

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
41st Legislative Day
Tuesday, April 29, 2003

The Speaker resumed the Chair.
The House met according to adjournment and was called to order by the Speaker.
Prayer by Reverend R. Ward Holder, Wales Presbyterian Church.
National Anthem by Lewiston High School Vocal Jazz Ensemble.
Pledge of Allegiance.
Doctor of the day, David Andrews, M.D., Falmouth.
The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act Concerning the Animal Health and Disease Control Laws"
(S.P. 542) (L.D. 1583)
Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.
REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Protect Critical Homeland Security Information"
(S.P. 541) (L.D. 1582)
Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.
REFERRED to the Committee on **JUDICIARY** in concurrence.

COMMUNICATIONS

The Following Communication: (H.P. 1164)
**AMERICAN HEART ASSOCIATION
NORTHEAST AFFILIATE
343 GORHAM ROAD
SOUTH PORTLAND, MAINE 04268**

April 16, 2003
Honorable Patrick Colwell
Speaker of the House
Room 303, State House
2 State House Station
Augusta, ME 04333
Dear Speaker Colwell:

As chair of the Maine's Tobacco Prevention and Control Advisory Council, I respectfully submit the enclosed Advisory Council Report to Governor John Elias Baldacci and the Maine State Legislature for the calendar year 2002.

Thank you for giving the Council the opportunity to report on the important work being done by the Partnership For A Tobacco-Free Maine to improve the health of the citizens of Maine.

Sincerely,
S/Dennise D. Whitley, MHA
Director of Health Initiatives and Advocacy
READ and with accompanying papers **ORDERED PLACED ON FILE.**

Sent for concurrence.

The Following Communication: (H.C. 172)
**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

- April 17, 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 Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":
L.D. 169 An Act to Waive the Apprenticeship Requirement for a Lobster and Crab Fishing License
L.D. 271 An Act To Improve Guidance to the Commissioner of Marine Resources for Granting Marine Aquaculture Leases
L.D. 272 An Act to Expand Aquaculture Site Location Criteria to Include Aesthetic Impact and Property Value Changes
L.D. 591 An Act Regarding Requirements for Obtaining a Lobster Fishing License
L.D. 648 An Act Clarifying Municipalities' Authority to Assign Mooring Permits
L.D. 835 An Act To Allow a Select Group of Former Lobstermen To Obtain Lobster Fishing Licenses
L.D. 882 An Act To Transfer Certain Authority from the Department of Marine Resources to the Department of Agriculture, Food and Rural Resources
L.D. 900 An Act Regarding Eligibility for a License To Harvest Marine Organisms for a Person Who Served in the United States Armed Forces or United States Coast Guard
L.D. 1001 An Act To Modify the Criteria for Approval of Aquaculture Leases
L.D. 1088 Resolve, To Create a Study Committee To Consider Bay Management Planning
L.D. 1134 Resolve, Establishing a Study Group To Improve the Planning and Management for Multiple Uses of Marine Waters
L.D. 1382 An Act To Increase the Trap Limit for Swan's Island to the Maximum Lobster Traps Allowed in Federal Waters of Zone B

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

Sincerely,
S/Sen. Dennis Damon
Senate Chair
S/Rep. Thomas Bull
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 173)
**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON TRANSPORTATION**

April 22, 2003
Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature
State House
Augusta, Maine 04333

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

- L.D. 511 Resolve, To Rescind Legislative Authorization for Highway Driveway and Entrance Rules
- L.D. 750 An Act To Create Novice Incentive Licenses
- L.D. 862 An Act Regulating the Use of Cellular Telephones by Juvenile Drivers
- L.D. 1081 An Act To Allow the Use of Cameras for Enforcement of Traffic Light Violations
- L.D. 1104 An Act To Prohibit the Use of Imitation High-intensity Discharge Bulbs
- L.D. 1113 An Act To Repeal the Billboard Law
- L.D. 1245 Resolve, Regarding the Widening of Route 26 in Poland
- L.D. 1263 Resolve, To Promote Construction of Off-road Bike and Walking Paths along the Busiest Commuting Corridors of the State
- L.D. 1428 An Act To Allow Municipalities To Establish Areas within Which Engine Brakes Are Prohibited

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 175)
**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON LABOR**

April 22, 2003
Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333

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

- L.D. 45 An Act to Establish a Living Wage for Maine Citizens
- L.D. 1013 An Act To Address Maine's Direct Care Worker Shortage

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

Sincerely,
S/Sen. Betheda G. Edmonds
Senate Chair
S/Rep. William J. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 176)

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

April 22, 2003
Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333

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

- L.D. 632 An Act to Establish a Process to Classify Water Bodies as Impaired

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 174)
**STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
18 MEADOW ROAD
104 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0104**

April 17, 2003
Hon. Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk MacFarland,
Please find enclosed a copy of the FY2003 Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program funding application and program work plan submitted to the Bureau of Justice Assistance.

The program requires submission of the application to the State Legislature or its designated body for review. Unless I receive further instructions, I will consider that the Department of Public Safety has fulfilled its obligation in this area.

Sincerely,
S/Michael P. Cantara
Commissioner

READ and with accompanying papers **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Change Certain Educational Requirements and Make Title Changes for Licensed Social Workers"

(H.P. 1162) (L.D. 1589)

Sponsored by Representative O'BRIEN of Lewiston.
Cosponsored by Senator BRENNAN of Cumberland and Representatives: DUPREY of Medway, MILLS of Cornville, RECTOR of Thomaston, Senators: HATCH of Somerset, SHOREY of Washington.

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

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

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

Sent for concurrence.

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

ORDERS

On motion of Speaker COLWELL of Gardiner, the following Joint Resolution: (H.P. 1163) (Cosponsored by President DAGGETT of Kennebec)

JOINT RESOLUTION ENDORSING TAIWAN'S PARTICIPATION IN THE WORLD HEALTH ORGANIZATION

WHEREAS, good health is essential to every citizen of the world, and access to the highest standards of health information and services is necessary to improve public health; and

WHEREAS, the World Health Organization set forth in the first chapter of its charter the objective of attaining the highest possible level of health for all people; and

WHEREAS, the achievements of Taiwan, the Republic of China, in the field of health are substantial, including having one of the highest life expectancy levels in Asia, having maternal and infant mortality rates comparable to those of western countries, eradicating infectious diseases such as cholera, smallpox and the plague and being the first country in Asia to eradicate polio and provide children with hepatitis B vaccinations; and

WHEREAS, the United States Centers for Disease Control and Prevention and its Taiwanese counterpart agencies have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, in recent years, Taiwan has expressed a willingness to assist financially and technically in international health activities supported by the World Health Organization; and

WHEREAS, recent events regarding the rapid spread of a mysterious virus originating in Asia speak to the dire need for the direct and unobstructed participation in international health forums and programs critical to limiting the spread of various infectious diseases and achieving good world health; and

WHEREAS, the European Parliament called on the World Health Assembly, in Geneva, Switzerland, to accept observer status for Taiwan and on its member states to support the application of Taiwan as an observer to the World Health Organization; and

WHEREAS, the United States Congress has authorized the United States Secretary of State to endorse observer status for Taiwan at the World Health Assembly and President George W. Bush and members of his administration have voiced support for Taiwan's participation in the World Health Organization; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the First Regular Session, take this opportunity to commend and support the efforts of Taiwan, the Republic of China, on its application as an observer to the World Health Organization; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to President George W. Bush, Secretary of Health and Human Services Tommy G. Thompson, the Director-General of the

World Health Organization, the Director General of the Taipei Economic and Cultural Office in Boston and the Members of the Maine Congressional Delegation.

READ and ADOPTED.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Reverend Ward Holder, for his service as interim minister at the Wales Presbyterian Church for the past 2 years. His departure marks the close of his 41 year career in full-time ministry and the beginning of at least a partial retirement at his home in Trenton. During his life's work, he has ministered to congregations in Pennsylvania, Ohio, Iowa, New Hampshire and Maine. Reverend and Mrs. Holder will be greatly missed by the members and friends of the Wales Presbyterian Church;

(HLS 487)

Presented by Representative SMITH of Monmouth.

Cosponsored by Senator BLAIS of Kennebec, Representative BIERMAN of Sorrento, Senator DAMON of Hancock.

On **OBJECTION** of Representative SMITH of Monmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **SMITH:** Mr. Speaker, Men and Women of the House. Reverend Holder has been the interim pastor at the Wales Presbyterian Church for the past two years. When a pastor leaves a church, the Presbyterian recommends an interim who works with church members as they transition from one pastor to the next. It is a delicate position as people deal with disappointment, perhaps anger and sorrow over the loss of one minister and then come to anticipate the arrival of a new minister. It is a challenging, frustrating and exciting time for a church family.

Reverend Holder and his wife Ella Jean have become a part of our community. Even their five children and nine grandchildren who live in New England, Arizona and Madagascar have made our church life more interesting and it broadened our definition of community.

Of course, Pastor Holder's primary claim to fame in addition to his own 41 years of ministry and raising a fine family, is the fact that he attended seminary with Fred Rogers of Mr. Rogers' Neighborhood fame.

I would like to take this opportunity to thank Ward and Ella Jean from the entire Wales community for being a part of our lives and to wish them all the best in their upcoming retirement. Thank you.

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

Recognizing:

Sean Harris, of Portland, whose photographic exhibition featuring, "A Lebanese Family in Waterville" is currently being displayed in the Governor's State House Gallery as part of the Arts in the Capitol program sponsored by Governor John Elias Baldacci, the Maine State Legislature and the Maine Arts Commission. Sean, who studied at the Art Institute of Boston, has spent much of his professional life attempting to capture the diversity of his community. His work portrays images of people in an attempt to prove that, collectively, we are more alike than we

are different. We send our appreciation to Sean for sharing his wonderful portrait of Maine through his photographs;

(HLS 488)

Presented by Representative EDER of Portland.

Cosponsored by Representative ADAMS of Portland, Representative BRANNIGAN of Portland, Representative CUMMINGS of Portland, Representative DAVIS of Falmouth, Representative DUDLEY of Portland, Representative MARLEY of Portland, Representative NORBERT of Portland, Representative SUSLOVIC of Portland, Senator BRENNAN of Cumberland, Senator BROMLEY 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. It is my great honor and good fortune that I am serving in the Legislature and am privileged to be able to recognize my friend, Sean Harris, on this day that his work is being recognized in the Governor's Gallery. Sean is a very talented and insightful storyteller with a singular talent for capturing in his lens that moment when his subjects forget that they are the subject of a photograph. He does this by engendering great trust and building relationships with the people he photographs. As the observers, we are treated to a glimpse into the inner soul of the people Sean honors with his work. We forget that we are looking at a photograph. Sean pours his heart into his work. I have had the pleasure of seeing him work and I know this firsthand.

Sean tells important stories, in this case the one about the struggles and joys of a family assimilating into our great melting pot. I would like to thank Sean for his continued work and dedication to our community. On behalf of the entire Portland Delegation, I congratulate him on his show in the Governor's Gallery. Thank you very much Mr. Speaker.

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

In Memory of:

Major Thomas E. Crimmins (Ret.), of Brunswick, who served his country with honor and distinction as a member of the Maine Army National Guard, rising to the rank of Major as the State Recruiting and Retention Officer. Service to his community included being a member of the Brunswick Town Council, the Brunswick Lions Club and the Brunswick High School Boosters. He received numerous citations and awards, including the Delta Mu Delta Business National Honor Society Award and an Army Commendation Medal for Meritorious Service. Mr. Crimmins was also a 1990 nominee for the Maine Broadcasting System Jefferson Award. Hobbies included coaching sports, traveling and hunting. Known for his love of country, community and family, he will be sadly missed;

(HLS 479)

Presented by Representative VAUGHAN of Durham.

Cosponsored by Representative GERZOFKY of Brunswick, Representative RICHARDSON of Brunswick, Senator EDMONDS of Cumberland.

On **OBJECTION** of Representative VAUGHAN of Durham, was **REMOVED** from the Special Sentiment Calendar.

READ and **ADOPTED** and sent for concurrence.

In Memory of:

Seward Blanchard "Pat" Brewster, of Manchester, beloved husband of Carol Brewster, an attorney and founder of Pine Tree

Legal Assistance, who will be remembered for his patience, strength, quiet courage and gentle kindness. Mr. Brewster chaired the Kennebec Valley YMCA board of directors, served on the Maine Peace Action Board and volunteered at the Pine Tree State Arboretum. He was a founder of the University of Maine at Augusta Senior College and was a member of its board of directors. He had a lifelong association with Birch Rock Camp, a boys camp in East Waterford, where he was a camper, counselor, Maine Guide and longtime board member. Mr. Brewster will be greatly missed by his loving family and many friends;

(HLS 489)

Presented by Representative MOODY of Manchester.

Cosponsored by Representative LERMAN of Augusta, Representative BULL of Freeport, Senator TREAT of Kennebec, Representative MILLETT of Waterford, Senator BRYANT of Oxford.

On **OBJECTION** of Representative MOODY of Manchester, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Manchester, Representative Moody.

Representative **MOODY**: Mr. Speaker, Men and Women of the House. I rise today to pay tribute to one of Manchester's most distinguished citizens. Pat Brewster passed away on April 10, due to complications following an automobile accident. Pat was born in Newton, Massachusetts in 1927. He graduated from Dartmouth College in 1950 and Harvard Law School in 1955. Between 1946 and 1947, he served in the United States Army where he was stationed in South Korea. He was a teacher and a coach at Deerfield Academy in Deerfield, Massachusetts before entering law school.

In 1955, he married Carol Whitham of Ridgefield, Connecticut, a 1952 graduate of Middlebury College who was working for *The Christian Science Monitor* in Boston and he began the practice of law in Worcester, Massachusetts.

In 1961, Pat moved to Maine with his wife and three young sons to join the legal department of Central Maine Power Company in Augusta. He served as general council from 1969 to 1984. He then served as staff attorney and hearing officer for the Public Utilities Commission until his retirement in 1994.

In 1966, Pat founded Pine Tree Legal Assistance, a non-profit organization providing legal services for those in need, an organization familiar to us all.

I had known Pat for 15 years because of his service to the Town of Manchester. He served on the Zoning Board of Appeals in Manchester and lobbied heavily for the funding of the Library Fee Fund, which we make available to residents of our town. Over the years, like many others, I have had many conversations with Pat at the Post Office. I can tell you that while those conversations were very gracious, few of them were casual. He was a very intense man with a great passion. This was a man who accomplished much and did not need to try to impress you with his accomplishments. And, yet, he has left a legacy that is larger than life.

A strange thing happened a couple of months ago in my relationship with Pat. Fate intervened in the form of that non-binding Iraqi war resolution and the barriers came down. Here I am today, paying tribute to my friend, Pat Brewster.

Pat chaired the Kennebec Valley YMCA Board of Directors, presided over the Maine Peace Action Board in Portland, volunteered at the Pine Tree State Arboretum and was one of the founders in 2002 of the University of Maine at Augusta Senior College and was serving on its Board of Directors at the time of his death.

He had a life-long association with the Birch Rock Camp, a boy's camp founded by his parents in 1926 in East Waterford, Maine, where he was a camper, counselor, registered Maine Guide and a long-time board member. Described by one fellow board member as an embodiment of the camp motto: "Help the other fellow." Pat will be remembered for his patience, strength, quiet courage and gentle kindness.

Nothing says it better, I think, than the words of his longtime friend and colleague, former Chief Justice of the Maine Supreme Court, Vincent McKusic. "I count myself fortunate indeed to have had the years of close professional association with Pat until I went on the bench in 1977. What a remarkable career he had. Very few corporate general counsels came close to equaling his strong leadership in organizing legal services for the needy and in other community efforts. The legal profession in Maine is much stronger for having had his example."

Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Bull.

Representative **BULL**: Mr. Speaker, Men and Women of the House. I just want to very briefly rise and join in my condolences to Carol Brewster, the widow of Pat Brewster. I was very fortunate to have known the Brewsters for 20 years through the Birch Rock Camp in East Waterford. I got to know both Pat and Carol quite well through my association with that camp. I have learned a great deal from them over the years. I just want to pass on my condolences to Carol on Pat's passing and to thank them for everything they have done for me. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Lerman.

Representative **LERMAN**: Mr. Speaker, Women and Men of the House. I join my colleagues in expressing my condolences to the Brewster family. I did not know Pat well, but I did have occasion to work with him over the last 20 to 25 years. He was really a man of many remarkable qualities. In particular I very much admired his political courage, his willingness to take stand on a variety of political issues over the years that were not popular and that were an inspiration to many of us who were looking for some credibility for things that we felt strongly about. Pat lented that credibility as well as guidance and leadership. I just want to rise and extend my condolences again to the family and express my appreciation for having had the opportunity to know and work with Pat. Thank you Mr. Speaker.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Establish the Commission for the Blind"

(S.P. 393) (L.D. 1189)

Signed:

Senators:

ROTUNDO of Androscoggin
LaFOUNTAIN of York

Representatives:

McLAUGHLIN of Cape Elizabeth
PEAVEY-HASKELL of Greenbush
STONE of Berwick
KETTERER of Madison
BARSTOW of Gorham
BOWEN of Rockport

SUSLOVIC of Portland
SUKEFORTH of Union
BUNKER of Kossuth Township
Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-63)** on same Bill.

Signed:

Senator:

GILMAN of Cumberland

Representative:

CROSTHWAITE of Ellsworth

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

READ.

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act Relating to Motorcycle Safety"

(S.P. 367) (L.D. 1095)

Signed:

Senators:

HATCH of Somerset
DAMON of Hancock
SAVAGE of Knox

Representatives:

USHER of Westbrook
MARLEY of Portland
PARADIS of Frenchville
MARRACHÉ of Waterville
McKENNEY of Cumberland
COLLINS of Wells
McNEIL of Rockland
JODREY of Bethel
BROWNE of Vassalboro

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-67)** on same Bill.

Signed:

Representative:

SAMPSON of Auburn

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

READ.

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

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-51)** on Bill "An Act To Amend the Standard Water District Enabling Act"

(S.P. 283) (L.D. 804)

Signed:

Senators:

HALL of Lincoln
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
RICHARDSON of Skowhegan

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

Signed:

Representatives:

GOODWIN of Pembroke
CRESSEY of Baldwin

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-51)**.

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" (S-51)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, April 30, 2003.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended** by **Committee Amendment "A" (H-170)** on Bill "An Act to Keep Foster Children Safe and Healthy"

(H.P. 63) (L.D. 55)

Signed:

Senators:

BRENNAN of Cumberland
MARTIN of Aroostook

Representatives:

EARLE of Damariscotta
CRAVEN of Lewiston
SHIELDS of Auburn
KANE of Saco
WALCOTT of Lewiston
LEWIN of Eliot
LAVERRIERE-BOUCHER of Biddeford
CURLEY of Scarborough

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

Signed:

Senator:

WESTON of Waldo

Representatives:

DUGAY of Cherryfield
CAMPBELL of Newfield

READ.

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

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended** by **Committee Amendment "A" (H-172)** on Bill "An Act to Require Disclosure of Retail Prescription Drug Prices"

(H.P. 111) (L.D. 102)

Signed:

Senators:

BRENNAN of Cumberland
MARTIN of Aroostook

Representatives:

EARLE of Damariscotta
CRAVEN of Lewiston
KANE of Saco

DUGAY of Cherryfield
CURLEY of Scarborough
WALCOTT of Lewiston

LAVERRIERE-BOUCHER of Biddeford

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

Signed:

Senator:

WESTON of Waldo

Representatives:

SHIELDS of Auburn
CAMPBELL of Newfield
LEWIN of Eliot

READ.

On motion of Representative KANE of Saco, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass** on Bill "An Act to Ban Smoking in Beano and Bingo Halls"

(H.P. 186) (L.D. 227)

Signed:

Senators:

BRENNAN of Cumberland
MARTIN of Aroostook

Representatives:

KANE of Saco
EARLE of Damariscotta
CRAVEN of Lewiston
SHIELDS of Auburn
WALCOTT of Lewiston
LEWIN of Eliot
LAVERRIERE-BOUCHER of Biddeford
CURLEY of Scarborough

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

Signed:

Senator:

WESTON of Waldo

Representatives:

DUGAY of Cherryfield
CAMPBELL of Newfield

READ.

Representative KANE of Saco 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.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-146)** on Bill "An Act To Eliminate the Social Security Offset for Unemployment Benefits"

(H.P. 657) (L.D. 880)

Signed:

Senators:

EDMONDS of Cumberland
STANLEY of Penobscot

Representatives:

SMITH of Van Buren
HUTTON of Bowdoinham
HATCH of Skowhegan
PATRICK of Rumford
JACKSON of Fort Kent
WATSON of Bath

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

Signed:

Senator:

BLAIS of Kennebec

Representatives:

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

READ.

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

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-175)** on Bill "An Act To Provide That Employee Terminations by Any Company That Receives Monetary Benefits from the State Require Just Cause"

(H.P. 860) (L.D. 1163)

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 as Amended** Report.

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-174)** on Bill "An Act To Assist Seasonal Workers with Workers' Compensation"

(H.P. 992) (L.D. 1350)

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 as Amended** Report.

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Revoke the Voting Privileges of Convicted Persons in Prison

(H.P. 159) (L.D. 200)

Signed:

Senator:

GAGNON of Kennebec

Representatives:

CLARK of Millinocket
PATRICK of Rumford
BLANCHETTE of Bangor
CANAVAN of Waterville
JENNINGS of Leeds
LANDRY of Sanford
BROWN of South Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-171)** on same **RESOLUTION**.

Signed:

Senators:

LEMONT of York
MAYO of Sagadahoc

Representatives:

GLYNN of South Portland

HOTHAM of Dixfield
MOORE of Standish

READ.

Representative CLARK of Millinocket 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.

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-159)** on Bill "An Act To Clarify the Use of Municipal Rate of Growth Ordinances"

(H.P. 416) (L.D. 531)

Signed:

Senators:

MARTIN of Aroostook
EDMONDS of Cumberland
SAWYER of Penobscot

Representatives:

KOFFMAN of Bar Harbor
MAKAS of Lewiston
SAVIELLO of Wilton
THOMPSON of China
TOBIN of Windham
JOY of Crystal
ANNIS of Dover-Foxcroft

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

Signed:

Representatives:

TWOMEY of Biddeford
HUTTON of Bowdoinham
DAIGLE of Arundel

READ.

On motion of Representative KOFFMAN of Bar Harbor, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-159)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, April 30, 2003.

CONSENT CALENDAR

First Day

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

(S.P. 354) (L.D. 1023) Bill "An Act To Criminalize Noncompliance with an Interstate Compact for Adult Offender Supervision" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(S.P. 86) (L.D. 163) Bill "An Act To Provide Energy Opportunities to Northern Maine" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-48)**

(S.P. 130) (L.D. 354) Bill "An Act To Impose Restrictions on the Operation of ATVs and Snowmobiles" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-50)**

(S.P. 148) (L.D. 430) Bill "An Act To Clarify Ownership Rights to Repossessed Vehicles" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-60)**

(S.P. 242) (L.D. 678) Bill "An Act To Amend the Charter of the Lubec Water and Electric District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-46)**

(S.P. 247) (L.D. 709) Bill "An Act To Require Public Hearings prior to State Agreements for Dam Removal" (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-64)**

(S.P. 275) (L.D. 796) Bill "An Act Relating to Existing Life-care Communities Licensed by the Superintendent of Insurance" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-55)**

(S.P. 298) (L.D. 902) Bill "An Act To Create Equality in Medicare Supplement Insurance Policies" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-56)**

(S.P. 301) (L.D. 905) Bill "An Act To Protect Employees if Their Employer Fails To Pay Premiums for Employer-sponsored Health Insurance" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-57)**

(S.P. 308) (L.D. 967) Bill "An Act To Amend the Charter of the Madawaska Water District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-45)**

(S.P. 312) (L.D. 971) Bill "An Act To Amend the Constitution of the Maine Episcopal Missionary Society" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-49)**

(S.P. 445) (L.D. 1357) Bill "An Act To Encourage Economic Development in Piscataquis County" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-59)**

(H.P. 1095) (L.D. 1502) Bill "An Act To Clarify the Exclusion of Assumed Reinsurance from Policy Claims Priority" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 204) (L.D. 249) Bill "An Act to Aid Law Enforcement in Complying with Maine's Freedom of Access Laws" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-186)**

(H.P. 252) (L.D. 309) Bill "An Act To Require Church Officials To Report Suspected Abuse" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-197)**

(H.P. 459) (L.D. 629) Bill "An Act To Increase the Collection of Child Support" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-194)**

(H.P. 549) (L.D. 743) Bill "An Act To Protect Public Health and the Environment through the Collection and Recycling of Electronic Waste" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-185)**

(H.P. 646) (L.D. 869) Bill "An Act Concerning the Financial Obligations of a Parent Involved in a Crime against a Child of That Parent" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-195)**

(H.P. 749) (L.D. 1032) Bill "An Act To Reduce the Processing Time for Substitute Teacher Fingerprinting" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-200)**

(H.P. 898) (L.D. 1224) Bill "An Act To Increase Requirements for Notification of Release to Victims of Stalkers" Committee on

CRIMINAL JUSTICE AND PUBLIC SAFETY reporting Ought to Pass as Amended by Committee Amendment "A" (H-188)

(H.P. 988) (L.D. 1342) Bill "An Act To Establish a Right of Entry for Surveyors Performing Surveying Services" Committee on **JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (H-196)**

(H.P. 989) (L.D. 1343) Resolve, To Create the Task Force To Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal Law Enforcement Officers and Firefighters (EMERGENCY) Committee on **LABOR reporting Ought to Pass as Amended by Committee Amendment "A" (H-190)**

(H.P. 1093) (L.D. 1496) Bill "An Act To Amend the Maine Juvenile Code" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY reporting Ought to Pass as Amended by Committee Amendment "A" (H-189)**

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

(H.P. 783) (L.D. 1065) Resolve, Directing the Commissioner of Public Safety To Study the Emergency Medical Services System Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY reporting Ought to Pass as Amended by Committee Amendment "A" (H-187)**

On motion of Representative BUNKER of Kossuth Township, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

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

**CONSENT CALENDAR
Second Day**

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

(H.P. 485) (L.D. 655) Bill "An Act To Revise the Charter of the Brunswick Sewer District" (C. "A" H-180)

(H.P. 554) (L.D. 748) Resolve, Directing the Department of Labor and the Department of Economic and Community Development To Include Information on the Canadian Maritime Provinces in Their Comparison Reports (C. "A" H-184)

(H.P. 624) (L.D. 847) Bill "An Act To Offer Zero-interest Loans to Employers Providing Bicycle Facilities" (C. "A" H-181)

(H.P. 675) (L.D. 918) Bill "An Act To Designate the Department of Economic and Community Development as the Lead Agency in the State's Response to Certain Events" (EMERGENCY) (C. "A" H-183)

(H.P. 849) (L.D. 1146) Bill "An Act To Allow Volunteer Social Work To Count towards Licensure" (C. "A" H-182)

(H.P. 975) (L.D. 1321) Bill "An Act Regarding Energy Efficiency Standards" (C. "A" H-179)

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

**BILLS IN THE SECOND READING
Senate in Non-Concurrence**

Bill "An Act to Allow Electronic Calling Devices for Hunting" (S.P. 80) (L.D. 157)

Senate as Amended in Non-Concurrence

Bill "An Act to Amend the Membership of the Propane and Natural Gas Board"

(S.P. 49) (L.D. 126)
(H. "B" H-120 to C. "A" S-20)

House

Bill "An Act To Amend the Laws Governing Noncompetete Clauses in Broadcast Industry Contracts"

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

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** in non-concurrence and sent for concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

House as Amended

Bill "An Act To Increase Parental Responsibility for Restitution"

(H.P. 842) (L.D. 1139)
(C. "A" H-132)

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

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

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

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

UNFINISHED BUSINESS

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

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

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

- In House, Bill and accompanying papers **INDEFINITELY POSTPONED** on April 7, 2003.

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

TABLED - April 14, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - FURTHER CONSIDERATION.

Representative USHER of Westbrook moved that the House **RECEDE AND CONCUR**.

Representative BRUNO of Raymond **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 41

YEA - Adams, Ash, Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Carr, Churchill E, Churchill J, Clark, Craven, Cummings, Dudley, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Gerzofsky, Grose, Hatch, Hutton, Jackson, Jennings, Koffman, Laverriere-Boucher, Lemoine, Lessard, Mailhot, Makas, Marley, Marraché, McGowan, McKee, McLaughlin, McNeil, Mills J, Moody, Norbert, Norton, O'Brien L,

O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Stone, Sullivan, Suslovic, Thomas, Thompson, Usher, Walcott, Watson, Wheeler, Wotton, Young, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Campbell, Canavan, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Dugay, Fletcher, Gagne-Friel, Glynn, Greeley, Heidrich, Honey, Hotham, Jodrey, Joy, Kaelin, Landry, Ledwin, Lewin, Lundeen, Maietta, McCormick, McGlocklin, McKenney, Millett, Mills S, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Woodbury.

ABSENT - Berube, Bryant-Deschenes, Cowger, Duprey B, Duprey G, Goodwin, Jacobsen, Kane, Ketterer, Lerman, Richardson E.

Yes, 76; No, 64; Absent, 11; Excused, 0.

76 having voted in the affirmative and 64 voted in the negative, with 11 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

Under suspension of the rules, members were allowed to remove their jackets.

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

HOUSE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (5) Ought to Pass as Amended by Committee Amendment "A" (H-171) - Committee on LEGAL AND VETERANS AFFAIRS on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke the Voting Privileges of Convicted Persons in Prison

(H.P. 159) (L.D. 200)

Which was **TABLED** by Representative CLARK of Millinocket pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion and urge you to move onto the Minority Ought to Pass as Amended Report. This issue is a perennial one and one that comes up a quite a bit because Maine is out of sync with the nation with regard to voting rights, especially when looking at criminals in prisons. Maine is one of the few states in the nation that permits felons in jail, while they are incarcerated to vote. When you are in jail, you lose your rights, temporarily while you are in jail. If we are successful in defeating the pending motion and move onto

the Minority Report, you will have an option to consider a proposal that would suspend voting rights only while someone is imprisoned. Maine should not be an island and Maine should not be a leader in allowing felons and criminals to vote. In fact, we should be setting an example and we can do that by the defeat of this motion. Mr. Speaker, when the vote is taken, I request the yeas and nays.

Representative **GLYNN** of South Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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, Ladies and Gentlemen of the House. I stand before you this afternoon to tell you that it conflicts with the Department of Corrections, the mission that supports a successful return into society. The questions that we have to ask are, do felons now pay taxes? Do they have the right for representation without taxation? Bills will not compare deter between a murder and a class A felony. Why deny individuals in prison as a basic constitutional right of citizenship? Those are the questions we have to ask. It is legal in the State of Maine. We are one of the two states that do this. It is legal now. If we go on and accept the other report, it just has two provisions that we have to stand by in order for this bill to pass, that is Class A crime or murder. That is 25 years if they go on for 25 years and get out of prison. When they come back into the communities they will be able to vote again. What difference does it make for voting 25 years down the road or now?

If you are a citizen of the United States and also a citizen of the State of Maine, you should be able to vote if you are in prison or not. You have that right.

We had heard testimony in the committee from the Maine Civil Liberties Union from the Department of Corrections. This bill was introduced at least two or three times before. It died between bodies in the previous Legislature. The questions that we have to ask are the ones that I started out the debate with. Do felons, people who are incarcerated in prison, pay taxes now?

The **SPEAKER**: The Chair recognizes the Representative from York, Representative Andrews.

Representative **ANDREWS**: Mr. Speaker, Ladies and Gentlemen of the House. This is my bill as many of you are well aware. This is the third time this bill has been up. What this bill proposes to do is to revoke the voting rights of convicted murders and Class A felons while in prison. You say it is a constitutional right. I want you to take the attitude of a victim. Passing this bill will not help my cause at this time, but I speak for other victims who perhaps it may help.

In 1964, my husband, a police officer, was murdered in the line of duty. For seven and a half years, the killer was released after seven and a half years, my children, myself and my husband's family lived with the fact that my husband lost his constitutional privilege and right to vote, but the individual who murdered him was allowed to have that right. I say that when you commit a murder or a Class A felony, you lose some of these rights and privileges. This is a victim's issue. You have to wear the shoes and walk the mile to what this meant to my family years ago and what it means to families at the present time. When they get out, when they have paid their debt to society, they will be allowed to vote. When they are serving their time for taking away the life, rights and constitutional privileges of others, I don't think that they should have that same privilege. Thank you.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Moore.

Representative **MOORE**: Mr. Speaker, Ladies and Gentlemen of the House. I am speaking in support of turning down this proposal. I am doing so because I heard the word during the testimony on this bill before I committee. I heard the word that it is just a vindictive swipe at people who are already incarcerated and paying the price for the crime that they had committed. I don't believe that. I believe this is, as Representative Andrews said, this is a victim's situation. In 2001 when similar legislation was proposed, a state-by-state study was conducted, a comparison of restrictions regarding the voting by felons. Based on that information, only the states of Vermont and Maine have no restrictions regarding voting by felons. Information on the other 48 states is that 12 of them restrict convicted felons only while they are incarcerated. Thirty-six states also restrict the convicted felons during probation and are on parole. Ten of these states don't allow ex-felons to vote. Five additional states do not allow ex-felons to vote if they were incarcerated before a certain date and so forth.

I suggest that this is an area that Maine need not be a leader. I am hopeful that we can reverse this. Thank you.

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

Representative **GERZOFSKY**: Mr. Speaker, Men and Women of the House. I stand here today, and I am real happy I do, but I am standing to remind everybody that we have fought and died, not only in wars, but in some of the streets of our cities because of our right to vote, not our privilege to vote. Driving a car is a privilege. Voting is a right that every American is born with. Because that American made a horrendous mistake, he shouldn't have all his rights taken from him. He still has the right to speak. He still has the right to vote. He still is an American citizen and as long as he is one or she is one, she should be able to vote in this country. Maine is very, very strong on our voting rights. That is why we have such a high percentage of voters that turn out during our elections. I would hope that this body can vote like it has in the past and kill this bill. Thank you very much.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this legislation. I hope with all my heart that you vote against the Majority Ought Not to Pass Report. The previous speaker, my good friend from Brunswick, is very passionate. Good for him, but I am very passionate the other way. Serving on the Criminal Justice Committee, we try our hardest to find justice. We try to find a way to help those people who have lost their children, their family members to convicted murderers. There are certain heinous crimes that I believe when you go to jail, you should lose most of your rights. Yes, voting is a right. Should we allow people who have murdered been and convicted and have performed hideous crimes to continue to vote. I think that this bill is fair and it is balanced. Once they have served their time, they have gotten back into society, then they can continue to pick up and be able to vote. Please, in most states, ladies and gentlemen, this is their feelings. They believe that when you murder, you are a felon, you give up those rights. What are we telling the citizens back home? What kind of message are we sending? If we continue to let them vote, we are sending a wrong message. I have in the seven years of being a legislator have talked to my folks back home. They are shocked, absolutely shocked, that felons and murderers can still vote in this state. Let us finally change and do

the right thing and stop this practice. I ask this of you. Thank you.

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

Representative **CANAVAN**: Mr. Speaker, Men and Women of the House. Just a point of clarification. I would point out that the amendment to this bill disallows not only convicted murders from voting, but also any person sentenced to a term of imprisonment, any person, in a state correctional institution. Therefore, I would urge that you accept the Majority Ought Not to Pass Report.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I rise to be in opposition to this vote. It seems to me that the Constitution gave us these rights. I don't really argue with the Constitution very much, but I thought that there always should have been one article in there to say that all the rights are ours if we are responsible citizens. I don't believe people who murder, rob or otherwise commit crimes against society do it by mistake. It isn't a mistake. It is a designed act by most people. You don't really ever commit something like that by mistake. I am in opposition to this Ought Not to Pass.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. One of the points that I think needs to be made is some of the inconsistencies and the message we are sending right now in the Maine State Constitution, for instance, people with mental illness, there is a prohibition in the Maine State Constitution prohibiting them the right to vote, but yet we allow convicted felons while in jail the right to vote. I think that we need to consider that as we ponder this proposal. Indeed, what message are we sending to the community? I have supported each time that amendment came forward to send it out for the public to vote on, that people with mental illness should be entitled to the right to vote. The voters have rejected it. I can tell you that resoundingly people feel as though when you are in prison, while you are incarcerated, during that point of time, you have lost your rights to be a free citizen until your sentence is over.

The Minority Report was mischaracterized by a previous speaker. I would like to say that it only covers convicted felons while they are in prison. Once they are released from a state corrections facility, in fact, that right to vote would be returned.

The SPEAKER: Would the Representative defer?

The Chair recognizes the Representative from Old Town, Representative Dunlap. For what reason does the Representative rise?

Representative **DUNLAP**: Mr. Speaker, point of order.

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

Representative **DUNLAP**: Mr. Speaker, I believe the subject of debate is acceptance of the Majority Ought Not to Pass Report, not the Minority Report.

On **POINT OF ORDER**, Representative DUNLAP of Old Town asked the Chair if the remarks of Representative GLYNN of South Portland were germane to the question.

The SPEAKER: The Chair would remind members that the question before the House is acceptance of the Majority Ought Not to Pass Report. The House will limit its debate to that question.

The Chair reminded all members to keep their remarks germane to the question.

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

Representative **CANAVAN**: Mr. Speaker, Men and Women of the House. Just another point of clarification. The court struck down Maine's law that prohibits mentally ill persons from voting. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Glynn. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. The only reason I rise is because members continue to restate my position. I wish to point all of you to your legislator handbooks and the Maine State Constitution in the beginning. If you look, that amendment is still in there. While the courts may have struck it down, it will be there until it is recodified. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 42

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

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

ABSENT - Bryant-Deschenes, Duprey B, Duprey G, Goodwin, Jacobsen, Ketterer, Lerman, McCormick, Peavey-Haskell, Richardson E.

Yes, 79; No, 62; Absent, 10; Excused, 0.

79 having voted in the affirmative and 62 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-172)** - Minority (4)

Ought Not to Pass - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require Disclosure of Retail Prescription Drug Prices"

(H.P. 111) (L.D. 102)

Which was **TABLED** by Representative KANE of Saco pending **ACCEPTANCE** of either Report.

On motion of Representative KANE of Saco, the Bill and all accompanying papers were **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** and sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Rescind the Vehicle Registration of a Person Who Pays for That Registration with a Bad Check"

(H.P. 282) (L.D. 362)

Signed:

Senators:

SAVAGE of Knox

DAMON of Hancock

Representatives:

SAMPSON of Auburn

JODREY of Bethel

COLLINS of Wells

USHER of Westbrook

BROWNE of Vassalboro

MARRACHÉ of Waterville

McKENNEY of Cumberland

McNEIL of Rockland

PARADIS of Frenchville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-203)** on same Bill.

Signed:

Senator:

HATCH of Somerset

Representative:

MARLEY of Portland

READ.

On motion of Representative USHER of Westbrook, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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

On motion of Representative RICHARDSON of Brunswick and Representative MOODY of Manchester, the House adjourned at 12:44 p.m., until 9:00 a.m., Wednesday, April 30, 2003 in honor and lasting tribute to Major Thomas E. Crimmins (Ret.), of Brunswick and Seward Blanchard "Pat" Brewster, of Manchester.