that it doesn't mandate it. My town is going to look to save all the money they can and sometimes they don't always look for democracy. Thank you.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

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.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Change the Name of the Maine Clean Election Act to the 'Publicly Funded Election Act'"

(H.P. 198) (L.D. 243)

TABLED - March 26, 2003 (Till Later Today) by Representative CLARK of Millinocket.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

On motion of Representative CLARK of Millinocket, the Bill and all accompanying papers were **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-140)** - Minority (1) **Ought Not to Pass** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on 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)

Which was **TABLED** by Representative RICHARDSON of Brunswick pending **ADOPTION** of **Committee Amendment "A" (H-140)**.

Representative BRANNIGAN of Portland **PRESENTED** **House Amendment "A" (H-148)** to **Committee Amendment "A" (H-140)**, which was **READ** by the Clerk.

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

Representative **BRANNIGAN**: Mr. Speaker, Men and Women of the House. This amendment, as it says, clarifies language and increases the amount expected in this bond.

Subsequently, **House Amendment "A" (H-148)** to **Committee Amendment "A" (H-140)** and **ADOPTED**.

Representative GLYNN of South Portland **PRESENTED** **House Amendment "B" (H-151)** to **Committee Amendment "A" (H-140)**, which was **READ** by the Clerk.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. You have just been handed out an amendment. It is labeled (H-151) what this is an amendment to the bond issue going through the House. What it does is it covers the costs of the special election to the municipalities. In an item that we heard earlier today, we debated whether or not we should be encouraging and allowing municipalities to close voting places to save money because we have decided to call a special election in June. I believe that the question should be, if we decide that we are going to call a special election in June, then we should bear the cost and the responsibility for that election. What is before you is to pay for those special elections, reimburse all of the municipalities in Maine, it is going to cost \$350,000 and somebody is going to pay for it. It is either going to be your local municipality, they are going to have to find that out of their local budget, which means they are going to have to cut something, because they certainly didn't plan for this special June election or their local school budget, wherever they find that money or we can look to our own budgets.

I was speaking with some folks that are familiar with the budget. We currently have enough money left in the general fund to more than cover this \$350,000 expenditure. This would allow all of the voting places in Maine to be open and accessible to all of the voters in Maine. It would not cause the confusion by closing local polling places. It would allow for a fully participatory process. Ladies and gentlemen of the House, I urge your support of (H-151). Mr. Speaker, when the vote is taken, I request the yeas and nays.

The same Representative **REQUESTED** a roll call on his motion to **ADOPT House Amendment "B" (H-151) to Committee Amendment "A" (H-140)**.

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

Representative **BRANNIGAN** of Portland moved that **House Amendment "B" (H-151) to Committee Amendment "A" (H-140)** be **INDEFINITELY POSTPONED**.

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

Representative **BRANNIGAN**: Mr. Speaker, Men and Women of the House. There are several reasons why this amendment is not needed. Maybe the most important one is that when questioned, the representatives of the towns and cities, MMA, said this was not a mandate. They did not see this as us mandating them. Therefore, there is no mandate on this issue.

About a quarter of the towns were going to have elections anyway. There is no differentiation here between towns that were going to have and towns that will now have June elections. I do not believe there is money to pay for this in our coffers at this time either, but I don't think we need to. Therefore, I hope you will support me in Indefinite Postponement. When the vote is taken, I would request a roll call. Thank you.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "B" (H-151) to Committee Amendment "A" (H-140)**.

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 Indefinite Postponement of House Amendment "B" (H-151) to Committee Amendment "A" (H-140). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 34

YEA - Adams, Ash, Barstow, Bennett, Blanchette, Brannigan, Breault, Bull, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Dugay, Dunlap, Duplessie, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Grose, Hatch, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Laverriere-Boucher, Lemoine, Lerman, Lessard, Mailhot, Makas, Marraché, McGowan, McLaughlin, Millett, Mills J, Moody, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Perry A, Perry J, Pingree, Richardson J, Rines, Rosen, Sampson, Smith W, Sullivan, Suslovic, Thomas, Thompson, Usher, Walcott, Watson, Wheeler, Mr. Speaker.

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

ABSENT - Andrews, Bliss, Bunker, Duprey G, Gerzofsky, Goodwin, Honey, Landry, Lundeen, Maietta, Marley, McGlocklin, McKee, Percy, Pineau, Piotti, Saviello, Simpson, Smith N, Sykes, Woodbury, Wotton.

Yes, 67; No, 62; Absent, 22; Excused, 0.

67 having voted in the affirmative and 62 voted in the negative, with 22 being absent, and accordingly **House Amendment "B" (H-151) to Committee Amendment "A" (H-140)** was **INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (H-140) as Amended by House Amendment "A" (H-148)** thereto was **ADOPTED**.

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

Representative **DUPREY** of Hampden **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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

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

ROLL CALL NO. 35

YEA - Adams, Annis, Ash, Austin, Barstow, Bennett, Berube, Blanchette, Bowen, Bowles, Brannigan, Breault, Bruno, Bull, Canavan, Carr, Churchill E, Clark, Cowger, Craven, Cummings, Curley, Dudley, Dugay, Dunlap, Duplessie, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Greeley, Grose, Hatch, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Ketterer, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marraché, McCormick, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Moody, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Shields, Smith N, Smith W, Sullivan, Suslovic, Tardy, Thomas, Thompson, Tobin D, Usher, Walcott, Watson, Wheeler, Young, Mr. Speaker.

NAY - Berry, Bierman, Brown R, Browne W, Bryant-Deschenes, Campbell, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Daigle, Davis, Duprey B, Eder, Fletcher, Glynn, Heidrich, Joy, Lewin, Mills S, Murphy, Muse, Nutting,

Peavey-Haskell, Sherman, Snowe-Mello, Stone, Sukeforth, Tobin J, Trahan, Treadwell, Twomey, Vaughan.

ABSENT - Andrews, Bliss, Bunker, Duprey G, Gerzofsky, Goodwin, Honey, Landry, Maietta, Marley, McGlocklin, Moore, Percy, Saviello, Simpson, Sykes, Woodbury, Wotton.

Yes, 98; No, 35; Absent, 18; Excused, 0.

98 having voted in the affirmative and 35 voted in the negative, with 18 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-140) as Amended by House Amendment "A" (H-148)** thereto and sent for concurrence.

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. 116) (L.D. 334) Bill "An Act To Establish a Transportation Assistance Program and Revolving Loan Fund" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-43)**

(H.P. 427) (L.D. 564) Bill "An Act To Clarify the Responsibilities of the Department of Environmental Protection" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-144)**

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

ENACTORS

Emergency Mandate

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 Years Ending June 30, 2003, June 30, 2004 and June 30, 2005

(H.P. 1150) (L.D. 1574)
(C. "A" H-135)

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

Representative DUPREY of Hampden **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.

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 36

YEA - Adams, Annis, Ash, Barstow, Bennett, Berube, Bierman, Blanchette, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Courtney, Cowger, Craven, Cressey, Cummings, Curley, Daigle, Dudley, Dugay, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Glynn, Greeley, Grose, Hatch, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Ketterer, Koffman, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Makas, Marraché,

McCormick, McGowan, McKee, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Rines, Rogers, Rosen, Sampson, Shields, Smith N, Smith W, Sullivan, Suslovic, Tardy, Thomas, Thompson, Tobin D, Tobin J, Usher, Walcott, Watson, Wheeler, Young, Mr. Speaker.

NAY - Austin, Berry, Bowen, Bryant-Deschenes, Collins, Crosthwaite, Davis, Duprey B, Fletcher, Heidrich, Joy, Ledwin, Lewin, McNeil, Murphy, Peavey-Haskell, Richardson E, Sherman, Snowe-Mello, Stone, Sukeforth, Trahan, Treadwell, Twomey, Vaughan.

ABSENT - Andrews, Bliss, Bunker, Dunlap, Duprey G, Gerzofsky, Goodwin, Honey, Landry, Maietta, Mailhot, Marley, McGlocklin, Moore, Saviello, Simpson, Sykes, Woodbury, Wotton.

Yes, 107; No, 25; Absent, 19; Excused, 0.

107 having voted in the affirmative and 25 voted in the negative, with 19 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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

Representative **DUNLAP**: Mr. Speaker, I forgot to vote. I would like to be recorded as yea, Mr. Speaker.

ENACTORS

Bond Issue

(10-1) An Act To Authorize a General Fund Bond Issue in the Amount of \$60,000,000 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)

(H. "A" H-148 to C. "A" H-140)

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

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

Representative **MILLS**: Mr. Speaker, Members of the House. Let me give you just a couple of minutes to explain why I think we should oppose the pending matter before you. Back in November 2002, our official bond rating from one of the New York rating houses was placed on a watch. It was revised from a stable rating to a negative rating in terms of its outlook. A great deal of that had to do with our declining revenue, a declining amount of tax revenue that is coming into our system, loss of access to capital gains, tax revenue, changes in the federal tax code that affect our own tax revenue, the lack of commercial and industrial activity, not only in Maine, but in other states in America where things are beginning to look as if there is no upside.

More importantly, I think we sometimes don't give ourselves the clearest picture that we should of the status of our own borrowing. I think where we went of the rails was about six or seven years ago when we opened up to majority power the opportunity to do 20-year bonds through the Governmental Facilities Authority. When you look at the true current state of our bonded indebtedness, it is important to look not only at the \$346 million in bonds that are currently issued and outstanding. We need also to look at about \$200 million in much longer term bonds, 20 year bonds, that were authorized merely by majority

vote of this institution over the past five or six years. Add that on, if you will. It makes our total tax supported indebtedness something in the order of \$350 million, a little more actually when you count certificates of participation and some other smaller debt vehicles that are tax supported. We now have not just \$340 odd million outstanding, we really have \$550 or \$560 million outstanding on top of that. Adding pressure to that is an unprecedented list of authorized, but un-issued bonds that have been held and can be issued almost at any time at the will of the Executive. That is some \$292 million in additional, authorized, but not issued bonded indebtedness.

Some people have argued that we can go ahead this year and bond up to \$151 million knowing that we are going to retire that much in bonds in this biennium. The retirement list only includes the amount of principle paid off on debt service. It does not include all of the bonds that will be hitting the market in June of '04 and June of '05 from this great backlog that we have approved through very, very high levels of packaged bonds that we have sent out to the public in the past year or two.

Even if we do not pass any bond package this year, our level of bonded indebtedness will climb faster than we are retiring bonds. We will be increasing the number and the equality and the amount of bonds that are outstanding. We are not retiring 151 net. We are retiring 151 and adding something on the order of \$200 or \$250 million in new indebtedness that will be sent out to the voters in order to comply with the authorizations that were previously voted on by the public. When you add it all up, we have a very significant level of bonded indebtedness currently outstanding or soon to be outstanding and we need to look with great care at the new level of bonded indebtedness that we ship out to the public to approve.

These folks out there trust us. They trust us to do the right thing by our bonded indebtedness and by our ratings. They trust us to look with care at the packages we ship out to them. If we start dribbling this stuff out, \$60 million in a month and a half, and send out another \$150 in November and then in '04 another \$100 million or another \$150 million, we are slipping away from fiscal responsibility in a way that I find intolerable.

I want to know and I thought yesterday morning that I might be entitled to know roughly what we might have for a total package for this year and that this June package would be a component of that. I thought, for example, that we were going to deal with the transportation bond, which is at the core of governmental function. We need B tip bond. We don't have enough revenue to pay it all so we have to go out and bond it. That is at the heart and core of state government. No one in this chamber is going to leave this June without having approved a highway bond. It is going to happen.

I thought we would take the \$60 million being very nice to have, sort of fluffy economic development stuff and then we can combine it with something hard core and necessary and appropriate for state government, namely transportation and have a notion of exactly what those two might total to, even if we voted today to send the transportation bond out in November, but at least get it done. As the day wore on yesterday, the transportation segment slipped in oblivion. We came down to these sort of nice to have feel good measures that will cost the state \$60 million. If this were being proposed for the budget and we were slicing off spending for mental health needs for children, for GPA, if we really thought we had to pay for this, we wouldn't vote for this stuff in a heartbeat. We are behaving like a bunch of 19 years olds with our first credit cards. It is as if it is not real money.

Yes, interest rates are really, really low. They are as low as I can ever remember, but the principle has got to be paid. It is real

money. It has to be paid, if not by this Legislature, then by the next one or the one after. It is real spending. It really is real spending, but when we get into the frenzy that I saw going on in the last five or six days, I see people behaving in a way that gives me real pause about whether we are doing the responsible thing. Given the state of this economy, given the state of our bond rating, the fact that we are on a negative status with one of the large bonding houses and the fact that we have no earthly idea when or how our revenue picture is going to improve, is it going to improve next year, the year after? I don't know.

All I know is if we abide by something called the 5 percent rule, we are going to wind up with a biennial bill of something like \$260 million every biennium. Think about that. That is almost a penny on the sales tax. That is enough to do wonders for school funding. That would restore many of the social services that we have abandoned in the last three or four budgets and guess what? We have one more of those budgets to go and the cuts are going to bigger and more painful, deeper than anything that we have done so far in the past several months.

We had a few state workers show up the other day. We have had some of the social services agencies and their clients show up. We have had school people complain about school funding. We haven't seen anything yet. Here we are sending \$60 million out that I think we can ill afford to pay.

Can we do it in November? Yes. There isn't one thing on this list, I know that some people may argue to the contrary, but I don't believe that there is one thing on this list that can't wait for a November package so that when we get to the point where we are looking at the final budget for the next biennium, the next \$50 million that we have to cut, when we are looking at the entire comprehensive bond package for this year, we can do some rational planning and include many of these worthy things and then look at all of the other things, like the transportation bond, that we must do before we leave here and have a comprehensive picture for the voters of Maine. That is why I am planning to vote against this plan. I reluctantly voted against it last night. It just isn't good state planning and heaven knows why should we, in this environment, impose a \$350,000 cost onto the property taxpayers of our 494 communities. I don't think it is going to be well received. I think that the town clerks and the selectmen who we report to regularly are going to be highly irritated by holding a special election for something that can be easily dealt with in November. They are going to be irritated about the cost and I think they will also be irritated about the packaging of 10 separate items without any voter opportunity to pick and choose among them. I have a lot of people on the other side of the doors that I was knocking on complaining about this excessive packaging that we did in the last several years. I came down here this January thinking I would try to fix that, as has been recommended by the good Representative from Scarborough, Representative Clough.

Thank you ladies and gentlemen, the hour is late.

Representative MILLS of Cornville **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 Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House. This package has a long title and you might have to take a second breath while you tried to read it, but over the last week or two weeks, it has been referred to as an economic development package. As we got the printout and began to go through the proposals that are in this package, I applied a litmus test of jobs. Will this create jobs? The proposals, do they have a

history of creating jobs? It was just a short while ago and the new members of this House aren't familiar with it, but the veterans are, it was just a short time ago, the previous Legislature, that we warned about an economic development package that was a hodgepodge of unrelated or distantly related items that were packaged as economic development. It had so many unrelated items and so much pork in it that Jimmy Dean could have easily marketed it. We warned that putting those unrelated items into that put the good components of that package at risk. We had to wait until the morning after of Election Day to find out whether an economic development bond in the middle of an economic downturn made it.

I don't know if it hit 51 percent or if it was slightly under. The voters, I think, sent us a very clear message. Those that were here before and those that were running for office, keep the focus clear. If you are going to package it as economic development, keep the focus on that. This package, much like the other one, has found hitchhikers. The hitchhikers put it at risk. As I go through the items that are on there, using the litmus test, when I look at the applied technology development centers, that is jobs. That passes the litmus test. The marine research and the Gulf of Maine Research Institute, that passes the litmus test. The Bio-Medical Research Fund, that passes the litmus test. They kept every promise that has ever been made to us about jobs, high-paying jobs in the State of Maine. The agriculture research, \$1 million, passes that litmus test. As we look at the research and development component, the wood composites, the science building at USM, the Maine Economic Improvement Fund, technology improvements, that passes the litmus test. We can look the voters in the eye and say we believe that if you pass that package with those economic development components, that it will create jobs in the state of Maine.

As I look at the items that I just didn't call off, I see Municipal Investment Trust Fund. That is parking garages. Are we going to go to the voters and say that the economic development, the emergency package that we are bringing that we want to do in June is centered on parking garages. Farms for Maine's Future, that is a land conservation program. That is a land conservation program. It is unrelated. It should not be included in this. Affordable housing, it should be by itself. It was interesting listening to the radio on the way home yesterday on Maine Public Radio. They were interviewing someone that was lobbying for Maine State Housing. They said, what does it feel like to be included in the package? The quote was, "This will help replace the dollars we lost to the General Fund that were taken from us for the budget." That is the person who was lobbying the Appropriations Committee. It will help replace the dollars lost to the General Fund in the budget. That is Maine State Housing.

I think if you take the focus of economic development and take it down to those items that deal with jobs and helping to make the economic environment in Maine more attractive. That passes the straight-face test. I am afraid that keeping the hitchhikers on there, the voters are going to send a clear message this time and that message will be no. Do you want to take that risk? Do you want to lose the economic development components that are part of this bond? You took the risk last time and we had to wait 12 hours to find out what the voters had to say. They thought we got the message. The next message will be no and the whole package will die.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House. A point of clarification regarding the Farms for the Future. It is absolutely totally, 100 percent completely rural economic development. I speak from personal experience. Our

farm benefited from the Farms for the Future Program last year. What the program does is allow farmers to implement business plans for their farms. It is only available for existing farms that want to do something different in order to make their farms sustainable, to implement a business plan that is developed in Phase I. The conservation portion specifically is a 10-year conservation easement that the farmer gives in exchange for participation in the program.

Let me just restate, this is rural economic development 100 percent. Thank you Mr. Speaker.

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

Representative MILLETT: Mr. Speaker, Ladies and Gentlemen of the House. It bothers me to speak on the opposite side of the colleagues that have spoken thus far on my left. While I share their concerns and I appreciate and value their cautions and the message that they are sending to all of us about the importance of good solid thinking about how we bond and how much we bond and when we bond, I arrive at different conclusions on most of the points that have been made. First of all, the points made by the Representative from Cornville are right on the mark in terms of our overall indebtedness and the level of authorized, but unissued bonds, concerns about the use of the Governmental Facilities Act and its majority vote is something that we need to watch and we need to correct. The notion that we are looking at and facing the possibility of more bonds being authorized than the rating agencies would like us to do and at least timing is at least an issue for debate here at this point in time. I think they are all valid points.

You all know the background. We had over \$500 million worth of proposals. The Governor asked for \$83 million in two packages in June as an economic stimulus. Many of us have tried to rational what are the goals of an economic stimulus package? I think within the committee we have generally agreed on three broad themes. First of all, we want to do what we can to stimulate those sectors of the Maine economy that are at the most fragile point in this period and time and which, with a little help, could not only save the traditions of those sectors, but help save and potentially improve or increase the number of jobs in those critical areas.

Let me just tick them off. In the world of agriculture, in the field of marine research and the marine fisheries industry, in the field of forestry and the need for alternate products to our traditional lumber reliance, in the worlds of technology and particularly at the applied level, in the field of research and development where we can do much more to not only look at and research areas that have great potential for Maine and the region, but we can help to bring back some of our highly educated Maine natives who are, right now, having to go outside of the state for jobs, to reverse that brain drain, I think is a worthy consideration. I think also when you look at the issues of applied technology, the world of technology itself is our future as we all know. Lastly, and not least of all, the issue of affordable housing is worthy of our consideration, notwithstanding the fact that we have some authorized, but uninsured bonds and notwithstanding the obvious fact as has been stated that we did cut back on funding in the operating biennial budget that we passed earlier.

With these concerns, I think that we have come up with a package that is as tightly crafted, narrowly focused and has the potential of stimulating the Maine economy in a very productive way. It responds to the other two goals that we set for ourselves, namely that we would leverage at the maximum federal and private matching funds and that we could concentrate on those projects which have the potential for early implementation upon approval of the voters. In other words, projects that could go

forward this summer and fall and result in the creation of jobs, some of them short term, I would admit, but hopefully in the long term many of them would be good quality, permanent jobs.

I would like to think that we could address some of the concerns that we have heard as we come back later and deal with the other bond package. I share that notion that this is not an unlimited opportunity to look at bonding as a way to work our way through and around difficult and challenging budget cuts that we have had to make. I am trying to focus on what is legitimately bondable, what is timely and appropriate, what will pay a good dividend and what will help the economy in the short term.

Eleven years ago in 1992 at a time when the economy was in worse shape than it is now, we approved a package of \$79 million of bonds to go out in June, just like we are talking about doing here tonight. I look back at that and I think it was not nearly as well crafted or not as thoughtfully prepared as what we have before us this evening. I look back in hindsight and I ask myself the question, did it help? I can only say that I think it did because the economy did begin to show the benefits of that investment within the next year.

One thing we have tried to do here, I commend members of the committee who supported this last evening, in the last paragraph of the summary on your Committee Amendment assured that the investments in the bio-medical world, which is the largest part of the research and development area of our proposed investment, would require a report back to the Business, Research and Economic Development Committee along with the Appropriations and Financial Affairs Committees regularly, translating back to us the effects of this research investment on jobs created. With that assurance, I think we have focused on what is a necessary, appropriately times package, a package that has been streamlined and focuses and I would urge your support this evening. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. As a member of one of the industries that this bond would supposedly help, I stand in opposition to this bond for several reasons. I will begin with number one. I believe the economic development doesn't begin with government spending, but it begins in the communities that we represent. With the entrepreneurs and the young people that would invest in the business and want to stay in the state and develop that business here. Although I believe that government has a place in economic development, I don't believe that place is today.

In one of the budget packages that we passed not too long ago, there was \$150 million in fee increases, revenue enhancements they were called. Someone has to pay that \$150 million. That would be my constituents. At the same time that my constituents were paying more, they were losing their jobs. Sylvania, my district's largest employer, had to lay off hundreds. What happens when we bond, ladies and gentlemen? We borrow. That puts a burden upon the next Legislature to pay back that burden.

What else have we done? We have allowed \$50 million to be taken from the Highway Fund and now we must replace it with another tax increase of 3 cents a gallon. Again, my constituents are going to pay the price. What else have we done? We have raided our Maine State Retirement System. Who will pay for that raid? My constituents. Now we are in bonding mode. We have seen a record bonding package. Who will pay the bill? My constituents.

The number one reason I will vote against this bonding package is we haven't even dealt with the issues most important to my constituents, property tax relief and health care relief.

Ladies and gentlemen, we have only begun to see the revenue enhancement packages coming before this body. I ask that you have fiscal restraint until we get to the issues of property tax and health care relief, because that is where we have to invest our resources. Thank you.

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 Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 37

YEA - Adams, Annis, Ash, Barstow, Bennett, Bierman, Blanchette, Bowles, Brannigan, Breault, Brown R, Bruno, Bull, Canavan, Carr, Churchill E, Clark, Cowger, Craven, Cummings, Dudley, Dugay, Dunlap, Duplessie, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Greeley, Grose, Hatch, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Ketterer, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marraché, McCormick, McGowan, McKee, McLaughlin, Millett, Mills J, Moody, Muse, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Rines, Rosen, Sampson, Shields, Smith N, Smith W, Sullivan, Suslovic, Tardy, Thomas, Thompson, Tobin D, Usher, Walcott, Watson, Wheeler, Young, Mr. Speaker.

NAY - Austin, Berry, Bowen, Browne W, Bryant-Deschenes, Campbell, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Eder, Fletcher, Glynn, Heidrich, Joy, Lewin, McKenney, McNeil, Mills S, Murphy, Nutting, Richardson M, Rogers, Sherman, Snowe-Mello, Stone, Sukeforth, Tobin J, Trahan, Treadwell, Twomey, Vaughan.

ABSENT - Andrews, Berube, Bliss, Bunker, Duprey G, Gerzofsky, Goodwin, Honey, Landry, Maietta, Marley, McGlocklin, Moore, Peavey-Haskell, Saviello, Simpson, Sykes, Woodbury, Wotton.

Yes, 94; No, 38; Absent, 19; Excused, 0.

94 having voted in the affirmative and 38 voted in the negative, with 19 being absent, and accordingly the Bond Issue 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**.

SENATE PAPERS

The following Joint Order: (S.P. 537)

ORDERED, the House concurring, that when the House stands adjourned it does so until Monday, April 28, 2003, at 9:00 in the morning and the Senate adjourns until Monday, April 28, 2003 at 10:00 in the morning.

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

COMMUNICATIONS

The Following Communication: (S.P. 540)

STATE OF MAINE 121ST MAINE LEGISLATURE

April 16, 2003

Sen. Beth G. Edmonds

Senate Chair, Joint Standing Committee on Labor

Rep. William J. Smith
House Chair, Joint Standing Committee on Labor
121st Legislature
Augusta, ME 04333

Dear Senator Edmonds and Representative Smith:
Please be advised that Governor John E. Baldacci has nominated Laura Fortman of Nobleboro for appointment as Commissioner, Department of Labor. Pursuant to Title 26, M.R.S.A. §1401-A, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,
S/Beverly C. Daggett
President of the Senate
S/Patrick Colwell
Speaker of the House

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

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

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

Resolve, Authorizing Municipalities To Consolidate Voting Districts for Special Elections on Bond Issues Held in 2003
(S.P. 539) (L.D. 1581)

Which was **TABLED** by Representative RICHARDSON of Brunswick pending **FINAL PASSAGE**. (Roll Call Ordered)

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I just want to explain one point. Under current law now, it says we have 60 days for a special election. All we are doing is amending it and putting this forth to make it 30 days for the June referendum. That is all this bill does. Current law is 60 days and all we are doing is making it to 30 days. Another thing too, this is not a mandate. Towns do it already voluntarily. This just means that they can do it voluntarily, if we pass it, in 30 days. Thank you.

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

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

ROLL CALL NO. 38

YEA - Adams, Barstow, Bennett, Bierman, Blanchette, Brannigan, Breault, Brown R, Browne W, Bull, Canavan, Carr, Churchill E, Churchill J, Clark, Cowger, Craven, Cummings, Dudley, Dugay, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Greeley, Grose, Hatch, Hotham, Hutton, Jackson, Jennings, Jodrey, Kane, Ketterer, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marraché, McGowan, McKee, McLaughlin, McNeil, Millett, Mills J, Moody, Muse, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Richardson E, Richardson M, Rines,

Sampson, Sherman, Smith N, Smith W, Stone, Sukeforth, Sullivan, Suslovic, Tardy, Thomas, Thompson, Tobin D, Tobin J, Usher, Walcott, Watson, Wheeler, Young, Mr. Speaker.

NAY - Annis, Ash, Austin, Berry, Bowen, Bowles, Bruno, Bryant-Deschenes, Campbell, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Fletcher, Glynn, Heidrich, Jacobsen, Joy, Kaelin, Lewin, McCormick, McKenney, Mills S, Murphy, Nutting, Rector, Richardson J, Rogers, Rosen, Shields, Snowe-Mello, Trahan, Treadwell, Twomey, Vaughan.

ABSENT - Andrews, Berube, Bliss, Bunker, Duprey B, Duprey G, Gerzofsky, Goodwin, Honey, Landry, Maietta, Marley, McGlocklin, Moore, Peavey-Haskell, Perry J, Saviello, Simpson, Sykes, Woodbury, Wotton.

Yes, 91; No, 39; Absent, 21; Excused, 0.

91 having voted in the affirmative and 39 voted in the negative, with 21 being absent, and accordingly the Resolve **FAILED FINAL PASSAGE** and was sent for concurrence.

Representative RICHARDSON of Brunswick moved that the House **RECONSIDER** its action whereby the Resolve **FAILED FINAL PASSAGE**.

On further motion of the same Representative, **TABLED** pending his motion to **RECONSIDER** whereby the Resolve **FAILED FINAL PASSAGE** and later today assigned.

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

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

Representative **MAILHOT**: Thank you Mr. Speaker. On Roll Call 36, LD 1574, I voted. My light indicator was on, the board indicator was on and it processed me as absent. I would like to be on the record as voting yea.

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

Representative **PERCY**: Thank you Mr. Speaker. I was absent for Roll Call 34 on LD 1566. I would like to be recorded as saying yes. Also, I was absent for Roll Call 35 on LD 1566 and I would like to be recorded for saying yes as well.

Pursuant to House Rule 201, the Speaker appointed Representative DUNLAP of Old Town to serve as Speaker Pro Tem on Monday, April 28, 2003.

On motion of Representative EDER of Portland and Representative MAKAS of Lewiston, the House adjourned at 6:36 p.m., until 9:00 a.m., Monday, April 28, 2003 pursuant to the Joint Order (S.P. 537) and in honor and lasting tribute to Francis W. Peabody, of Portland and Sergeant Daniel Francis Cunningham, Jr., formerly of Lewiston.