

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
44th Legislative Day
Monday, May 5, 2003

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

Prayer by Reverend Mark Rustin, North Deering Congregational Church, Portland and Hiram Community Church.

National Anthem by Maine School of Science and Math Chorus and Jazz Band, Limestone.

Pledge of Allegiance.

Doctor of the day, Michael Stadnicki, M.D., South Portland.

The Journal of Thursday, May 1, 2003 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

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

(H.P. 1139) (L.D. 1556)
(S. "B" S-47)

PASSED TO BE ENACTED in the House on May 1, 2003.

Came from the Senate **FAILING** of **PASSAGE TO BE ENACTED** in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

COMMUNICATIONS

The Following Communication: (H.C. 187)

STATE OF MAINE

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES

April 24, 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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 444 Resolve, Regarding Coverage of Durable Medical Equipment in the MaineCare Program
L.D. 480 Resolve, To Maintain Flexibility and Safety in Caring for People with Severe and Persistent Mental Illness
L.D. 800 Resolve, To Provide Training on Autistic Behaviors to Crisis Professionals
L.D. 866 An Act Concerning Recovery of Expenses under the General Assistance Laws
L.D. 1108 Resolve, To Establish Equitable Rates for In-home Behavioral Health Services for Children
L.D. 1121 An Act Relating to the Reporting of Information to the Maine Health Data Organization
L.D. 1154 An Act To Establish an Appeal Process for Residential Care Facilities Denied Licensure Due to Fire Safety Issues
L.D. 1156 Resolve, To Study the Impact of "Critical Access Facility" Designation of Maine Hospitals
L.D. 1301 Resolve, To Establish the Maine Public Health Commission

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

Sincerely,
S/Sen. Michael Brennan
Senate Chair
S/Rep. Thomas J. Kane
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 188)

STATE OF MAINE

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

April 29, 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 Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 161 An Act to Allow Certain Discounts on Health Insurance
L.D. 1174 An Act Relating to Options for Health Insurance Coverage
L.D. 1175 An Act To Improve the Affordability of Individual and Small Group Health Insurance
L.D. 1176 An Act To Provide Affordable Health Care Insurance to All of the State's Citizens
L.D. 1363 An Act To Create Lower-cost Health Insurance Options

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

Sincerely,
S/Sen. Lloyd P. LaFountain III
Senate Chair
S/Rep. Christopher P. O'Neil
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 205)

MAINE SENATE
121ST LEGISLATURE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333

May 1, 2003

Honorable Patrick Colwell
Speaker of the House
2 State House Station
Augusta, ME 04333

Dear Speaker Colwell:

In accordance with Joint Rule 506 of the 121st Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Joint Standing Committee on Judiciary, the nomination of the Honorable Robert Mullen of Winthrop, for reappointment as a District Court Judge; the

nomination of the Honorable Peter James Goranites of Cumberland for reappointment as a District Court Judge; the nomination of the Honorable James MacMichael of Skowhegan for reappointment as a District Court Judge; and the Honorable Christine Foster of Portland for reappointment as a District Court Judge.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 206)
**MAINE SENATE
121ST LEGISLATURE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003**

May 1, 2003
Honorable Millicent M. MacFarland
Clerk of the House
State House Station 2
Augusta, ME 04333

Dear Clerk MacFarland:
Please be advised the Senate today Adhered to its previous action on Bill, "An Act to Allow Electronic Calling Devices for Hunting," (S.P. 80) (L.D. 157), whereby the Senate failed to Pass the Bill to be Engrossed.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act Regarding Sinks in Eating Establishments"
(H.P. 1171) (L.D. 1596)

Sponsored by Representative McGOWAN of Pittsfield.
Cosponsored by Representative: PERRY of Bangor.
Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.
Sent for concurrence.

Bill "An Act To Ensure Access to Intelligence and Investigative Information"
(H.P. 1172) (L.D. 1598)

Sponsored by Representative MILLS of Farmington.
Cosponsored by Representatives: BUNKER of Kossuth Township, MILLS of Cornville, NORBERT of Portland, Senator: PENDLETON of Cumberland.

Committee on **JUDICIARY** suggested and ordered printed.
REFERRED to the Committee on **JUDICIARY** and ordered printed.
Sent for concurrence.

ORDERS

On motion of Representative CANAVAN of Waterville, the following Joint Resolution: (H.P. 1174) (Cosponsored by Senator GAGNON of Kennebec and Representatives: Speaker COLWELL of Gardiner, FINCH of Fairfield, FLETCHER of

Winslow, MARRACHÉ of Waterville, RICHARDSON of Brunswick, THOMPSON of China, Senator: President DAGGETT of Kennebec)

**JOINT RESOLUTION IN MEMORY OF MARY "MAME"
OLSSON**

WHEREAS, Mary "Mame" Olsson, of Waterville, passed away on March 23, 2003 after a short illness and will be remembered as a "heck of a dancer" and an accomplished speaker and master of ceremonies. She dedicated her life's work to veterans and veterans' causes and was always there to help the less fortunate with a helping hand; and

WHEREAS, Mame was born in East Millinocket in 1916, the daughter of Richard and Nina Canavan, and graduated from Calais Academy, where she was an outstanding basketball player. She attended Crabbe Business School in 1935. In 1935, she also married her high school sweetheart, Orville "Swede" Olsson. They were married for 53 years, until his death in 1988; and

WHEREAS, Mame was a 58-year member of Bourque-Lanigan Post 5 American Legion Auxiliary and held all the offices in that organization, as well as being the American Legion's Auxiliary Department state president in 1974-1975 and a member of numerous other veterans organizations. She was a recipient of the Elks Mother of the Year and, like her mother Nina, was honored as Waterville's Citizen of the Year; and

WHEREAS, Mame was a VAVS volunteer at Togus, with thousands of dedicated hours of volunteer work for the veterans, marching in 53 consecutive Veterans' Day and Memorial Day parades until illness forced her to ride in the last 5 parades for each organization. She was the Democratic Party city chairwoman for Waterville during the 1950s and worked and volunteered for numerous community charities; and

WHEREAS, while she personified the ideal of volunteerism, Mame also worked for years in such positions as waitress in area restaurants, surgical technician at Thayer Hospital for many years, and concession stand manager for Reid State Park with her husband. She also owned Mame Olsson Luncheonette with her son from 1991-1997; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature now assembled in the First Regular Session, on behalf of the people of the State of Maine, take this opportunity to recognize and honor the life of a Maine woman who exemplified the best of the Maine spirit of volunteerism and who cheerfully dedicated her energies to raise a family and to assist and help others, most notably the veterans of the State of Maine who served this land; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the children of this remarkable woman, Joyce Pinkham of Brunswick and Orville Olsson of Waterville.

READ.

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

Representative **CANAVAN**: Mr. Speaker, Men and Women of the House. I am honored today to rise in tribute to Mame Olsson, a loving wife and mother, a devoted grandmother, and a true lover of country who passed away on March 23rd at the age of 86. Mame gave 58 years of her life in service to organizations grounded in concern for the veterans of our country.

Today, we hear a lot today about the word patriotism, and so today, it is fitting that we honor a person whose life was truly defined by that word. Mame was a 58-year member of the Bourque-Lanigan Post 5, American Legion Auxiliary, and held every office in that organization. She went on to become the Legion Auxiliary's state president and later still went on to hold

several Legion Auxiliary offices at the national level. She was past state president of the 40 and eight auxiliary and a past president of Post 1285 Veterans of Foreign Wars Auxiliary. She was a life member of the Disabled American Veterans Auxiliary.

But just to list in rote fashion the offices Mame held, doesn't do justice to her story. I think that it's a story worth hearing, especially given today's political climate when the word patriotism is too often associated with political spin.

From the start Mame was spunky with a capital S. In 1934, when she attended Calais Academy, women's sports got little financial support. That didn't stop Mame and neither did her five-foot stature. She made the basketball team and was recognized throughout the area as an outstanding player. A year later, the diminutive Mame of Irish descent married the love of her life, big Swede Olsson. Several years later Swede went off to fight for his country, serving in the European Theater in the Big War for two years.

That's when Mame's commitment to veterans' concerns took root and it didn't stop growing until the day she died. As a young mother, her time was limited, but still, she found time to help with veterans' causes, raising money for the auxiliary's emergency fund, leading the poppy drive to help disabled vets, and supporting Girl's State, a program established to teach our youth the love of God and Country. I could go on. Because the mission of the American Legion Auxiliary is not only to perpetuate the principles of American democracy it encompasses service to the community as well. In fact, it was because of her extensive service to community that Mame was ultimately honored as Waterville's Citizen of the Year.

Even though she attained many high offices and won many honors, Mame continued to volunteer her services where she believed they were most needed. She logged in thousands of hours as a Veteran's Administration Volunteer at Togus. For fifty-three years she never missed marching in a Veteran's Day or Memorial Day parade.

If, with all this talk of dedication, I've made it sound like Mame was a serious soul, then I've misled you something fierce. If Mame's life story was punctuated with service, it was highlighted with fun.

Whether she was serving as master of ceremonies or speaking before a community group or marching in a Veteran's Day parade, she loved doing what she was doing and you knew it when you saw her 100-watt smile.

Today, we hear a lot about patriotism, and I think the meaning of that word in its truest sense is sometimes misconstrued, but I think the great statesman Adlai Stevenson best defined it when he said, "Patriotism is not short, frenzied outbursts of emotion, but the tranquil and steady dedication of a lifetime."

And I think that best sums up Mame Olsson's life. For Mame, patriotism meant a whole lot more than just mouthing platitudes and making speeches. It meant working hard day in and day out to support and help veterans and to serve community. It meant recognized, not only in times of war, the great contribution of veterans, but honoring them long after the frenzy of war subsides and the glory fades and their sacrifice is forgotten by governments and by men. Mame Olsson never forgot. Just a few months before she died, Mame rode in the Veteran's Day parade, thus continuing until the very end the tranquil and steady dedication of a lifetime.

Subsequently, **ADOPTED.**

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Maine School of Science and Mathematics, in Limestone, on the exemplary success of its mission as the State's first charter school. The school was established by the 116th Maine Legislature and is a member of the National Consortium of Specialized Secondary Schools of Science, Mathematics and Technology. The highly developed curriculum, extracurricular activities and success of the students all indicate the major success story occurring in northern Maine. The students and faculty have won state and national awards and commendations and represent all areas of the State of Maine. We welcome the members of the school's chorus and jazz band to the State House on May 5, 2003 on a trip funded by private enterprise funds and not school funds. We extend our congratulations to all those responsible for the success of Maine's first charter school;

(HLS 494)

Presented by Representative YOUNG of Limestone.

Cosponsored by Senator KNEELAND of Aroostook.

On **OBJECTION** of Representative YOUNG of Limestone, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Limestone, Representative Young.

Representative **YOUNG**: Mr. Speaker, Men and Women of the House. On April 13, 1994, a day very much like today, the 116th Legislature created the Maine School of Science and Mathematics, the first state charter school in Maine and the eleventh in the nation. A school for our brightest and gifted. It became a reality in 1995 when the first class assembled. Today, into its ninth year, the enrollment is around 150, with a graduating class of 54 this spring, all of who are going on to college in the fall.

There are many success stories from these first eight years of the Magnet School's operation. I have one that I'd like to share with you. One of the early graduates came from a poor area of our state. His childhood was hard. His home had no hot running water, no septic system and definitely no computer. Alcoholism, divorce and mental illness were all a part of his family. He graduated from the Magnet School and went on to receive his degree in physics from Cornell University. In another month he will receive his masters in Material Science and Engineering from Cornell. He intends to pursue a doctorate in the same field and has already received offers from prestigious institutions such as Stanford University. He wants some day to return to Maine.

I tell you this story because this young man credits the Maine school of Science and Mathematics with his success. To quote him, "MSSM provided, for the first time ever in my life, a supportive environment in which to achieve. There was something extremely special about being at an institution where the economic backgrounds of the students didn't matter. No matter how hard we try, no matter how many special school programs we add to our school systems, economic status always plays a role in the development of our young people. At MSSM, everyone really was on a level playing field."

This is just one story of achievement, there are many, many more. We know the school is a success scholastically, but not until some of the first graduates are well down their career paths, perhaps five to 10 years, will we begin to see the real long-term impact of the Magnet School.

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

In closing, I wish to express my appreciation to Joe Pietroski of Maine Bankers Association, Key Bank, Citizens Bank, Katahdin Trust and MBNA whose generosity made it possible for these young people to be with us today. Thank you.

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

Representative **LERMAN**: Mr. Speaker, Men and Women of the House. I just rise to join with Representative Young in recognizing the Maine School of Science and Mathematics. I have the privilege of having a stepdaughter who goes to school there. She is completing her second year. It has been a wonderful experience for her both academically as well as socially. She was an outstanding student before she went there, but she has taken it to another notch and it really has been an outstanding experience for her. I want to thank my colleagues and others in the past for supporting this school and for our continued support of the school. I think it is a resource that doesn't get the recognition or the attention that it might for outstanding students and for students who have some special qualities that aren't necessarily brought out by the school systems that they are currently in. MSSM is a wonderful option that is available to students here in the State of Maine. My hat is off to MSSM, its faculty, its staff, its students and its supporters. Thank you Mr. Speaker.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative USHER for the **Joint Standing Committee on Transportation** on Bill "An Act To Declare Maine Aviation and Aerospace Education Week"

(H.P. 1173) (L.D. 1599)

Reporting **Ought to Pass** pursuant to Joint Order 2003, H.P. 1159.

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

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

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

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

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Allow Certain Persons Representing Business Entities To Appear in Court in Forcible Entry and Detainer Cases"

(S.P. 143) (L.D. 407)

Signed:

Senators:

PENDLETON of Cumberland
CATHCART of Penobscot

Representatives:

NORBERT of Portland
BULL of Freeport
SIMPSON of Auburn
GERZOFKY of Brunswick
BENNETT of Caribou
MILLS of Farmington

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

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

SHERMAN of Hodgdon

CARR of Lincoln

DUPREY of Hampden

BRYANT-DESCHENES of Turner

Representative LORING of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.

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

READ.

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

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Protect Consumer Privacy Rights"

(H.P. 509) (L.D. 692)

Signed:

Senators:

BROMLEY of Cumberland

HALL of Lincoln

SHOREY of Washington

Representatives:

SULLIVAN of Biddeford

O'BRIEN of Lewiston

SMITH of Monmouth

AUSTIN of Gray

BERUBE of Lisbon

JACOBSEN of Waterboro

RECTOR of Thomaston

ROGERS of Brewer

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-218)** on same Bill.

Signed:

Representative:

DUPREY of Medway

READ.

Representative SMITH of Monmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Resolve, Directing the Bureau of Insurance To Determine the Costs of All Existing Health Insurance Mandates

(H.P. 503) (L.D. 686)

Signed:

Senators:

LaFOUNTAIN of York

DOUGLASS of Androscoggin

MAYO of Sagadahoc

Representatives:

PERRY of Calais

BREAULT of Buxton
CANAVAN of Waterville
WOODBURY of Yarmouth
O'NEIL of Saco
YOUNG of Limestone
PERRY of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-219)** on same Resolve.

Signed:

Representatives:

VAUGHAN of Durham
GLYNN of South Portland
SNOWE-MELLO of Poland

READ.

Representative O'NEIL of Saco moved that the House **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 of accepting the Ought Not to Pass report. I would like to urge the chamber to consider defeating this motion and moving on to the Minority Ought to Pass as Amended Report.

According to the estimates to the Maine Bureau of Insurance approximately 13 percent of Maine people or about 130,000 Mainers currently go without health insurance. Regardless of what source you speak with, be it insurance industry leaders, small businessmen, citizens in your district or any of the endless studies on this topic, the source of the problem is routinely identified as health insurance premium costs. Many Mainers who want coverage in the event of a catastrophic health event go without any coverage because of their inability to afford health insurance. Several business people that I have spoken with state that they would rather cover small incremental costs out of their pockets if they have a minor health problem or need a physical, but want health insurance if something major should happen to them.

We don't currently have equity in the health insurance rules here in Maine. A large group market-covering employers with more than 50 employees is divided between insured groups and self-insured or self-funded groups. Approximately 59 percent of the private insurances commercial and out of that segment, some 31 percent is self-insured or self-funded. Self-funded insurance is pre-empted from being regulated by Maine government by a federal law known as ERISA, while other health insurance falls under expansive and expensive Maine state government mandates. It is because in self-funded plans, the employer bears the risk, although some of the risk may be passed on to insurers through excess stop loss policy, the business can tailor the health insurance plans to what the company can afford to pay and can realize dramatic health insurance cost saving. Depending on which company you work for in Maine, which company employs you, it can dictate whether or not you are subject to these expensive Maine state health insurance mandates. I ask, where is the fairness in Maine citizens bearing that cost? Where is the equity? There is no requirement that a business a Maine citizen works for offers free health insurance and further, there is absolutely no requirement that health insurance companies and premium increases cannot be further passed on to employees as these costs rise.

As these health insurance costs become higher and higher for more Mainers and their employers, the number of uninsured citizens become higher. As previously stated, the rules are not

fair and they are not standard. They change depending on which company you are employed for. According to an estimate by the Maine Bureau of Insurance, both the group and individual premium costs have increased due to Maine health insurance mandates.

During the 120th Legislature it is reported to our committee that for groups larger than 20 employees, it was estimated that health insurance premiums increased on average 7.74 percent for indemnity and 7.42 percent for HMOs. For groups of 20 employees or fewer, it was estimated that health insurance premiums increased on average just under 4 percent for indemnity and 4 percent for HMOs. For individual contracts it was estimated that insurance premiums increased on average 3.8 percent for indemnity and 3.82 percent for HMOs. It is possible for the bureau to give us estimates on the cumulative total of these mandates, then it seems reasonable to expect that the bureau can also give us a cost analysis of the individual elements that make up those increases for the purposes of evaluation.

When the Insurance and Financial Services Committee of this Legislature considers any new proposed mandates, proposed by members of this body, we direct the bureau to conduct a mandate study. That is required right now in law. Based on that projected cost impact to both the state employee health plan and our current marketplace, our committee votes out a recommendation on mandated benefits to the House and Senate. The problem with our current process is that we, as the Insurance and Financial Services Committee, do not go back after the fact and review the total cost impact of each individual mandate we enact to see if we were right. We really have no idea if we were right or the bureau was right on their projection on the cost impact to the marketplace. Only with an impartial analysis of actual cost following full implementation in examining those costs with the track record can we truly evaluate that the projected cost impact and policy goals are in line.

For these reasons, and many more, I urge you to defeat the pending motion and move on to the Minority Ought to Pass Report so that we can know these costs and we can be aware of them and we can consider them in evaluating the true drivers of health insurance premium costs, which are the benefits that are paid and those who provide the services. That is where the rates come from. Mr. Speaker, when the vote is taken, I ask for 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 Auburn, Representative Shields.

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. I had breakfast this morning with the Executive giving us an explanation of his health plan. He indicated in that explanation that he was looking forward to the information from this bill that would help him to determine the costs, particularly all the mandates that we have put upon health insurance. I hope that you will defeat the pending motion and go on so that this health plan can be developed fully and the Executive can have this information.

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. 57

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

ABSENT - Dugay, Duprey B, Goodwin, Kaelin, Ketterer, Landry, Marraché, O'Brien L, Perry J.

Yes, 76; No, 66; Absent, 9; Excused, 0.

76 having voted in the affirmative and 66 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-229)** on Bill "An Act To Allow the Transfer of Spirits within Existing Businesses"

(H.P. 342) (L.D. 450)

Signed:

Senators:

LEMONT of York

MAYO of Sagadahoc

Representatives:

GLYNN of South Portland

HOTHAM of Dixfield

BROWN of South Berwick

MOORE of Standish

PATRICK of Rumford

BLANCHETTE of Bangor

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

Signed:

Senator:

GAGNON of Kennebec

Representatives:

CLARK of Millinocket

CANAVAN of Waterville

JENNINGS of Leeds

LANDRY of Sanford

READ.

Representative PATRICK of Rumford 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 Bill "An Act To Require That the Costs Associated with Enacting a Direct Initiative Appear on the Ballot"

(H.P. 636) (L.D. 859)

Signed:

Senator:

GAGNON of Kennebec

Representatives:

CLARK of Millinocket

PATRICK of Rumford

BLANCHETTE of Bangor

CANAVAN of Waterville

JENNINGS of Leeds

LANDRY of Sanford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-228)** on same Bill.

Signed:

Senators:

LEMONT of York

MAYO of Sagadahoc

Representatives:

GLYNN of South Portland

HOTHAM of Dixfield

BROWN of South Berwick

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 **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-230)** on Resolve, Directing the Commission on Governmental Ethics and Election Practices To Adopt Rules Regarding Certain Election Practices

(H.P. 744) (L.D. 1027)

Signed:

Senators:

LEMONT of York

MAYO of Sagadahoc

GAGNON of Kennebec

Representatives:

CLARK of Millinocket

BROWN of South Berwick

MOORE of Standish

PATRICK of Rumford

BLANCHETTE of Bangor

CANAVAN of Waterville

JENNINGS of Leeds

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

Signed:

Representatives:

GLYNN of South Portland

HOTHAM of Dixfield

LANDRY of Sanford

READ.

Representative CLARK of Millinocket 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 **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Beginning in 2005

(H.P. 253) (L.D. 310)

Signed:

Senators:

ROTUNDO of Androscoggin
LaFOUNTAIN of York

Representatives:

McLAUGHLIN of Cape Elizabeth
KETTERER of Madison
BARSTOW of Gorham
SUSLOVIC of Portland
BUNKER of Kossuth Township

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-223)** on same RESOLUTION.

Signed:

Senator:

GILMAN of Cumberland

Representatives:

PEAVEY-HASKELL of Greenbush
STONE of Berwick
CROSTHWAITE of Ellsworth
BOWEN of Rockport
SUKEFORTH of Union

READ.

Representative McLAUGHLIN of Cape Elizabeth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Elect 2 Senators from Each County

(H.P. 425) (L.D. 562)

Signed:

Senators:

ROTUNDO of Androscoggin
LaFOUNTAIN of York

Representatives:

McLAUGHLIN of Cape Elizabeth
KETTERER of Madison
BARSTOW of Gorham
SUSLOVIC of Portland
BUNKER of Kossuth Township

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-225)** on same RESOLUTION.

Signed:

Senator:

GILMAN of Cumberland

Representatives:

PEAVEY-HASKELL of Greenbush
STONE of Berwick
CROSTHWAITE of Ellsworth
BOWEN of Rockport
SUKEFORTH of Union

READ.

Representative McLAUGHLIN of Cape Elizabeth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. Despite the alignment of the votes on this particular issue, it is not a partisan issue. It is an issue that deals with rural versus urban. When our forefathers created our system of government, they tried to establish a balance between all of the various portions of our government. To that end on the federal level, the House has always been the body of the people and the Senate had been the body of the land. We have two Senators per state to give a balance between geography and one man, one vote in the House.

If it is constitutional for the federal government, then it must be constitutional for the states to establish their Senate body by geographical regions. You will hear that the courts have ruled by the Fourteenth and Fifteenth Amendment that this is unconstitutional to the states. If you look at the Fourteenth Amendment, it says equal protection under the law. Where is the equal protection under the law if the people in the urban areas can tell me, out in Crystal, how I have to live and establish rules and regulations because of their superior numbers in the other body?

The same thing may be pointed out, for example, the State of Minnesota, a number of years ago I was on talk radio in Fargo, North Dakota, which borders very closely on Minnesota and Minnesota has a large listening audience from Fargo, North Dakota. They wanted to talk to someone who would put in a bill to have this, and also at this same time I had a bill in to divide Maine into two states. Minnesota has the same situation. They have a urban population in southern portion of their state and rural in the north. The southern portion dominates everything that happens in the north.

In the State of Washington it has been stated that the people who live within 40 miles of the space needle will decide how the people out in the rural areas of Washington State will live. Ladies and gentlemen, that is not equal protection under the law.

Cumberland County, at the present time, has four Senators. They share three with other counties. That gives you a voting block of seven Senators, which is one-fifth of the current size of the Senate. This bill would reduce the Senate to 32 members. Everybody that I talked with said, what happens when you have a tie? When you have a tie vote, an issue doesn't pass. It doesn't raise any particular problem.

I would like to ask every legislator in here to consider what your situation is with regard to the representation that you have in the other body. Many of you do not have more than one Senator that actually represents a major portion of your county. Many counties are shared. For example, one of the Senate districts represents portions of three counties. Where is the balance and where is the protection for something of that particular nature?

At the present time, Aroostook County has two and a third Senate seats. We would be losing that one-third, but even before that I put this bill in and we would have lost that one-third before. Washington County has one and may even have to spill over into

other counties the next time to have that Senator represent the county.

Ladies and gentlemen, right now we have a tremendous imbalance in our state where the people in the southern portion of the state, where the population is higher controls the laws, rules and regulations that govern rural Maine. You have not only a cluster of Senators in the urban areas, but you also have a greater number within this particular body and as a result when you put the two voting blocks together on issues that they think are important to them, then rural Maine suffers.

Ladies and gentlemen, I ask that you defeat the pending motion and move forward and let us adopt this Constitutional Amendment. Somebody said it will go back to the courts. I think it is high time that this particular issue did go back to the court and let people argue it on its merits. Right now rural Maine has very unbalanced representation between these two bodies. I thank you Mr. Speaker. I request when the vote is taken, it be taken by the yeas and nays.

Representative JOY of Crystal **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 Gorham, Representative Barstow.

Representative **BARSTOW**: Mr. Speaker, Men and Women of the House. I always think it is an error when we compare our State Legislature to that of the federal government. The Constitution is put forth so that the upper body is represented the same as the Maine House in that it is per person. I cannot imagine what it would be like in my county, let alone your own counties, about having two Senators that would represent the geographic diversity that is in your entity. I understand the problem between the rural versus urban, but I don't think that this measure is one that is going to solve the problem. If anything, it may actually be a problem coming from the solution that we bring forth. I am very willing to bring forward measures and work with people on measures for economic development and further representation. This is just too simplistic of a way to solve the problem. I ask my colleagues here to support the Ought Not to Pass report as brought forward. Thank you for your time.

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. 58

YEA - Adams, Ash, Barstow, Blanchette, Bliss, Brannigan, Breault, Brown R, Bull, Bunker, Canavan, Clough, Courtney, Cowger, Craven, Cummings, Davis, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Grose, Hatch, Hutton, Jennings, Kane, Koffman, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, McGlocklin, McKee, McLaughlin, Mills J, Mills S, Moody, Moore, Murphy, Norbert, Norton, O'Neil, Paradis, Patrick, Percy, Perry A, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Tobin D, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Andrews, Annis, Austin, Bennett, Berry, Bierman, Bowen, Bowles, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clark, Collins, Cressey, Crosthwaite, Curley, Daigle, Fletcher, Goodwin, Greeley, Heidrich, Honey, Hotham, Jackson, Jacobsen, Jodrey, Joy, Landry, Lewin, Maietta, McCormick, McGowan, McKenney, Millett, Muse, Nutting, O'Brien J, Peavey-Haskell, Pellon, Rector,

Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin J, Trahan, Treadwell, Vaughan, Wotton, Young.

ABSENT - Berube, Dugay, Duprey B, Kaelin, Ketterer, Ledwin, Marley, Marraché, McNeil, O'Brien L, Perry J.

Yes, 79; No, 61; Absent, 11; Excused, 0.

79 having voted in the affirmative and 61 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Duration of the Legislative Session

(H.P. 826) (L.D. 1123)

Signed:

Senators:

ROTUNDO of Androscoggin

LaFOUNTAIN of York

Representatives:

McLAUGHLIN of Cape Elizabeth

KETTERER of Madison

BARSTOW of Gorham

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" (H-226)** on same RESOLUTION.

Signed:

Senator:

GILMAN of Cumberland

Representatives:

PEAVEY-HASKELL of Greenbush

STONE of Berwick

CROSTHWAITE of Ellsworth

BOWEN of Rockport

READ.

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

CONSENT CALENDAR

First Day

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

(H.P. 233) (L.D. 290) Bill "An Act To Ensure That Title Applications are Timely Delivered" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-242)**

(H.P. 248) (L.D. 305) Bill "An Act To Amend the Lien Procedures for Time-share Estates" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-233)**

(H.P. 359) (L.D. 467) Resolve, To Study the Policies of the Department of Administrative and Financial Services, Bureau of Revenue Services Regarding Tax Collection Practices Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-235)**

(H.P. 778) (L.D. 1060) Bill "An Act To Allow the State To Claim a Setoff against a Convicted Person's Tax Refund for Purposes of Paying Restitution" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-236)**

(H.P. 1046) (L.D. 1427) Bill "An Act To Require That Temporary Registration Plates Identify the Issuing Dealership" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-244)**

(H.P. 1072) (L.D. 1467) Bill "An Act To Repeal the Provision of Law Requiring Permits for 53-foot Trailers" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-245)**

(H.P. 1102) (L.D. 1509) Bill "An Act To Allow the Early Submission of an Application To Become Licensed as a Motor Vehicle Inspector" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-243)**

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

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

CONSENT CALENDAR

Second Day

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

(S.P. 369) (L.D. 1097) Bill "An Act To Release the Records of the Attorney General and the Maine State Police Regarding the Investigation, Prosecution and Trial of Dennis Dechaine"

(S.P. 479) (L.D. 1441) Bill "An Act To Establish New License Fee Caps"

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

(S.P. 493) (L.D. 1487) Bill "An Act To Allow Judges' Faxed Signatures in Involuntary Psychiatric Commitment Proceedings"

(S.P. 90) (L.D. 231) Bill "An Act To Strengthen Delivery of Electricity Conservation Programs" (C. "A" S-88)

(S.P. 128) (L.D. 352) Bill "An Act To Encourage Energy Efficiency and Security" (C. "A" S-87)

(S.P. 141) (L.D. 404) Bill "An Act To Limit the Transfer of Handguns to Minors" (C. "A" S-86)

(S.P. 292) (L.D. 897) Bill "An Act Concerning Health Insurance Reimbursement and Contracting Practices" (C. "A" S-90)

(S.P. 370) (L.D. 1098) Bill "An Act Regarding Mandated Reporters and Child Abuse" (C. "A" S-84)

(S.P. 487) (L.D. 1459) Bill "An Act To Bring the State into Conformity with the National Organic Program" (C. "A" S-83)

(S.P. 495) (L.D. 1489) Bill "An Act To Update and Amend the Revised Maine Securities Act" (C. "A" S-91)

(H.P. 934) (L.D. 1262) Bill "An Act To Implement the Maine Assistance Program for Lawyers"

(H.P. 947) (L.D. 1275) Bill "An Act To Amend the Laws Governing Improbvent Transfers of Title"

(H.P. 1026) (L.D. 1399) Bill "An Act To Allow District Attorneys To Approve Immunity Requests"

(H.P. 1057) (L.D. 1445) Resolve, Authorizing the Commissioner of Administrative and Financial Services To Enter into a Boundary Line Agreement between the State of Maine

Parking Garage at the Corner of Sewall and Capitol Streets and the Parcel East of the Garage Bounded by Chamberlain Street

(H.P. 1063) (L.D. 1455) Bill "An Act To Amend the Forester Law"

(H.P. 1098) (L.D. 1505) Bill "An Act To Amend the Licensing Requirements for Veterinarians"

(H.P. 301) (L.D. 381) Bill "An Act To Clarify How Consumers Acquire Information about In-pack Sweepstakes, Contests and Games" (C. "A" H-227)

(H.P. 362) (L.D. 470) Bill "An Act To Ensure Fairness Regarding Use of Consumer Credit Reports in Insurance Underwriting" (C. "A" H-220)

(H.P. 449) (L.D. 586) Bill "An Act To Clarify and Improve the Fairness of the Law of Trustee Process" (C. "A" H-221)

(H.P. 570) (L.D. 771) Bill "An Act To Provide Parity in Funding for Enhanced 9-1-1 Services" (C. "A" H-217)

(H.P. 1115) (L.D. 1524) Bill "An Act To Conform to Federal Standards Maine's Law Regarding Strip Searches of Persons in Custody" (C. "A" H-232)

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**.

(H.P. 1033) (L.D. 1406) Bill "An Act To Separate the Office of Tourism from the Office of Community Development"

On motion of Representative SULLIVAN of Biddeford, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, May 6, 2003.

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

BILLS IN THE SECOND READING

House

Bill "An Act To Amend the Laws Governing Penalties for Writing Bad Checks"

(H.P. 321) (L.D. 413)

House as Amended

Bill "An Act to Keep Foster Children Safe and Healthy"

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

(H. "B" H-240 to C. "A" H-170)

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

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

(C. "A" H-224)

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

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

ENACTORS

Emergency Measure

An Act To Provide Energy Opportunities to Northern Maine
(S.P. 86) (L.D. 163)
(C. "A" S-48)

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. 142 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Amend the Charter of the Lubec Water and Electric District
(S.P. 242) (L.D. 678)
(C. "A" S-46)

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. 140 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. **ORDERED SENT FORTHWITH.**

Emergency Measure

An Act Concerning the Provision of Information and Services to Businesses and Workers in Response to Certain Events
(H.P. 675) (L.D. 918)
(C. "A" H-183)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Emergency Measure

An Act To Amend the Charter of the Madawaska Water District
(S.P. 308) (L.D. 967)
(C. "A" S-45)

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. 141 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. **ORDERED SENT FORTHWITH.**

Emergency Measure

An Act To Encourage Economic Development in Piscataquis County
(S.P. 445) (L.D. 1357)
(C. "A" S-59)

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. 137 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. **ORDERED SENT FORTHWITH.**

Emergency Measure

Resolve, to Improve Community Safety and Sex Offender Accountability
(H.P. 292) (L.D. 372)
(C. "A" H-158)

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

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Emergency Measure

Resolve, Directing the Community Preservation Advisory Committee To Study Issues Pertaining to Barriers to Affordable Housing in the State
(H.P. 364) (L.D. 472)
(C. "A" H-145)

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

Representative RICHARDSON of Brunswick **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.

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

Emergency Measure

Resolve, Directing the Family Law Advisory Commission To Study and Report on the Uniform Parentage Act and Similar Laws and Proposals
(H.P. 642) (L.D. 865)
(C. "A" H-127)

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

Representative RICHARDSON of Brunswick **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.

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

Acts

An Act Relating to the Operation of Snowmobiles
(S.P. 130) (L.D. 354)
(C. "A" S-50)

An Act To Clarify Ownership Rights to Repossessed Vehicles
(S.P. 148) (L.D. 430)
(C. "A" S-60)

An Act To Require Public Meetings prior to Dam Removal
(S.P. 247) (L.D. 709)
(C. "A" S-64)

An Act Relating to Existing Life-care Communities Licensed by the Superintendent of Insurance
(S.P. 275) (L.D. 796)
(C. "A" S-55)

An Act To Amend the Standard Water District Enabling Act
(S.P. 283) (L.D. 804)
(C. "A" S-51)

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

An Act To Create Equality in Medicare Supplement Insurance
Policies
(S.P. 298) (L.D. 902)
(C. "A" S-56)

An Act To Protect Employees if Their Employer Fails To Pay
Premiums for Employer-sponsored Health Insurance
(S.P. 301) (L.D. 905)
(C. "A" S-57)

An Act To Amend the Constitution of the Maine Episcopal
Missionary Society
(S.P. 312) (L.D. 971)
(C. "A" S-49)

An Act To Criminalize Noncompliance with an Interstate
Compact for Adult Offender Supervision
(S.P. 354) (L.D. 1023)

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

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, Relating to the Consideration of the Cumulative
Effect on Protected Natural Resources
(H.P. 197) (L.D. 242)
(C. "A" H-134)

Resolve, Directing the Department of Human Services To
Establish an Advisory Task Force to Examine Staff-child Ratios
and Maximum Group Size in Child Care Facilities
(H.P. 538) (L.D. 732)
(C. "A" H-168)

Resolve, Directing the Department of Labor To Publish
Annually Economic and Workforce Information Concerning the
Canadian Maritime Provinces
(H.P. 554) (L.D. 748)
(C. "A" H-184)

Resolve, Directing the Maine State Cultural Affairs Council To
Examine Available Funding for Local Historical Societies
(H.P. 787) (L.D. 1069)
(C. "A" H-133)

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

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

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

On motion of Representative BLISS of South Portland, was
SET ASIDE.

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

An Act To Protect Children from Unlawful Sexual Touching
(H.P. 528) (L.D. 722)
(C. "A" H-155)

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

On motion of Representative SMITH of Monmouth, was **SET
ASIDE**.

On further motion of the same Representative, the rules were
SUSPENDED for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House
RECONSIDERED its action whereby the Bill was **PASSED TO
BE ENGROSSED**.

On further motion of the same Representative, the rules were
SUSPENDED for the purpose of **FURTHER
RECONSIDERATION**.

On further motion of the same Representative, the House
RECONSIDERED its action whereby **Committee Amendment
"A" (H-155)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment
"A" (H-257)** to **Committee Amendment "A" (H-155)** which was
READ by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-155) as Amended by
House Amendment "A" (H-257) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended
by **Committee Amendment "A" (H-155)** as Amended by
House Amendment "A" (H-257) thereto in **NON-
CONCURRENCE** and sent for concurrence.

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

An Act To Correct Certain Errors and Inconsistencies in Laws
Relating to Marine Resources
(H.P. 1076) (L.D. 1471)

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

On motion of Representative BULL of Freeport, was **SET
ASIDE**.

On further motion of the same Representative, the rules were
SUSPENDED for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House
RECONSIDERED its action whereby the Bill was **PASSED TO
BE ENGROSSED**.

The same Representative **PRESENTED House Amendment
"A" (H-247)** which was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended
by **House Amendment "A" (H-247)** in **NON-CONCURRENCE**
and sent for concurrence.

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

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

SENATE PAPERS

Bill "An Act To Implement Federal Requirements in Child
Protection Matters"
(S.P. 551) (L.D. 1597)

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

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

Bill "An Act To Authorize the Superintendent of Insurance To Establish a Fair Access to Insurance Requirements Plan"
(S.P. 554) (L.D. 1601)

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

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

Pursuant to Joint Order

Joint Standing Committee on Inland Fisheries and Wildlife
Report of the **Joint Standing Committee on Inland Fisheries and Wildlife** pursuant to Joint Order 2003, S.P. 440 asks leave to report that the accompanying Bill "An Act To Recodify the Laws Governing Inland Fisheries and Wildlife"

(S.P. 553) (L.D. 1600)

Be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-237)** on Bill "An Act To Amend the County Contingent Fund"

(H.P. 324) (L.D. 416)

Signed:

Senators:

ROTUNDO of Androscoggin

LaFOUNTAIN of York

Representatives:

McLAUGHLIN of Cape Elizabeth

KETTERER of Madison

CROSTHWAITE of Ellsworth

BARSTOW of Gorham

SUSLOVIC of Portland

BUNKER of Kossuth Township

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

Signed:

Senator:

GILMAN of Cumberland

Representatives:

PEAVEY-HASKELL of Greenbush

STONE of Berwick

BOWEN of Rockport

SUKEFORTH of Union

READ.

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

The Bill was **READ ONCE.** **Committee Amendment "A" (H-237)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, May 6, 2003.

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Limit the Undesignated Surplus of Counties to 15% of the Annual Operating Budget"

(H.P. 326) (L.D. 418)

Signed:

Senators:

ROTUNDO of Androscoggin

LaFOUNTAIN of York

GILMAN of Cumberland

Representatives:

PEAVEY-HASKELL of Greenbush

STONE of Berwick

CROSTHWAITE of Ellsworth

SUKEFORTH of Union

BUNKER of Kossuth Township

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

Signed:

Representatives:

McLAUGHLIN of Cape Elizabeth

KETTERER of Madison

BARSTOW of Gorham

BOWEN of Rockport

SUSLOVIC of Portland

READ.

On motion of Representative SUKEFORTH of Union, 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.**

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-239)** on Resolve, To Prepare Maine's Students for Active Citizenship (EMERGENCY)

(H.P. 333) (L.D. 425)

Signed:

Senator:

BRENNAN of Cumberland

Representatives:

CUMMINGS of Portland

DAVIS of Falmouth

FINCH of Fairfield

LEDWIN of Holden

NORTON of Bangor

MURPHY of Kennebunk

THOMAS of Orono

FISCHER of Presque Isle

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

Signed:

Senator:

MITCHELL of Penobscot

Representatives:

GAGNE-FRIEL of Buckfield
ANDREWS of York

READ.

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

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Gagne-Friel.

Representative **GAGNE-FRIEL**: Mr. Speaker, Ladies and Gentlemen of the House. I want you to know why I didn't vote to support this considering it is my committee chair and it is also his bill. I felt we didn't need a study looking into something that the Department of Education is already doing. In fact, some schools are already involved and others are joining in from year to year. You even saw yourselves the other day, there was a service learning presentation in the Hall of Flags with various displays and projects from schools throughout the state. The sponsor also speaks of private funds that this won't cost, but if the Legislature isn't sponsoring them, why should we have to okay it to be done? There is an unclear line with privately funded studies as to the results being suspect.

The State Learning Results goals include this particular subject area and the Department of Education is already involved in its implementation. Why do we need to study something already happening? The department doesn't need recommendations from the special study commission paid by certain prejudice non-profits to do something that they are already doing. What a waste of time and money for all concerned? I would say this should not pass.

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

Representative **CUMMINGS**: Mr. Speaker, Ladies and Gentlemen of the House. The bill you have before you, "An Act to Prepare Maine's Citizen's for Active Citizenship," in fact is greatly supported by the Department of Education. It simply doesn't resolve to explore why it is that Maine is a leader in the youth of the community as a way of engaging our children in active citizenship.

We have received national attention. In fact, many of the same individuals, the teachers who are so proud of the work that they did, many of you were able to talk to them, many of you have members of your community who came and spoke to you. They were here in the Hall of Flags. They asked us to vote this bill in because they were so proud of the work that they had done in linking their children, their students, to the community. That is really the impetus behind this. It is why the Majority Ought to Pass as Amended Report pushes forward an opportunity for the Department of Education to work with us on a study commission that would allow us to find out just how great the work that we are doing presently is and most importantly, to pass it onto other teachers.

As far as the money goes, we felt that it would not be reasonable to ask the Legislature under these conditions to merit any kind of fiscal note. Therefore, we do have an application into the Kellogg Foundation. If we do not find private funding, it will not go forward.

The Department of Education supports it. The teachers of Maine support it. Children that you saw here a month ago support it. It is a common sense bill. I ask you for your support.

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

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

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 59

YEA - Adams, Ash, Austin, Barstow, Bennett, Blanchette, Bliss, Bowen, Bowles, Browne W, Bull, Bunker, Canavan, Carr, Clark, Courtney, Cowger, Craven, Cummings, Curley, Davis, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gerzofsky, Glynn, Greeley, Grose, Hatch, Hotham, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McCormick, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Millett, Mills J, Moody, Murphy, Norbert, Norton, Nutting, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson J, Rines, Rogers, Sampson, Saviello, Shields, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Berry, Bierman, Brown R, Bruno, Bryant-Deschenes, Campbell, Churchill E, Churchill J, Clough, Collins, Cressey, Crosthwaite, Daigle, Fletcher, Gagne-Friel, Heidrich, Honey, Jacobsen, Jodrey, Joy, Lewin, Maietta, McKenney, Mills S, Moore, Muse, O'Brien J, Peavey-Haskell, Richardson E, Richardson M, Rosen, Sherman, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Vaughan, Young.

ABSENT - Berube, Brannigan, Breault, Dugay, Duprey B, Goodwin, Kaelin, Marraché, O'Brien L, Perry J, Treadwell.

Yes, 96; No, 44; Absent, 11; Excused, 0.

96 having voted in the affirmative and 44 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-239)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Tuesday, May 6, 2003.

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

CONSENT CALENDAR

First Day

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

(H.P. 435) (L.D. 572) Bill "An Act To Restrict a School District from the Wholesale Attachment of Personal Property if a Town Defaults on Its School Commitment" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-251)**

(H.P. 735) (L.D. 1014) Bill "An Act To Enhance Professionalism of Private Investigators in this State" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-249)**

(H.P. 856) (L.D. 1159) Bill "An Act To Reduce Mercury Use in Measuring Devices and Switches" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-250)**

(H.P. 1094) (L.D. 1497) Bill "An Act To Amend the Laws Pertaining to the Department of Corrections" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-248)**

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

CONSENT CALENDAR

First Day

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

(H.P. 329) (L.D. 421) Bill "An Act To Include a Representative of Mental Health Providers on the Board of Directors of the Maine Health Data Organization" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-253)**

(H.P. 417) (L.D. 532) Bill "An Act To Regulate Assessments of the Maine Health Data Organization" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-255)**

(H.P. 808) (L.D. 1105) Bill "An Act To Apply Uniform Fire Code Standards to Preschool Facilities Regardless of Funding Source" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-254)**

(H.P. 1012) (L.D. 1377) Resolve, Authorizing the Commissioner of Administrative and Financial Services To Release the State's Interests in an Easement Benefiting the

Maine Criminal Justice Academy in Vassalboro Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-252)**

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

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

The SPEAKER: The Chair recognizes the Representative from Damariscotta, Representative Earle who wishes to address the House on the record.

Representative **EARLE**: Mr. Speaker, Men and Women of the House. In reference to Roll Call 55 on LD 930, if I had been present, I would have voted yea. In reference to Roll Call 56 on LD 55, if I had been present, I would have voted yea.

On motion of Representative WATSON of Bath and Representative PATRICK of Rumford, the House adjourned at 1:12 p.m., until 9:00 a.m., Tuesday, May 6, 2003 in honor and lasting tribute to William D. Sewell, of Bath, the Honorable Mary S. Vaughn, of Peru and Patricia Charette Martin, of St. Francis.