

# 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  
45th Legislative Day  
Tuesday, May 6, 2003

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

Prayer by Pastor Steven C. DeGroft, Lisbon Falls Baptist Church.

National Anthem by Kora Shrine Chanters, Lewiston.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Joint Order Directing the Joint Standing Committee on State and Local Government to Report Out Legislation Regarding County Government

(H.P. 1154)

**READ and PASSED** in the House on April 16, 2003.

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

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

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**Non-Concurrent Matter**

Bill "An Act To Increase Penalties for Furnishing or Trafficking Scheduled Drugs That Cause Death or Serious Bodily Injury"

(H.P. 701) (L.D. 944)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157)** on April 28, 2003.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157)** on April 29, 2003, in concurrence.

- **RECALLED** from the Engrossing Department pursuant to Joint Order 2003, S.P. 549.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157) AS AMENDED BY SENATE AMENDMENT "A" (S-93)** thereto in **NON-CONCURRENCE**.

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

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**COMMUNICATIONS**

The Following Communication: (S.C. 211)

**MAINE SENATE  
121ST LEGISLATURE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, ME 04333-0003**

May 5, 2003

Honorable Millicent M. MacFarland

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Madam Clerk:

Please be advised the Senate today Adhered to its previous action on Bill, "An Act To Reapportion the Districts for Representatives to the United States Congress," (S.P. 47) (L.D. 1556), whereby the Senate failed to Enact the Bill.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 212)

**MAINE SENATE  
121ST LEGISLATURE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, ME 04333-0003**

May 5, 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 Legal and Veterans' Affairs, the nominations of Peter Danton of Saco and Linda Valentino of Saco, for appointment to the State Liquor and Lottery Commission.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Revise and Amend Certain Public Health Laws"

(H.P. 1175) (L.D. 1602)

Sponsored by Representative KANE of Saco.

Cosponsored by Senator WESTON of Waldo and Representative: LAVERRIERE-BOUCHER of Biddeford, Senator: BRENNAN of Cumberland.

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

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

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

Sent for concurrence.

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**Pursuant to Joint Order**

**Joint Standing Committee on Legal and Veterans Affairs**

Representative CLARK for the **Joint Standing Committee on Legal and Veterans Affairs** pursuant to Joint Order 2003, H.P. 1155 asks leave to report that the accompanying Resolve, Authorizing Michaela Corbin-Bumford To Sue the State

(H.P. 1177) (L.D. 1603)

Be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ and ACCEPTED** and the Resolve **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**ORDERS**

On motion of Representative HOTHAM of Dixfield, the following Joint Resolution: (H.P. 1178) (Cosponsored by President DAGGETT of Kennebec and Representatives: JODREY of Bethel, MCKENNEY of Cumberland, MILLETT of Waterford, USHER of Westbrook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO RAISE THE WEIGHT LIMIT ON INTERSTATE 95**

WE, your Memorialists, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the United States Congress, as follows:

WHEREAS, Interstate 95 in the State of Maine, which is part of the Dwight D. Eisenhower System of Interstate and Defense Highways and is governed by the Federal-Aid Highway Act of 1956, is central to Maine's commerce and industry; and

WHEREAS, the weight limit on the Interstate Highway System is set at 80,000 pounds by the Federal-Aid Highway Act of 1956 and consequently by Maine statute, yet the State of Maine has a 100,000-pound limit on its secondary roads, which does not match the national limit; and

WHEREAS, the Federal Government has given the State of Maine an exemption from the 80,000-pound limit for the last 5 miles of the Maine Turnpike and Interstate 95, which allows for a 100,000-pound limit, and this exemption matches the limit for the rest of the State; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to request that the United States Congress allow the State of Maine a 100,000-pound limit on all of the Interstate System in Maine, not only the authorized 5 miles, and that the United States Congress review this request when the Highway Bill comes up for reauthorization; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Hotham.

Representative **HOTHAM**: Mr. Speaker, Men and Women of the House. I rise today in support of the Resolution being proposed this morning to raise the weight limit on I-95. I think this Resolution is fairly self-explanatory, but I will hit the highlights, if you please.

I believe that by allowing the heavier traffic to remain on I-95 we reduce heavy traffic through Augusta. It will put that heavy traffic where it belongs, off Maine's secondary roads and on the interstate system, which is a federally funded system. It also will help relieve some of the repair burden for the people of the State of Maine. I urge its adoption. Thank you very much.

Subsequently, **ADOPTED.**

Sent for concurrence.

On motion of Representative CLARK of Millinocket, the following Joint Order: (H.P. 1176)

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs may report out, to the House, a bill regarding liquor enforcement.

**READ and PASSED.**

Sent for concurrence.

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

On motion of Speaker COLWELL of Gardiner, the following Joint Order: (H.P. 1179) (Cosponsored by President DAGGETT of Kennebec)

WHEREAS, 180,000 Maine residents are currently without health care coverage; and

WHEREAS, Maine government, businesses, and individuals collectively spend \$5,000,000,000 a year on health care; and

WHEREAS, in the last decade Maine's health care costs grew faster than those of any other state in the United States; and

WHEREAS, health care costs are the leading cause of personal bankruptcy; and

WHEREAS, Maine small businesses recently reported that health care costs are a greater concern than taxes; and

WHEREAS, Governor John E. Baldacci has recently introduced comprehensive legislation designed to address health care costs, quality and access; and

WHEREAS, that legislation raises issues that are normally placed before several different joint standing committees of the Legislature; now, therefore, be it

ORDERED, the Senate concurring, that, pursuant to Joint Rule 351, the Joint Select Committee on Health Care Reform, referred to in this order as "the committee," is established and consists of 4 members of the Senate appointed by the President of the Senate and 11 members of the House of Representatives appointed by the Speaker of the House. The first-named Senate and House members shall serve as cochairs of the committee. The membership of the committee must be selected from the Joint Standing Committee on Health and Human Services, the Joint Standing Committee on Insurance and Financial Services and the Joint Standing Committee on Appropriations and Financial Affairs. The committee shall consider and make recommendations on any legislation referred to it by the bodies.

**READ and PASSED.**

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

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

**UNFINISHED BUSINESS**

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

Expression of Legislative Sentiment Recognizing Naomi Schalit, of Damariscotta Mills, a dedicated journalist since 1985.

(HLS 480)

TABLED - April 30, 2003 (Till Later Today) by Representative McKEE of Wayne.

**PENDING - PASSAGE.**

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I am pleased and honored to speak today in recognition of someone who most of us know and all of us greatly appreciate, Naomi Schalit of Damariscotta Mills is leaving her position of a reporter and producer at Maine Public Radio and has begun her new career as the head of a brand-new organization, Maine Rivers, which is an advocacy group for the

fabulous waterways located in our state that are indeed our national treasurers.

In her 12 years at Maine Public Radio and particularly on Maine Things Considered, Naomi has distinguished herself with her straightforward, eloquently crafted stories about Maine people and Maine issues. If you are like I am, I would greatly appreciate it when I am out of here by 5:30 so I can hear Maine Things Considered. Quite frankly, it is how I find out what you are doing in your committees. I rely on that. I hope people across our state also rely on it as well. It is a unique news program. It is the only half hour news program currently being produced in our state on radio.

Before I ever stood nervously at her microphone, I knew her by her voice. My husband calls it a mellifluous voice. It is a good adjective to describe her voice. Mellifluous, forthright, respectful, clear voice of someone who can craft a message with the highest regard for language. When I was asked for the first time to be interviewed by Naomi, I can admit, I was extremely nervous. I am a teacher and I rely on people looking at me and seeing my body language in order for me to convey my message or reading me in print. It is an entirely different experience to be confronted with that microphone. You cannot show with your eyes, your hands, your body what you mean. She knows that I was extremely nervous and was nervous almost every time she tried to interview me. I can say that she always tried to put me at ease. Quite frankly, I am one of those who adheres, you may not believe it, but to Abraham Lincoln's quotation, which I heard often in my family, "Better to remain silent and be thought a fool, than to speak and to remove all doubt." Not to mention to remove all doubt in front of thousands of listeners on radio.

She was most often interviewing me regarding the environment, either on the Natural Resources Committee or the committee that I chair. I always appreciated the fact that she was trying to get the message out about what we were talking about here. Very particularly, I remember her coverage of Maine rivers with the dioxin problem and more recently the dairy issues, which, quite frankly, were very complex, but she was able to craft those stories into a clearly understood message. I greatly appreciated her warm and kind respectful approach to me.

We greet the news of Naomi's leaving with sadness, but we want here to know that she leaves Maine Public Radio with a high standard of excellence in radio journalism, one that we, quite frankly, have come to expect. We are also very excited that someone with her intelligence, her commitment and her passion will be speaking on behalf of one of our state's greatest treasures. Naomi, you have made a succinct contribution to democracy with your exceptional coverage of Maine issues. We will miss you. Best wishes and good luck in your new job. Thank you.

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

Representative BUNKER: Mr. Speaker, Men and Women of the House. I rise to speak on this, frankly, out of thankfulness. In thanking Ms. Schalit for her unbiased efforts on many of the issues, whether it was back when I was Chair of Agriculture or any of these natural resource issues. She does go to great lengths to bring both sides of the issues and to allow both sides of the issue to be heard in her forum on Maine Public Radio. The amount of effort she put in, for instance, some of us remember the great debate of alewives a couple of years ago. That lady went to great lengths to come down to Washington County to allow the sportsmen, the fishermen, the biologists, the environmentalists that are down there with their knees right in the mud and their feet right in the boat. She went right down there and climbed in with them and traveled everywhere and did

everything and looked and learned and I think that that is greatly respected by all of us to be able to show that side of the issue as well as the side that was trying to be done down here, but which is more from a holistic environmental point of view that may or may not have been the best thing for the State of Maine. You have to respect that commitment and the willingness to go to great lengths to show real people doing real things and what the real impacts on people in the State of Maine are for the environment or for their economy in fairly reportable sides of the issue. I give great thanks from Washington County from the sportsmen, the camp owners, everybody in Grand Lake Stream and that whole St. Croix River Basin for being as fair and unbiased and working as hard as she did on that particular issue, as well as the prior issues that she has been so helpful with me personally. Thank you.

The SPEAKER: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative LORING: Mr. Speaker, Men and Women of the House. It is really an honor to stand up here to recognize Naomi Schalit. When I looked through the calendar yesterday, I realized that she would be recognized and was really glad to be able to be here. I looked some information up on her background on the computer and was quite surprised to find that she was a Cum Laude graduate from Princeton University and majored in religion and near eastern studies.

The other thing is she and I have become friends over the past few years, basically because we are kindred spirits about the environment. She has helped us on many occasions to become visible as a tribe. She is fair. I remember one conversation that I had with her and she said that she wished she could speak more in favor of your position on the environment, but I have to be unbiased. I know that the position she has taken now allows her to speak the way that she really feels. I really admire her and respect her for following her heart and taking this position. It sort of follows with my philosophy, as my niece would say from the words of the dead white man, "To thine own self be true."

From the Penobscot Nation, I would like to thank you, Naomi, for all your good work in the field of journalism. Most importantly, for the great work you are going to do on environmental issues in the future.

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

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#### **REPORTS OF COMMITTEE Ought to Pass as Amended**

Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Clarify That the Maine Juvenile Code Does Not Preclude Sharing Information with School Administrators for Purposes of School Safety, Order and Discipline"

(S.P. 145) (L.D. 427)

**Reporting Ought to Pass as Amended by Committee Amendment "A" (S-29).**

**Came from the Senate with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-29) AS AMENDED BY SENATE AMENDMENT "A" (S-95) thereto.**

**Report was READ and ACCEPTED. The Bill READ ONCE. COMMITTEE AMENDMENT "A" (S-29) READ by the Clerk. SENATE AMENDMENT "A" (S-95) TO COMMITTEE AMENDMENT "A" (S-29) READ by the Clerk and ADOPTED. COMMITTEE AMENDMENT "A" (S-29) AS AMENDED BY SENATE AMENDMENT "A" (S-95) thereto ADOPTED.**

The Bill was assigned for **SECOND READING** Wednesday, May 7, 2003.

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**Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Provide Medicaid Funding of Outstationed Eligibility Work"

(S.P. 65) (L.D. 142)

Signed:

Senators:

CATHCART of Penobscot  
TURNER of Cumberland

Representatives:

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

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

Signed:

Senator:

ROTUNDO of Androscoggin

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

**READ.**

On motion of Representative BRANNIGAN of Portland, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass** on Bill "An Act To Protect and Encourage Firearms Shooting Ranges Throughout the State"

(H.P. 525) (L.D. 719)

Signed:

Senator:

GILMAN of Cumberland

Representatives:

STONE of Berwick  
KETTERER of Madison  
CROSTHWAITE of Ellsworth  
BARSTOW of Gorham  
BOWEN of Rockport  
BUNKER of Kossuth Township

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

Signed:

Senators:

ROTUNDO of Androscoggin  
LaFOUNTAIN of York

Representatives:

McLAUGHLIN of Cape Elizabeth  
SUSLOVIC of Portland  
SUKEFORTH of Union

**READ.**

On motion of Representative McLAUGHLIN of Cape Elizabeth, the Bill and all accompanying papers were **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 488) (L.D. 1460) Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory Committee on **TAXATION** reporting **Ought to Pass**

(S.P. 182) (L.D. 542) Resolve, To Reduce the State Valuation for the Town of Hermon Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-101)**

(S.P. 334) (L.D. 993) Bill "An Act To Promote Economic Growth by Retaining Engineers in Maine" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-97)**

(S.P. 408) (L.D. 1277) Bill "An Act To Allow a Retiree Eligible for State-paid Health Insurance Coverage To Decline Coverage and Reenroll at a Later Date" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-102)**

(S.P. 416) (L.D. 1285) Bill "An Act To Promote and Protect Private Enterprise" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-100)**

(S.P. 469) (L.D. 1411) Bill "An Act To Increase the Licensing Fee Caps of the State Board of Optometry" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-98)**

(S.P. 483) (L.D. 1451) Bill "An Act To Manage the Sea Urchin Fishery" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-99)**

(H.P. 147) (L.D. 188) Bill "An Act To Amend the Waste Management Laws Regarding the Spreading of Sludge on Land" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-259)**

(H.P. 907) (L.D. 1233) Bill "An Act To Amend the Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-256)**

(H.P. 1038) (L.D. 1415) Bill "An Act To Decriminalize Unlicensed Shellfish Digging" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-264)**

(H.P. 1074) (L.D. 1469) Bill "An Act To Raise the Fee Caps of the Board of Dental Examiners" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-263)**

(H.P. 1090) (L.D. 1493) Bill "An Act To Expedite the Removal of Overboard Discharge" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-260)**

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

**CONSENT CALENDAR  
Second Day**

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

(H.P. 233) (L.D. 290) Bill "An Act To Ensure That Title Applications are Timely Delivered" (C. "A" H-242)

(H.P. 248) (L.D. 305) Bill "An Act To Amend the Lien Procedures for Time-share Estates" (C. "A" H-233)

(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" (C. "A" H-253)

(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 (C. "A" H-235)

(H.P. 417) (L.D. 532) Bill "An Act To Regulate Assessments of the Maine Health Data Organization" (C. "A" H-255)

(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" (C. "A" H-251)

(H.P. 735) (L.D. 1014) Bill "An Act To Enhance Professionalism of Private Investigators in this State" (C. "A" H-249)

(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" (C. "A" H-236)

(H.P. 808) (L.D. 1105) Bill "An Act To Apply Uniform Fire Code Standards to Preschool Facilities Regardless of Funding Source" (C. "A" H-254)

(H.P. 856) (L.D. 1159) Bill "An Act To Reduce Mercury Use in Measuring Devices and Switches" (C. "A" H-250)

(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 (C. "A" H-252)

(H.P. 1046) (L.D. 1427) Bill "An Act To Require That Temporary Registration Plates Identify the Issuing Dealership" (C. "A" H-244)

(H.P. 1072) (L.D. 1467) Bill "An Act To Repeal the Provision of Law Requiring Permits for 53-foot Trailers" (C. "A" H-245)

(H.P. 1094) (L.D. 1497) Bill "An Act To Amend the Laws Pertaining to the Department of Corrections" (C. "A" H-248)

(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" (C. "A" H-243)

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.

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

**BILLS IN THE SECOND READING**

**House**

Bill "An Act To Separate the Office of Tourism from the Office of Community Development"

(H.P. 1033) (L.D. 1406)

**House as Amended**

Bill "An Act To Amend the County Contingent Fund"

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

(C. "A" H-237)

Resolve, To Prepare Maine's Students for Active Citizenship (EMERGENCY)

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

(C. "A" H-239)

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. **ORDERED SENT FORTHWITH**.

**ENACTORS**

**Emergency Measure**

An Act To Amend the Laws Governing Home Instruction

(S.P. 83) (L.D. 160)

(C. "A" S-79)

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. 121 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

**Emergency Measure**

An Act To Increase Access to Higher Education

(S.P. 108) (L.D. 326)

(C. "A" S-71)

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

Representative CUMMINGS of Portland **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

**ROLL CALL NO. 60**

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dudley, Duplessie, Duprey B, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Glynn, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marley, McCormick, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Neil, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J,

Richardson M, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Usher, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - NONE.

ABSENT - Bryant-Deschenes, Dugay, Dunlap, Gerzofsky, Goodwin, Greeley, Marraché, McGlocklin, Moore, O'Brien L, Perry J, Rines, Smith W, Tardy.

Yes, 137; No, 0; Absent, 14; Excused, 0.

137 having voted in the affirmative and 0 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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**Emergency Measure**

An Act To Provide for the 2003 and 2004 Allocations of the State Ceiling on Private Activity Bonds

(S.P. 428) (L.D. 1326)

(C. "A" S-73)

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

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**Emergency Measure**

An Act To Establish a Right of Entry for Surveyors Performing Surveying Services

(H.P. 988) (L.D. 1342)

(C. "A" H-196; S. "A" S-94)

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. 124 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.**

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**Emergency Measure**

An Act To Permit Electronic Notification of Rulemaking for Interested Parties

(H.P. 1120) (L.D. 1528)

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

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**Emergency Measure**

Resolve, To Study the Implementation of a Plan To Prohibit the Discharge of Certain Wastewater into Coastal Waters

(H.P. 943) (L.D. 1271)

(C. "A" H-207)

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.

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**Emergency Measure**

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

(H.P. 989) (L.D. 1343)

(C. "A" H-190)

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)

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**Emergency Measure**

Resolve, Regarding Legislative Review of Portions of Chapter 2: Aquaculture Lease Regulations, a Major Substantive Rule of the Department of Marine Resources

(H.P. 1023) (L.D. 1396)

(C. "A" H-206)

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. 128 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections

(H.P. 1117) (L.D. 1526)

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. 121 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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**Mandate**

An Act to Aid Law Enforcement in Complying with Maine's Freedom of Access Laws

(H.P. 204) (L.D. 249)

(C. "A" H-186)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 24 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**



**Mandate**

An Act To Increase Requirements for Notification of Release to Victims of Stalkers

(H.P. 898) (L.D. 1224)  
(C. "A" H-188)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 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.**

**Acts**

An Act to Allow Members of the Maine Public Drinking Water Commission to Serve More than 2 Consecutive Terms

(S.P. 70) (L.D. 147)

An Act To Require Church Officials To Report Suspected Abuse

(H.P. 252) (L.D. 309)  
(C. "A" H-197)

An Act To Stimulate Economic Growth in Northern Penobscot County

(S.P. 117) (L.D. 335)  
(C. "A" S-65)

An Act to Strengthen State Investment in the University of Maine System for Applied Research and Development

(S.P. 119) (L.D. 337)  
(C. "A" S-66)

An Act To Clarify the Use of Municipal Rate of Growth Ordinances

(H.P. 416) (L.D. 531)  
(C. "A" H-159)

An Act To Improve the Effectiveness of the Maine Coastal and Inland Surface Oil Clean-up Fund

(S.P. 205) (L.D. 596)  
(C. "A" S-72)

An Act Regarding the Development and Implementation of an Eradication Plan for Invasive Aquatic Plants

(S.P. 245) (L.D. 707)  
(C. "A" S-75)

An Act To Develop a Plan for Cathode Ray Tube Disposal

(H.P. 549) (L.D. 743)  
(C. "A" H-185)

An Act Concerning the Financial Obligations of a Parent Involved in a Crime against a Child of That Parent

(H.P. 646) (L.D. 869)  
(C. "A" H-195)

An Act Relating to Motorcycles and Driver Education

(S.P. 289) (L.D. 894)

An Act Pertaining to Trustee Services for the Maine Turnpike Authority

(S.P. 302) (L.D. 906)

An Act To Allow a Judge To Assess a Fee on a Defendant To Reimburse a Municipality for a Drug Test

(S.P. 311) (L.D. 970)  
(C. "A" S-76)

An Act Concerning the Processing Time for Substitute and Regular School Employee Fingerprinting

(H.P. 749) (L.D. 1032)  
(C. "A" H-200)

An Act To Enhance Juvenile Rehabilitation

(S.P. 397) (L.D. 1192)  
(C. "A" S-77)

An Act Concerning the Renewal of Commercial Harvester and Dealer Licenses

(S.P. 457) (L.D. 1387)  
(C. "A" S-70)

An Act To Create a Marine Harvesting Demonstration License

(S.P. 459) (L.D. 1389)  
(C. "A" S-69)

An Act To Update the Requirements of Counties' and Municipalities' Audit Reports

(H.P. 1050) (L.D. 1431)  
(C. "A" H-211)

An Act To Clarify the Administration of State-municipal Revenue Sharing

(H.P. 1060) (L.D. 1448)  
(C. "A" H-205)

An Act To Allow for Immediate Unemployment Fact-finding Interviews for Able and Availability Issues

(S.P. 485) (L.D. 1453)  
(C. "A" S-81)

An Act To Amend the Debt Management Services Laws

(S.P. 486) (L.D. 1458)

An Act To Update and Clarify the Law Regarding the Conversion of a Nonprofit Hospital and Medical Service Organization to a Domestic Stock Insurer

(S.P. 496) (L.D. 1490)

An Act To Amend the Maine Juvenile Code

(H.P. 1093) (L.D. 1496)  
(C. "A" H-189)

An Act To Clarify the Exclusion of Assumed Reinsurance from Policy Claims Priority

(H.P. 1095) (L.D. 1502)

An Act To Establish Fee Caps under the Maine Insurance Code

(S.P. 510) (L.D. 1522)

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

**Resolves**

Resolve, To Lower the Costs of Prescription Drugs through the Use of the Federal Public Health Service Act

(S.P. 249) (L.D. 711)

Resolve, To Renew the Veterans' Emergency Assistance Program

(S.P. 350) (L.D. 1021)  
(C. "A" S-74)

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Convey Land to Baron and Janet Wormser

(H.P. 794) (L.D. 1076)  
(C. "A" H-204)

Resolve, To Rename the Paddy Hill Road in Medford the Clyde Hichborn Road

(S.P. 431) (L.D. 1329)  
(C. "A" S-78)

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 Adopt a New Interstate Compact Regarding Adults Who are on Probation and Parole

(H.P. 254) (L.D. 311)  
(C. "A" H-210)

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

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

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

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An Act To Provide Parity in Lending by State-chartered Financial Institutions

(S.P. 223) (L.D. 614)  
(C. "A" S-82)

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

On motion of Representative O'NEIL of Saco, 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-82)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "B" (H-246)** to **Committee Amendment "A" (H-82)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Ladies and Gentlemen of the House. TDA, technical drafting amendment, it changes just a little thing, stylistically. Thank you.

Subsequently, **House Amendment "B" (H-246)** to **Committee Amendment "A" (H-82)** was **ADOPTED**.

**Committee Amendment "A" (H-82)** as Amended by **House Amendment "B" (H-246)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-82)** as Amended by **House Amendment "B" (H-246)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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An Act To Increase the Collection of Child Support

(H.P. 459) (L.D. 629)  
(C. "A" H-194)

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

On motion of Representative COURTNEY of Sanford, was **SET ASIDE**.

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

An Act To Adopt an Interstate Compact for Juveniles on Probation and Parole

(H.P. 977) (L.D. 1323)  
(C. "A" H-209)

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

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

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

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

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

**CONSENT CALENDAR**  
**First Day**

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

(H.P. 231) (L.D. 288) Resolve, to Authorize Michelle Booker to Sue the State Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-270)**

(H.P. 786) (L.D. 1068) Bill "An Act To Require an Updated Roster of Maine Members of the United States Armed Forces Presumed Lost or Deceased" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-269)**

(H.P. 1013) (L.D. 1378) Bill "An Act To Provide Financing Relief for Maine Dairy Farmers" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-271)**

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

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**COMMUNICATIONS**

The Following Communication: (H.P. 1180)

**STATE OF MAINE**  
**HOUSE OF REPRESENTATIVES**  
**SPEAKER'S OFFICE**  
**AUGUSTA, MAINE 04333-0002**

May 6, 2003

Honorable Millicent MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under HP 1179 I hereby appoint the following Representatives to serve as members of the Joint Select Committee on Health Care Reform:

Representative Christopher O'Neil of Saco

Representative Thomas Kane of Saco

Representative Richard Mailhot of Lewiston

Representative Benjamin Dudley of Portland  
 Representative Marilyn Canavan of Waterville  
 Representative William Earle of Damariscotta  
 Representative Anne Perry of Calais  
 Representative Sawin Millett of Waterford  
 Representative Kevin Glynn of South Portland  
 Representative Thomas Shields of Auburn  
 Representative Florence Young of Limestone  
 If you have any questions regarding these appointments, please do not hesitate to contact me.  
 Sincerely,  
 S/Patrick Colwell  
 Speaker of the House  
**READ and ORDERED PLACED ON FILE.**  
 Sent for concurrence.

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The Following Communication: (H.C. 191)  
**121ST LEGISLATURE**  
**SENATE OF MAINE**  
**OFFICE OF THE PRESIDENT**  
**3 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04333-0003**

May 6, 2003  
 Millicent MacFarland  
 Clerk of the House  
 2 State House Station  
 Augusta, Maine 04333  
 Dear Clerk MacFarland:  
 Pursuant to my authority under H.P. 1179, I am pleased to appoint the following Senators to serve on the Joint Select Committee on Health Care Reform:  
 Senator Michael Brennan of Cumberland, Chair  
 Senator Lloyd LaFountain of York  
 Senator Arthur Mayo of Sagadahoc  
 Senator Karl Turner of Cumberland  
 Please let me know if you have any questions regarding these appointments.  
 Sincerely,  
 S/Beverly C. Daggett  
 President of the Senate  
**READ and ORDERED PLACED ON FILE.**

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

**UNFINISHED BUSINESS**

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

**HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (H-229) - Minority (5) Ought Not to Pass - Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act To Allow the Transfer of Spirits within Existing Businesses"**

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

TABLED - May 5, 2003 (Till Later Today) by Representative PATRICK of Rumford.  
 PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.  
 Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-229)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 7, 2003.

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**HOUSE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (6) Ought to Pass as Amended by Committee Amendment "A" (H-228) - Committee on LEGAL AND VETERANS AFFAIRS 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)

TABLED - May 5, 2003 (Till Later Today) by Representative CLARK of Millinocket.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. People get together and sign petitions and acquire enough signatures so they can put legislative action on the ballot. They are not required to have a fiscal note on that and the public and the voters do not know what that issue is going to cost them. This bill addresses that problem. This bill says that the Office of Fiscal and Policy Review will take any of those citizen's initiatives and give a fiscal note to them so they can be printed on the ballot. The public is informed about what this issue might cost.

When we enact legislative items, we have to have fiscal notes. To me, this is no different. This is a nonpartisan issue. I had nothing to do with political parties. I believe it is fiscally responsible. I believe it is good government. The Office of Fiscal and Program Review has said there is no problem doing this. I think our constituents would like to have this information. I hope that you would defeat the pending motion and go on to pass the issue. Mr. Speaker, I would request that there be a roll call.

Representative **SHIELDS** of Auburn **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, Men and Women of the House. I rise before you this afternoon in support of this motion. One of the administrative issues that was raised by the Secretary of State's Office was the cost of the ballots. If we put the fiscal note on the ballot it will provide more cost to the ballot when we put it out in either June or November. Could the statement fit on the ballot that we already have? Another reasoning is the Office of Fiscal and Program Review would be the assistance that would be required in providing the service and could this service be implemented in a timely fashion for those ballots to be put out to the public?

MMA spoke neither for nor against on this bill. They stated that they want to ensure the process of deterring the fiscal impact as fair and comprehensive. Municipal officials respectfully request that the committee amend it so that fiscal notes take into consideration the full range of impacts by involving all entities, state, municipal, county, schools, businesses and etc.

What we are looking at here is cost savings, ladies and gentlemen. What we have to look at is the size of the ballot that is being printed for a citizen's initiative. If the people of the State of Maine go out and sign citizen initiatives, nine times out of 10, they know what they are signing for. With that knowledge, I don't believe and I think the majority of the committee doesn't believe,

that we should add a fiscal impact statement on every citizen's initiative program that we have in the state.

All the way back for our citizen initiative questions that we had since 1910, we have had, shall the slot machine ban become law? That is pretty straightforward. I don't believe there was a fiscal impact on that one that had to be researched by a program of Fiscal and Program Review. Do you want to allow video lottery machines at certain horse racing tracks if 40 percent of the profits are used for property tax relief? That is right in the citizen's initiative. Back in 1996 the former Chief Executive had a forest compact, either 2A, 2B or 2 C, with none of the financial statements being relevant to that question. What I am leading up to is, should we, as a state, add additional cost to the ballots to have financial statements on them so that people know what they are voting on? It said in the previous statement that people already have the knowledge of what is being funded for when they sign that citizen's initiative. I wish that you would support the majority Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, Ladies and Gentlemen of the House. Innumerable fiscal notes have been added to bills in this session. When there is an addition to the ballot the Secretary of State's Office gives the same consistent report. If we had to add an additional page to the ballot, it would cost about \$8,000. You have all seen fiscal notes that are one or two liners. That may be what is going to appear on one of these questions. There may be a note from the fiscal office that says that we cannot determine the costs of this issue. There may be a long note from the Office of Fiscal and Program Review that says here is what it is going to cost you and they lay it out. They do their best for us. They are not always absolutely on target, but they do the best they can. I recall a bill that came forward from the citizen's initiative called the marijuana bill. The people voted on a paragraph of about six lines. Behind that was about six pages of legislation, which was very poorly constructed could never be implemented the way it was written and the people didn't know that. I say people need to have information about these sorts of things on these initiatives. The cost is certainly one of them. If we can do it, I don't see why they can't do it. Again, I hope you will vote to defeat this pending motion and go on to pass the issue.

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 our motion and ask you to join with me and the good Representative from Auburn, Representative Shields, in defeating the pending motion and moving on to the Ought to Pass report. This legislation is very prudent for the State of Maine. When I speak with my constituents, as I know when you speak with your constituents, they tell you the same thing. On the ballot, more information is better and they want to be more informed voters when they cast their vote. Given all of the facts of the situation, all of the evidence and all of the pros and cons, Maine voters never make a mistake. Why not invest, as a Legislature, in providing the information that is necessary for voters to make an informed choice.

The information that we were provided by the Secretary of State's Office counts the very low number of initiatives that have appeared on the ballot. Since 1910 there were actually only 45 initiatives that have appeared on the ballot. Lately there have been a number of them that are coming forward in citizen initiatives to be considered by the Legislature that have fiscal

impacts. For instance, we recently had one looking at the snack tax. We had one that is appearing right now where we are looking at the issue put forward by the Maine Municipal Association. When voters go forward and they look at these initiatives and they are going to be casting their vote, isn't it a good idea that they know what kind of a drain it may be on the state coffers? Isn't it good if they know what a surplus it will be to the state coffers? Why wouldn't we want voters to have that information?

If you look elsewhere on the ballot, all of the other information that they are voting on, all of the other different questions actually do have fiscal notes. I point to, for instance, the bond questions. The bond questions have a break down of the principle and the interest, the number of years, the percentage that they will be paying back. There is a Treasurer's statement on every ballot detailing what types of bonds we currently have outstanding, the kind of bonds that we have currently in the pipeline that have been approved, but haven't been issued yet and the total new estimate of interest that we are looking at because when Maine voters are given all of the information, they never make a mistake. They always do the right thing.

I urge you to do the right thing and inform the voters in your district by passing this. I know that the cost impact to the state is going to be minimal to none. Currently when citizen initiatives come forward and are considered by the Legislature, they first go to the committee of jurisdiction that handles those issues. We already have our Fiscal Office issue a statement on what the cost impact is going to be. All of that work is already done. The last part that isn't done is when the voters go into the booth, that the information is shared directly with them when they make their decision, just as we have it shared with us when we cast our vote here on the floor of the House. Thank you very much Mr. Speaker.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. Why would we not want to do this? I understand the argument that was put forward by the good Representative from Millinocket. I understand the concerns to be expressed, but it seems to me that the benefit far outweighs those potential costs to the extent that those costs are real. We, as a Legislature, obviously decided at some point in the past that we could not make intelligent decisions about legislation unless we have fiscal notes. We knew we needed that information in order to do the right thing on legislation that came before us. We know that when we send bonds out to people that we include all of the financial information that we can. It is sometimes really crammed onto a small space on the ballot with a lot of detail, but we do that because we have an understanding that for people to make intelligent decisions, they have to have information. This is not any different. If people are going to have the ability to initiate legislation, then they also need to have the information, all the information, upon which to make intelligent decisions to vote. Again, I ask you, why would we not want to do this. Why would we want to withhold any information from the people? I urge you to vote against the Ought Not to Pass and accept this piece of legislation. 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. 61

YEA - Adams, 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, Goodwin, Grose, Hatch, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McKee, McLaughlin, Mills J, Norbert, Norton, O'Neil, Patrick, Pellon, Perry A, Pingree, Piotti, Richardson J, Simpson, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Wheeler, Wotton, Mr. Speaker.

NAY - Annis, Ash, 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, Duprey B, Fletcher, Glynn, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lewin, Maietta, McCormick, McGlocklin, McKenney, McNeil, Mills S, Moody, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rines, Rogers, Rosen, Saviello, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Watson, Woodbury, Young.

ABSENT - Andrews, Bryant-Deschenes, Dugay, Greeley, Ledwin, Marraché, McGowan, Millett, Moore, O'Brien L, Paradis, Percy, Perry J, Pineau, Sampson, Smith N.

Yes, 67; No, 68; Absent, 16; Excused, 0.

67 having voted in the affirmative and 68 voted in the negative, with 16 being absent, and accordingly the Majority Ought Not to Pass Report was **NOT ACCEPTED**.

Representative GLYNN of South Portland moved that the House **ACCEPT** the Minority Ought to Pass as Amended Report.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending the motion of Representative GLYNN of South Portland to **ACCEPT** the Minority Ought to Pass as Amended Report and later today assigned.

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)

**TABLED** - May 5, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

**PENDING - FINAL PASSAGE.** (Roll Call Ordered)

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

**ROLL CALL NO. 62**

YEA - Adams, Ash, Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Hatch, Hutton, Jackson, Jennings, Kaelin, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Makas, Marley, McGlocklin, McKee, McLaughlin, Mills J, Mills S, Moody, Norbert, Norton, O'Brien J, O'Neil, Patrick, Pellon, Percy, Perry A, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sukeforth, 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, Duprey B, Fletcher, Glynn, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Ledwin, Lewin,

Maietta, McKenney, McNeil, Millett, Murphy, Muse, Nutting, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

ABSENT - Bryant-Deschenes, Dudley, Dugay, Goodwin, Greeley, Mailhot, Marraché, McCormick, McGowan, Moore, O'Brien L, Paradis, Perry J, Pineau.

Yes, 78; No, 59; Absent, 14; Excused, 0.

78 having voted in the affirmative and 59 voted in the negative, with 14 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

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

Representative **DUPREY**: Mr. Speaker, Ladies and Gentlemen of the House. In reference to Roll Call 51 on LD 1375, if I had been present, I would have voted yea. In reference to Roll Call 52, if I had been present, I would have voted yea. In reference to Roll Call 53 on LD 197, if I had been present, I would have voted nay. In reference to Roll Call 54 on LD 680, had I been present, I would have voted yea. In reference to Roll Call 55 on LD 930, had I been present, I would have voted yea. In reference to Roll Call 56 on LD 55, had I been present, I would have also voted yea. Thank you.

The House recessed until 4:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-268)** on Bill "An Act Concerning the Issuance of a Temporary Liquor License"

(H.P. 358) (L.D. 466)

Signed:

Senators:

GAGNON of Kennebec

LEMONT of York

MAYO of Sagadahoc

Representatives:

CLARK of Millinocket

GLYNN of South Portland

HOTHAM of Dixfield

BROWN of South Berwick

MOORE of Standish

PATRICK of Rumford

BLANCHETTE of Bangor

CANAVAN of Waterville

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

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

Signed:  
Representative:  
LANDRY of Sanford  
**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-268)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, May 7, 2003.

**Divided Report**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-267)** on Bill "An Act to Strengthen the Governmental Ethics Laws"

(H.P. 981) (L.D. 1336)

Signed:  
Senators:  
LEMONT of York  
MAYO of Sagadahoc  
GAGNON of Kennebec

Representatives:  
CLARK of Millinocket  
GLYNN of South Portland  
HOTHAM of Dixfield  
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 Bill.

Signed:  
Representative:  
LANDRY of Sanford  
**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-267)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, May 7, 2003.

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

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

**UNFINISHED BUSINESS**

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

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-218)** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Consumer Privacy Rights"

TABLED - May 5, 2003 (Till Later Today) by Representative SMITH of Monmouth.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

Resolve, Directing the Community Preservation Advisory Committee To Study Issues Pertaining to Barriers to Affordable Housing in the State (EMERGENCY)

(H.P. 364) (L.D. 472)  
(C. "A" H-145)

TABLED - May 5, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **FINAL PASSAGE.** (Roll Call Ordered)

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

**ROLL CALL NO. 63**

YEA - Adams, Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Campbell, Canavan, Clark, Craven, Cummings, Daigle, Davis, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Hatch, Hutton, Jackson, Jennings, Kane, Ketterer, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McGlocklin, McKee, McLaughlin, McNeil, Mills J, Norbert, Norton, Paradis, Patrick, Pellon, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Tobin D, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Annis, Austin, Berry, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cresse, Crosthwaite, Curley, Dugay, Duprey B, Fletcher, Glynn, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lewin, McCormick, McGowan, McKenney, Millett, Mills S, Moody, Muse, Nutting, O'Brien J, Peavey-Haskell, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Sukeforth, Sykes, Tardy, Tobin J, Trahan, Treadwell, Vaughan, Young.

ABSENT - Andrews, Ash, Berube, Bryant-Deschenes, Cowger, Goodwin, Grose, Koffman, Maietta, Marraché, Moore, Murphy, O'Brien L, O'Neil, Percy, Stone.

Yes, 78; No, 57; Absent, 16; Excused, 0.

78 having voted in the affirmative and 57 voted in the negative, with 16 being absent, and accordingly and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

**HOUSE DIVIDED REPORT - Majority (10) Ought Not to Pass - Minority (2) Ought to Pass as Amended by Committee Amendment "A" (H-213) - Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY on Bill "An Act Regarding Passing Bad Checks"**

(H.P. 812) (L.D. 1109)

TABLED - April 30, 2003 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - Motion of Representative BUNKER of Kossuth Township to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I normally wouldn't rise and we just would go on to vote, but the situation here with this bill had to be recalled. We were in the middle of a debate on the reasons for and against a concept draft that basically comes out on this subject matter with a proposal to allow the photographing of your license along with your check by the clerk behind the counter and they have to take it out back and make a copy of it and maintain it in a file and then once your check clears the bank, then you can go ahead and the owner of the establishment is required to destroy that written document that identifies you as the person passing the check.

I think the bill came before the committee with all good intentions. I don't think it is a workable model that is going to do anything to enhance criminal justice or the prosecution of these folks, because of the inability, really, to make this thing work in a practical day to day business that has a lot of people coming through trying to write checks and delaying the whole line to go through this cumbersome process. As you recall last week there was no amendment that was on the floor and that is why we had to halt debate abruptly and a roll call was ordered as the good Speaker indicated. I would ask you to follow the majority of the committee. I think this was a 10 to 2 or 11 to 2 report. I would ask you to follow the majority of the committee report and vote Ought Not to Pass with me. Thank you.

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

Representative **MILLS**: Mr. Speaker, Men and Women of the House. I first came down here nine years ago and every year I would see people put in bills to do something more about bad checks. It is the most common theme that I have seen up in the Judiciary Committee and some days it is in the Criminal Justice Committee and other places and other venues. It is a constant source of annoyance for merchants, especially small mom-and-pop stores because people come in with checks and they want to buy a few items and they write checks. Sometimes they have taken to posting the checks on a bulletin board behind the counter. Every time we have a session there is a bill in to increase the penalties, increase the fines and we have done all of that. I think slowly credit cards and debit cards and increasing weariness on the part of merchants is slowly elevating the problem over time, but once in a blue moon somebody comes up with a bright idea to actually improve the situation in a material way. I suggest to you that such is the Minority Report in this case. It is a thoughtful little provision and I would urge you to vote against the pending motion solely for the purpose of satisfying your curiosity as to what is in the Minority Report. If you don't like it, then vote against that, but don't cut off debate at this early juncture. Thank you.

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

Representative **VAUGHAN**: Mr. Speaker, Ladies and Gentlemen of the House. If you have people in your district who write checks, this bill is good for them. It will help reduce the fraud that causes higher prices in all those retail outlets. If you have people in your district who operate a mom-and-pop store, this bill is good for them because it helps them from bleeding the financial losses that they suffer as you can see from those worthless pieces of paper tacked up behind the counter that they have no compensation on. If no action is taken on this crisis, and it is a crisis, the small businesses in your district will suffer. This bill does not compel the retail merchant to photocopy the driver's license on the check, it just allows them to. Maine society is a polite society. We count on each other's honesty. Those regular customers, those people that go in the store all the time will not be affected by this one bit. The store does not have to take a check. Many stores, unfortunately, are no longer taking checks from anybody, including the good people who write good checks. If this bill is adopted, it will allow people to take stranger's checks, photocopy the check and the driver's license, the driver's license cannot be reproduced on that manner on a black and white photocopy. In fact, the Secretary of State indicated that it can't be reproduced on a color photocopy because of the nature of the new driver's license.

The documents that result should have matching name, address, signature and a photograph of the person who wrote the check. The document that results should prove that the person taking the check examined that information. The reason the Secretary of State was interested in this concept and indeed drafted the amendment, which is now the bill, was because of a forged document, the driver's license was created, another crime has been shown to have occurred. The state can go after that person for forging a state document. I recommend that you pass the amended version and I would thank you for your support of this concept bill. 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. 64**

YEA - Adams, Barstow, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Churchill J, Clark, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Greeley, Hatch, Hutton, Jackson, Kane, Ketterer, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McGlocklin, McKee, McLaughlin, Mills J, Moody, Norbert, Norton, Paradis, Patrick, Pellon, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Tardy, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Wotton, Mr. Speaker.

NAY - Annis, Austin, Bennett, Berry, Bierman, Blanchette, Bowen, Bowles, Brown R, Browne W, Bruno, Campbell, Carr, Churchill E, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Dugay, Duprey B, Fletcher, Glynn, Goodwin, Heidrich, Honey, Hotham, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Ledwin, Lewin, McCormick, McGowan, McKenney, McNeil, Millett, Mills S, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Sukeforth, Sykes, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Woodbury, Young.

ABSENT - Andrews, Ash, Berube, Bryant-Deschenes, Cowger, Grose, Koffman, Maietta, Marraché, Moore, Murphy, O'Brien L, O'Neil, Percy, Stone.

Yes, 72; No, 64; Absent, 15; Excused, 0.

72 having voted in the affirmative and 64 voted in the negative, with 15 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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**HOUSE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (6) Ought to Pass as Amended by Committee Amendment "A" (H-223) - Committee on STATE AND LOCAL GOVERNMENT 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)

**TABLED - May 5, 2003 (Till Later Today)** by Representative McLAUGHLIN of Cape Elizabeth.

**PENDING - Motion of same Representative to ACCEPT the Majority OUGHT NOT TO PASS Report.**

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

Representative **RICHARDSON**: Mr. Speaker, Ladies and Gentlemen of the House. LD 310 is a Resolve designed to send to referendum a motion to reduce the size of this body to 99 and the other body to 33. This Legislature is the tenth largest Legislature in the United States. By contrast, California has 34 million people and they have 87 legislators in their combined bodies. The State of Maine shows about 75 percent of the people would favor reducing the size of the Legislature. I say that this is an opportunity for us, as legislators, to tell the State of Maine that we are making a serious effort to save them some money. It might hurt us a little bit, but not much. After expenses for redistricting, the direct savings will be about \$1 million a year. With all the scrambling we have been doing in the last four months trying to find money. You are not going to find a much easier way of doing it. When this gets all through, if it should pass, we would be adding about 4,200 people to your district. We don't add any more people to the State of Maine so it is just a matter of servicing the State of Maine with fewer people. This should save a considerable amount of money, not only in direct costs, such as salaries and expenses, but all of the estuary costs that we have of paper and people running around trying to help us out.

I would like to see that we would defeat the pending motion and pass the motion, the Minority Report Ought to Pass. I can't imagine 132 people can't do as well as we have been doing the last four weeks as 186 people could for the last four months. At least a quarter of the people who are now here are term limited. That is not going to have any affect on you. I hope those of you who are contemplating running in 2004 will be willing to save your constituents a million dollars a year.

As I was gathering sponsors for this bill, I approached the good Representative from Cape Elizabeth asking for her signature, as this was happening I was making the remark that this bill was not really mine, but it had been presented at least four times in the last 10 years. The Representative remarked that maybe it is an idea whose time has come. I think she was right. I think we should do this because it is something that needs to be done and the State of Maine population wants to see it. Thank you.

Could I have a roll call?

Representative **RICHARDSON** of Skowhegan **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 Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Men and Women of the House. For the three terms that I have been here, I have fought to try and preserve the rural areas of the State of Maine. We have done that through the rural caucus, bringing members on board to try to work for issues that we have in common. We have districts in the rural areas that now have over 40 towns in its district. I refer to the district that the Representative from Kossuth Township, Representative Bunker, represents. He represents an area from East Machias to Lowell, taking in three counties. There are other districts similar in the State of Maine. As I look at this, this seems like a real good idea and it looks like it would probably save some money, but if you build into that the fact that we would have to go through redistricting again, which we just finished up on the House map at least, some of that money goes away immediately.

The other thing we have to take into consideration is the mileage that people running in these rural areas have to travel. The district that I presently represent has three towns in it with redistricting it doubles. I now have six. If we took this on, probably the district that I represent would have 12 or 15 towns. That covers probably a couple of counties, because it would probably take in Piscataquis County as well as Penobscot County.

If you live in a metropolitan area or a built up area, this may seem like a real good idea, but if you live in a rural area, think about those of us who have to travel many, many miles. I believe that Representative Joy's area, the Representative from Crystal, now presently takes him to drive through his district is about 150 miles. You add another 4,000 people and he is going to have to drive 300 or 400 miles. There is more to this than just cutting the size of the Legislature. I ask that when you think about this, you vote in favor of the Ought Not to Pass. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Levant, Representative Greeley.

Representative **GREELEY**: Mr. Speaker, Ladies and Gentlemen of the House. I had not planned on speaking on this issue today. Frankly, since I was not here this morning, I did not even know we were going to address this. I apologize for not being here this morning, but many of you know that in neighboring New Hampshire there are over 400 state legislators. California would be a wonderful place to be a State Representative because they make \$125,000 a year. For \$125,000 a year, maybe they are more willing to work 18 hours a day. I am just not sure. Since I have lived here my whole life and am a native of the State of Maine, I am more than happy to save people of the State of Maine a million dollars. I think that is a wonderful idea. I wish that we could save the people of the State of Maine a billion dollars, but as a first-term freshman legislator, I know about the work involved while serving my constituency. I know that with the four towns that I currently have in my district that I have my hands full. I am learning a lot about serving my constituents and I want to do the best possible job that I can.

If you expand my district, God willing and the voters willing that I am here next time around, I don't know that I will be able to serve them to the quality that I am trying to serve them now. In fact, I pride myself on my constituent work. I pride myself on making appearances and returning phone calls and going to



events and being there for the people who voted me in there. While saving a million dollars is a wonderful thing, it frankly would be less than \$1 per resident of the State of Maine. I think for less than a dollar it is more important that we do the best job that we can for our constituents. That means being available to them. I am concerned that if we expand some of our districts even more than they are by way of less legislators, we will not be as effective. I think that is our number one obligation to the people and the residents of the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Bowen.

Representative **BOWEN**: Mr. Speaker, Men and Women of the House. This bill was one of a series of bills that came before our committee looking for ways that we could do what we do here more cost effectively than we do now. Out of all the ones that we saw, this was the one that we liked the most. When you look at how we are really going to cut costs and on how we do this piece of our work, there is really only a handful of things that we can do. One of the other options in front of us was to cut our pay and our reimbursement rate. That may have merit, but I, for one, don't want to be part of a Legislature and the citizens don't want a Legislature that is made up of people who can afford to take six months off one year and five months off the next year to come and serve. I don't want the land of Aristocracy running the state. I wasn't happy about that bill.

Another option before us was to shorten the length of the session to two months every two years. Shortening the session may have merit. We probably could do more in the amount of time that we have here, but I, for one, as a freshman, think that we are going pretty fast as it is right now. I don't know that all the bills that we are having come before us are getting a good hearing and are being as fully thought about as they might be.

We could limit the number of bills that each of us could submit. I know that idea has been thrown around a little bit. Is cutting a couple hundred bills going to save us that much money, especially when it is going to potentially throw out some decent ideas. The average number of bills submitted in legislatures in this country is 1,600. We are not far from the national average with what we have. I don't know if that is necessarily how we are going to save money.

We could start cutting our staff, our support people and make up some saving there, but what is that going to do to our effectiveness, our ability to serve those constituents that we have and to make sure that we have the information that we need to make the right decisions for these people. To me, of all these options, this seemed the most sensible. The average size of a Legislature, a House, a lower body in this country is 108. One hundred and eight in the House and 38 in the Senate. A lot of states have 101 in one and 50 in the other. This bill would put us much closer to what the national average is in terms of the size of the Legislature. This would give us larger districts, somewhere in the neighborhood of 13,000 people. That is bigger. I know there are going to be big, huge districts as a consequence of that. Our Senators now serve many more people than that. The average size if you have 280 million people in America and they are somewhere in the neighborhood of 5,400 State Representatives total, that gives us an average House District sizes in the nation of 52,000 people each. You are talking about the bulk of the nation having much larger districts than we have.

I would submit to you that we can ably represent 13,000 people as well as we can represent the number of people that we have now, which is not that much fewer than that. We passed a budget a couple of months ago where we asked all of these state agencies to flat fund. We didn't do that for our own job here. The Legislature didn't flat fund. We came close, but we didn't quite

pull it off. I think the time has come that we become a model for the state. We need to show them that we can do more with less. We also have to remember that ultimately this is their choice. This bill asks the people to decide. Rather than sit here and try to convince each other, let's put this on the ballot and let's let the people of the state decide whether they want bigger districts, fewer representatives or whether they want to have to share us with a few thousand more people than they share us with now and let them decide. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Mr. Speaker, Men and Women of the House. I would be remiss if I didn't get into this philosophical debate about our governmental structure here in the State of Maine. First of all, let's look at the stats. This is a disproportionate cut in regards to how we are going to shape the Legislature. This distinguished body would be shrunk down to 99 and the other body only by two. Therefore, shifting proportionately the level of power in regards to representation, because you will remember as we were discussing yesterday that representatives in both bodies have the same number of constituents per district. There are other ways to save money as the good Representative from Rockport did bring forward. It is something that we should look at. Instead of looking at just cutting back numbers and cutting back the number of people and the diversity of ideas that come forth and the size of this Legislature, but we need to look at ways to improve the process. I think everybody in here would have some idea to bring forward in regards to how to change the process so things work better, not only to be cost efficient, so that the government works better for the people of the State of Maine. I urge you all to support the Majority Ought Not to Pass Report on this bill. Thank you very much 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. 65

YEA - Adams, Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Brown R, Bull, Bunker, Canavan, Carr, Clark, Courtney, Craven, Cummings, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Goodwin, Greeley, Hatch, Hutton, Jackson, Jennings, Kane, Ketterer, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McGlocklin, McKee, McLaughlin, Mills J, Moody, Norbert, Norton, Paradis, Patrick, Pellon, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Simpson, Smith N, Smith W, Sullivan, Suslovic, Tardy, Thomas, Thompson, Trahan, Twomey, Usher, Walcott, Watson, Wheeler, Wotton, Young, Mr. Speaker.

NAY - Annis, Austin, Berry, Bierman, Bowen, Bowles, Browne W, Bruno, Campbell, Churchill E, Churchill J, Clough, Collins, Cressey, Crosthwaite, Curley, Duprey B, Fletcher, Glynn, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lewin, McCormick, McGowan, McKenney, McNeil, Millett, Mills S, Muse, Nutting, O'Brien J, Peavey-Haskell, Richardson M, Shields, Snowe-Mello, Sukeforth, Sykes, Tobin D, Tobin J, Treadwell, Vaughan, Woodbury.

ABSENT - Andrews, Ash, Berube, Bryant-Deschenes, Cowger, Grose, Koffman, Maietta, Marraché, Moore, Murphy, O'Brien L, O'Neil, Percy, Stone.

Yes, 89; No, 47; Absent, 15; Excused, 0.

89 having voted in the affirmative and 47 voted in the negative, with 15 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-230)** - Minority (3) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Directing the Commission on Governmental Ethics and Election Practices To Adopt Rules Regarding Certain Election Practices

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

TABLED - May 5, 2003 (Till Later Today) by Representative CLARK of Millinocket.

PENDING - Motion of same Representative to **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** 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. This is a very bad bill. What this bill purports to do, if the House goes with this motion to pass this bill, is it will create a new standard for all of us and our friends who run for public office. Any literature that they circulate two weeks before an election, prior to them circulating it, they will need to file it with the State Ethics Commission. Additionally, if a candidate for office makes an automated telephone call prior to making an automated telephone call, they will have to file a script with the Ethics Commission. It sounds like bad news to you, well it sounds like bad news to me.

The problem with this bill is I believe it is unconstitutional and it is an infringement on our First Amendment rights. I have raised this issue. Having a standard that political literature needs to be filed with a government agency prior to you being able to exercise your freedom of speech is an outright infringement on our First Amendment rights. What happens if I, as a candidate, decide to circulate a flyer, perhaps I draw it up Friday night and I would like to mail it on Saturday. Do you know that I will be prohibited by this state law from distributing it until Monday because I have wait until the Ethics Commission opens so I could file it?

Can you imagine the outrage if we were to tell the war protestors in the City of Portland that prior to standing out in Monument Square that they had to file a copy of what was on their signs against the war with President Bush before they stood out there? What is the difference between that and this? This is asking us to file our literature prior to making it with the Ethics Commission.

Since this committee of jurisdiction, Legal and Veterans Affairs Committee, that I serve on took up this issue, the court looked at the decision of McCain-Finegold and found that it doesn't provide strong support for these types of arguments. It really proved that LD 1027 is unconstitutional. One of the provisions of the McCain-Finegold law that was struck down was a provision that required disclosure of contracts to make disbursements for election communications. Under that provision, disclosure would have been made on how much money was spent when a contract was made, not when the money was actually spent. This was a significant change from the current law, which only required that the disclosure after money was spent. In Friday's decision all three judges agreed that this prior disclosure provision was unconstitutional because it lacks a substantive relation to a legitimate government interest.

Two things are significant about the decision. The first was it was one of the few provisions in the law where all three judges agreed, that included the Clinton appointee. They agreed that the provision was unconstitutional. Most of the other areas of the law that were struck down were struck down by two to one votes. The second issue is all of the other new disclosure requirements in the law were upheld. In striking down this provision, the court made it clear, a constitutional distinction between requiring disclosure of spending after the fact and requiring prior disclosure. Requiring disclosure after the fact is absolutely unconstitutional.

Any court that accepts the logic behind Friday's decision would have to agree that LD 1027 is unconstitutional. LD 1027 actually goes well beyond the requirements of the McCain-Finegold law by requiring prior disclosure of actual content of political communication. If prior disclosure of financial data is protected by the First Amendment as based on that court decision, prior disclosure of the actual contents of the communication clearly would be protected. There are several court cases I could cite all key on point that this law is absolutely unconstitutional. This is an infringement on folk's freedom of speech. It is something that should not be put into statute and it is not something that I believe the good people of Maine would like to see on the books.

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

Representative **GLYNN** of South Portland **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: The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Ladies and Gentlemen of the House. In the old days of practicing law it used to be what we called the sporting theory of justice. That was the old Perry Mason days. At the last minute you could have somebody come running in the back door and tell the jury X, Y and Z and the case would be resolved. Nobody actually knew if X, Y and Z were true, but it had tremendous impact at the end of that trial. Over the years lawyers and courts learned that is not how you accomplish justice. Justice requires full interplay and competition of ideas. What this bill does, and it is only major substantive rules, it still comes back to this body next year. During the last two weeks of a campaign, before that it is free game, but the last two weeks of a campaign, if you are going to do targeted mailings, it does not cover radio ads, it doesn't cover newspaper ads or things that go broadcast broadly to the world, if you are targeting people with mail or you are targeting people with telephone calls, then you simply have to put a copy of that mailing or transcript in the hands of the Ethics Commission. There is nothing further than that that is required.

It then becomes incumbent on the other side, the opponent, to check those filing and see what is being said and if they disagree, then they have an opportunity to respond. This is an effort to get our elections focused on substance, not on the last minute gotcha politics that we have seen too often around this state. We understand that as you get to the final days of a campaign that there is probably nothing you can do that won't abridge the freedom of speech, but during those critical last two weeks, this is a limited effort to give the people of this state a chance to hear both sides of an issue. I think that is a compelling state interest that overrides the limited requirement that we have on disclosure prior to putting out these two limited types of arguments. They are the targeted mailings and the targeted

phone calls. This is a compelling state issue. It is compelling for everybody in this chamber. I am not a constitutional lawyer, but I think it makes sense and I hope this body will support it. Thank you.

Representative CLARK of Millinocket **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. Besides the argument that this bill is unconstitutional, which I believe is a very solid argument and more than enough reason for this body to turn down a piece of legislation, there are several other pieces of legislation that are moving through the process directed on this issue. I know many members feel the same way as many of us do on the Legal and Veterans Affairs Committee that recently the election campaigns of Ah ha, got you campaigns where in the last seven days of a campaign these negative ads come out with little time to respond. How do we get at that issue? Our committee looked at several bills, in fact, one of them we worked today, deals with this point on topic. The reason why I bring this up is to tell you that there are several bills in the pipeline that are going to address the concern in a meaningful and in a constitutional way that doesn't inhibit free speech, but provides for mechanisms so that candidates have an opportunity to respond when these last minute negative ads are on the books.

The real problem we have is that if a candidate runs as a clean election candidate when these issue advocacies are put out, that candidate doesn't receive matching funds. They have already planned to spend their campaign resources in a particular way. If you are a traditional candidate running against a clean election candidate, you have the same problem. The sword cuts both ways. An issue advocacy piece is done against you. If you answer that issue advocacy ad, then your clean election opponent gets matching funds and gets a double benefit. This issue is being addressed in other legislation.

I think it is important for you to know that. I think it is even more important for us to consider that the chilling aspects of this legislation requiring our speech to be filed with the government prior to making it at the Ethics Office and the effects that that will have on infringing First Amendment rights. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Mr. Speaker, Ladies and Gentlemen of the House. In my humble opinion, there is nothing unconstitutional about this measure. This measure merely directs the Ethics Commission who is probably the best body to make this kind of decision to form rules. That certainly is within our preview. That is not violating the Constitution in any way at all. If, for some reason, the Ethics Commission came back with a rule that appeared to infringe upon the Constitution, then that matter could be handled and certainly would be. These rules, as I understand this legislation, are supposed to come back to us anyhow.

The second point is this does not act as any kind of prior restraint on political information to be disseminated. All it does is give the party for whom that attack is to be made a fair chance to respond. It does not require that the Ethics Commission make a rule that would allow it to censure that information, but only to place it on file. The Commission would probably post it on the web where it would be available and easy to check. I cannot think of a better organization to deal with a situation like this than the Ethics Commission itself. That is all we are doing, simply

asking them to make a rule that we could take a look at. Thank you.

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

Representative **COURTNEY**: Mr. Speaker, Ladies and Gentlemen of the House. When I heard about this bill in caucus the other day, I was a little excited. I thought it was perhaps one of the craziest pieces of legislation that I have ever seen in my life. Fortunately I haven't been here for very long. It really raises some concerns with me. I think that one of them is when you run a campaign you have a strategy that you work through. Not all strategies are negative. I know in my case we never even contemplated anything like that. I think most of the people here didn't contemplate things like that and that is probably why they are here. I think that we maybe do a disservice to the people of Maine if we send out the presumption that we can pull stuff over on them. I just think that is wrong. I think that this is something that just doesn't seem fair. I think that you shouldn't have to take your campaign mailers or literature or whatever it may be, send it to the Ethics Commission. Why not send it directly to your opponent? Is that coming next week?

I do have a couple of questions I would like to pose. What does the Ethics Commission do with the information, number one? With regards to response, it is my understanding that they three days to respond. Once that gets to the Ethics Commission, if the candidate were to go to the Ethics Commission, get the information, would they have to wait three days to respond after filing a response? Finally, what are other requirements in some other states? I was just wondering whether some of those things may have come up in committee. Thank you Mr. Speaker.

The **SPEAKER**: The Representative from Sanford, Representative Courtney has posed a series of questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. I cannot say what other states do. I can answer the question about what the Ethics Commission would do. They would simply maintain the information in a folder. It would be available as all public records are for public inspection. My expectation would be that during the final two weeks of a campaign interested parties would be checking those folders periodically to find out what was going on.

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. 66

**YEA** - Adams, Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Browne W, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gerzofsky, Grose, Hatch, Hutton, Jackson, Jennings, Kane, Ketterer, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McGlocklin, McGowan, McKee, McLaughlin, Mills J, Mills S, Norbert, Norton, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sukeforth, Sullivan, Suslovic, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

**NAY** - Annis, Austin, Berry, Bierman, Bowen, Bowles, Brown R, Bruno, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Fletcher, Gagne-Friel, Glynn, Greeley, Heidrich,

Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Landry, Ledwin, Lewin, McCormick, McKenney, McNeil, Millett, Moody, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Young.

ABSENT - Andrews, Ash, Berube, Bryant-Deschenes, Dugay, Goodwin, Koffman, Maietta, Marraché, Moore, Murphy, O'Brien L, O'Neil, Stone, Thomas, Vaughan.

Yes, 76; No, 59; Absent, 16; Excused, 0.

76 having voted in the affirmative and 59 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Resolve was **READ ONCE. Committee Amendment "A" (H-230) was READ** by the Clerk and **ADOPTED.** The Resolve was assigned for **SECOND READING** Wednesday, May 7, 2003.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-228)** - Committee on **LEGAL AND VETERANS AFFAIRS** 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)

Which was **TABLED** by Representative RICHARDSON of Brunswick pending the motion of Representative GLYNN of South Portland to **ACCEPT** the Minority **Ought to Pass as Amended Report.**

Representative CLARK of Millinocket **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Minority **Ought to Pass as Amended Report.** All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 67

**YEA** - Annis, Austin, Berry, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Fletcher, Glynn, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lewin, McCormick, McGlocklin, McKenney, McNeil, Millett, Mills S, Moody, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Saviello, Sherman, Shields, Snowe-Mello, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Watson, Woodbury, Young.

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

ABSENT - Andrews, Ash, Berube, Bryant-Deschenes, Goodwin, Koffman, Maietta, Marraché, Moore, Murphy, O'Brien L, O'Neil, Stone.

Yes, 65; No, 73; Absent, 13; Excused, 0.

65 having voted in the affirmative and 73 voted in the negative, with 13 being absent, and accordingly the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, the Majority **Ought Not to Pass Report was ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

#### REPORTS OF COMMITTEE

##### Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-258)** on Resolve, To Improve Fisheries Management in Hancock County (H.P. 601) (L.D. 824)

Signed:

Senators:

BRYANT of Oxford

KNEELAND of Aroostook

Representatives:

PIOTTI of Unity

CARR of Lincoln

HONEY of Boothbay

CHURCHILL of Orland

FLETCHER of Winslow

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

Signed:

Representatives:

McKEE of Wayne

LUNDEEN of Mars Hill

PINEAU of Jay

SMITH of Monmouth

EDER of Portland

**READ.**

Representative McKEE of Wayne moved that the House **ACCEPT** the Minority **Ought Not to Pass Report.**

The **SPEAKER:** The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **McKEE:** Mr. Speaker, Men and Women of the House. This is a bill that came before the Agriculture, Conservation and Forestry Committee. The original bill would have transferred the responsibility of constructing boating facility access on Branch Lake in Ellsworth to the Inland Fisheries and Wildlife. Currently the Department of Conservation owns this land. It is the site of a landing that was closed. The ACF Committee has oversight of the Department of Conservation. The Department has been engaged with the City of Ellsworth in an ingenuous process for the past couple of years in trying to address some of their concerns. They have legitimate concerns. The good Representative from Ellsworth will go into that further with you.

The City of Ellsworth is not opposed to having the boat facility constructed. They merely want to be able to continue in the process that they have started. The Committee Amendment turns the property back to the Department of Conservation, which is where it should be. It is a beautiful site and they have the right to go in and establish this facility. Those of you who have dealt with IF and W or the Department of Conservation know that they

have the right to build these public access points. I had it happen in my own town. You and I know that that process is very important if we are going to build confidence and good will in these state agencies. The Department of Conservation was opposed to the transfer of this land to Inland Fisheries and Wildlife. They do wish to be able to continue in that process.

I hope that you will join me in voting Ought Not to Pass on this bill as amended by (H-258). Thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Crosthwaite.

Representative **CROSTHWAITE**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition of LD 824. I am in favor of the minority position. Mr. Speaker, this Resolve originally required the transfer of jurisdiction of a parcel of land from the Department of Conservation to the Department of Inland Fisheries and Wildlife to construct a public boat launch on Branch Pond in Ellsworth in Hancock County.

A bit of history would help, I think. A privately owned boat launch site, Hanson's Landing, was closed to the public in 1999. The Bureau of Parks and Lands has been working with the city to design a public launch site. There are presently 1,255 acres that are presently owned by the Department of Conservation. The Bureau was asked to defer further planning for the launch site until Ellsworth's comprehensive plan was reviewed and completed and completion of that has taken longer than anticipated.

Branch Pond is the drinking water supply for Ellsworth and there are some very serious concerns with regard to water contamination. The original resolve that would have given the land to IF & W would have given the sole discretion in the placement, design and maintenance of the boat launch. This needs to respect, I believe, the city's planning process and unique concerns for the Branch Pond. It should be noted, too, that there now is public access at the city's boat launch site.

I would also point out to all members that the fiscal impact, as estimated, is \$400,000. Mr. Speaker, I would like to make two rhetorical comments. Of this total, first, what portion is for the construction of a boat launch facility? Secondly, what portion represents a construction of an access road to the boat launch facility?

Branch Pond is an important natural resource to the City of Ellsworth and also for the State of Maine. I repeat, it is the source of the City of Ellsworth's public drinking water supply. LD 824 would now give the Maine Department of Conservation sole discretion in placement, design and maintenance of a public boat access to Branch Pond. It does not provide for input from the city or its residents.

Another major factor is the threat of invasive aquatic species that threaten to permanently diminish to quality of the lake. Infestations of invasive aquatic plants on surface waters that serve as drinking water sources should always and particularly concern public water systems and their consumers. These invaders jeopardize water quality, clog intakes and filtration systems, raise PH, increase turbidity and foster formation of disinfection byproducts. They are also nearly impossible to eradicate once they have been established. In other states, sad to say, inflicted with invasive aquatic species, are now spending multiplied millions of dollars every year to manage, not eliminate, but manage those problems.

Another problem, Mr. Speaker, is clear access. At present, the existing city road is the best way to access Branch Pond. The Department of Conservation officials have been saying recently that they could build the launch without building a new road because they have a right of way over what is known as Branch View Drive South. On Saturday last, May 3, Mary Anne

Hayes visited the Sand Beach area of Branch Pond. She is the state planner who will review the new comprehensive plan for Ellsworth. Her first comment was, "It is going to take a huge investment to get that road rebuilt to accommodate boat trailers."

Mr. Speaker, I think this point should be emphasized, even in the absence of a new road, this will be an expensive road project, which should be properly and more clearly reflected in the fiscal note on the bill. Upgrading Branch View Drive South now and then doubling that investment with a new road later makes the project even more ludicrous from a financial standpoint. The planner seemed astounded that the fiscal note for the boat launch and new road is \$400,000 and that eight or nine already scheduled boat launch projects would have to be cancelled or delayed to develop the site. She also visited the city's launch site and commented that it was nice, it was practical and had no negative comments about the access road.

She listened intently to the arguments for improving the landing as opposed to adding another entry to the lake site. Mr. Speaker, I contend that this is a home rule situation and the process I believe needs to be honored. Let's give all parties, the Department of Conservation, Inland Fisheries and Wildlife, the City of Ellsworth, Branch Pond Association, Sportsmen's Alliance of Maine, abutting landowners, Ellsworth Comprehensive Plan Review Committee and the Water Assessment Program representatives all a voice in this process and not create another mandate for another municipality. I would urge my colleagues in the House to join me in stopping this bill until all interested shareholders have had an opportunity to work on a suitable and responsible resolution.

Therefore, Mr. Speaker, I move that this bill, LD 824 and all its accompanying papers be Indefinitely Postponed. Mr. Speaker, I respectfully request that when the vote is taken, a roll call vote be ordered. Thank you Mr. Speaker.

Representative **CROSTHWAITE** of Ellsworth moved that the Resolve and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers.

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 Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. I submitted this Resolve. This is a product of a couple of years of agonizing on the part of many people in this state over the fate of public access on Branch Lake. Talking about the stakeholders involved and what sort of process should be involved, I would like to remind the members that we are talking about a boat launch. We are not discussing a nuclear power plant. The history that my good friend from Ellsworth, Representative Crosthwaite gave is pretty much right on the money. There was public access for many decades and access through Hanson's Landing. The owner of Hanson's Landing gave notice to the Department of Inland Fisheries and Wildlife that he was going to be selling that facility and it would be unlikely that the new owners would continue public access on that body of water. The Department then endeavored to find a new access point. The other access point that has been referred to is a very small access point. There are four parking spaces and there is a bridge involved, which when the water is high enough to get a boat through the rocks, it is too high to get under the bridge, unless you have a very small boat. In terms of being able to provide equitable access to the fisheries, the department was forced to stop their stocking program on one of the most

important salmon fisheries in the State of Maine, hence the title of the Resolve.

This was deliberated in the Committee of Agriculture, Conservation and Forestry and I think they did a marvelous job in weighing out all the issues. The position that is before us now is Indefinite Postponement. I think if you want to really quantify where this whole thing should come down, you should ask yourself a couple questions. If you believe that the threat of invasive species or the threat to a public drinking supply is so great that we should not allow public access on that, then consider the lakes in your own districts, Sebago Lake, Eagle Lake in Bar Harbor and Pushaw Lake in Old Town and many, many others which serve as public drinking water supplies and have public access. There is no real public access in Branch Lake. However, there is plenty of private access. In fact there are 38 private boat launches on Branch Lake. This is not a small body of water, ladies and gentlemen of the House. Two thousand seven hundred and three acres, this is not a swimming pool in someone's backyard. It is a very, very large lake. When the proposals are being made to cite a boat launch on that Department of Conservation land, the Pond Association stepped forward and brought their concerns about invasive species and water quality. I think it put the Ellsworth City Council in somewhat of an unfair position, choosing between the interests of their constituents and of the interests of the people of the State of Maine. Here we are again talking about the very same issue.

If you believe that a body of a water 2,703 acres should not be managed as a fishery and should not have any public access, then by all means vote for the pending motion. If you believe that a small group of private citizens should have exclusive access to a great pond held in common by the people of the State of Maine, not to mention the two miles of shorefront owned and purchased by the people of the State of Maine, then by all means support the Indefinite Postponement motion. However, if you believe that we should manage these fisheries for the benefit, not just for the fishermen in the City of Ellsworth or Hancock County, but for the people of the State of Maine, then please defeat the pending motion and go on to accept the Majority Ought to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Just in response to the good Representative from Old Town, Representative Dunlap, this is not a question about whether this lake will be stocked or not. This lake has public access. IF & W can stock this lake. We can continue to use it. It is also not about not having public access. We are in the process. The question is, do you think that a group of people should be allowed to come to the Legislature and use a middle of the night back-door approach to get what they want or should we honor a community's ingenuous process? I think it is perfectly appropriate for people to ask about milfoil and what might happen. It is perfectly appropriate to ask about the quality of the water. It is perfectly appropriate to ask how many uses will be honored here at this place. By the way, when the Department of Conservation facility goes in, it is multi use. It is not just for fisheries. It means that there can be swimming, kayaking, canoeing and power boating. It is a beautiful sight, but let the process continue. If you wish for the process to continue and for the Department of Conservation to do what we have faith in them to do, we can't step in and help out IF & W or DOC, they are perfectly capable of acquiring public access in our state. This process is very important if we are going to have good will. In fact, hopefully in the future some of these boat sites, there is one in my town, hopefully these will someday be turned over to our towns. Why, because IF & W and DOC don't have the money to

maintain them. They need our help. They need our support. If you have faith in the Town of Ellsworth and its process with the Department of Conservation, please join Representative Crosthwaite and myself and the members of the minority in voting for Indefinite Postponement. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Resolve and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 68

YEA - Adams, Austin, Barstow, Berry, Bowen, Bowles, Breault, Brown R, Browne W, Bull, Canavan, Clough, Collins, Cowger, Craven, Crosthwaite, Curley, Duprey G, Eder, Gagne-Friel, Glynn, Heidrich, Hotham, Jodrey, Kaelin, Ketterer, Ledwin, Lewin, Lundeen, Makas, McCormick, McKee, McKenney, McLaughlin, McNeil, Millett, Mills S, Norton, O'Brien J, Pineau, Rector, Richardson M, Rogers, Saviello, Shields, Smith N, Snowe-Mello, Suslovic, Sykes, Thompson, Tobin D, Treadwell, Twomey, Vaughan, Woodbury, Young.

NAY - Annis, Bennett, Bierman, Blanchette, Bliss, Brannigan, Bruno, Bunker, Campbell, Carr, Churchill E, Churchill J, Clark, Courtney, Cummings, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey B, Earle, Faircloth, Finch, Fischer, Fletcher, Gerzofsky, Greeley, Grose, Hatch, Honey, Hutton, Jackson, Jacobsen, Jennings, Kane, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Mailhot, Marley, McGlocklin, McGowan, Mills J, Moody, Muse, Norbert, Nutting, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Perry A, Perry J, Pingree, Piotti, Richardson E, Richardson J, Rines, Rosen, Sampson, Sherman, Simpson, Smith W, Sukeforth, Sullivan, Tardy, Thomas, Tobin J, Trahan, Usher, Walcott, Watson, Wheeler, Wotton, Mr. Speaker.

ABSENT - Andrews, Ash, Berube, Bryant-Deschenes, Cressey, Goodwin, Joy, Maietta, Marraché, Moore, Murphy, O'Brien L, O'Neil, Stone.

Yes, 56; No, 81; Absent, 14; Excused, 0.

56 having voted in the affirmative and 81 voted in the negative, with 14 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers **FAILED**.

The Chair ordered a division on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

Representative McKEE of Wayne **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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: A roll call has been ordered. The pending question before the House is acceptance of the Minority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 69

YEA - Adams, Annis, Austin, Barstow, Bennett, Berry, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bull, Bunker, Canavan, Clough, Collins, Cowger, Craven, Cressey, Crosthwaite, Cummings, Curley, Daigle, Dudley, Dugay, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Gagne-Friel, Glynn, Grose, Hatch, Heidrich, Hotham, Hutton, Jodrey, Kaelin, Ketterer, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Mailhot, Makas, McCormick, McKee, McKenney, McLaughlin, McNeil, Millett, Mills S, Muse, Norton, O'Brien J, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Pineau, Pingree, Rector, Richardson E, Richardson J, Richardson M, Sampson, Saviello, Shields, Simpson, Smith N, Snowe-Mello, Sukeforth, Sullivan, Suslovic, Sykes, Thomas,

Thompson, Tobin D, Twomey, Vaughan, Walcott, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Bierman, Blanchette, Bruno, Campbell, Carr, Churchill E, Churchill J, Clark, Courtney, Davis, Dunlap, Duprey B, Fischer, Fletcher, Gerzofsky, Greeley, Honey, Jacobsen, Jennings, Kane, McGlocklin, McGowan, Mills J, Moody, Norbert, Nutting, Perry A, Perry J, Piotti, Rines, Rogers, Rosen, Sherman, Smith W, Tardy, Tobin J, Trahan, Treadwell, Usher, Watson, Wheeler.

ABSENT - Andrews, Ash, Berube, Bryant-Deschenes, Goodwin, Jackson, Joy, Maietta, Marley, Marraché, Moore, Murphy, O'Brien L, O'Neil, Stone.

Yes, 95; No, 41; Absent, 15; Excused, 0.

95 having voted in the affirmative and 41 voted in the negative, with 15 being absent, and accordingly the Minority **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 **NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Abolish the State Planning Office"

(H.P. 785) (L.D. 1067)

Signed:

Senators:

MARTIN of Aroostook  
EDMONDS of Cumberland

Representatives:

KOFFMAN of Bar Harbor  
TWOMEY of Biddeford  
HUTTON of Bowdoinham  
MAKAS of Lewiston  
SAVIELLO of Wilton  
THOMPSON of China  
DAIGLE of Arundel  
TOBIN of Windham  
ANNIS of Dover-Foxcroft

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-261)** on same Bill.

Signed:

Senator:

SAWYER of Penobscot

Representative:

JOY of Crystal

**READ.**

Representative KOFFMAN of Bar Harbor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative KAELIN of Winterport **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: 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. 70**

YEA - Adams, Annis, Barstow, Bennett, Blanchette, Bliss, Bowen, Brannigan, Breault, Brown R, Bull, Bunker, Canavan,

Cowger, Craven, Cummings, Daigle, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Hatch, Hutton, Jackson, Jennings, Jodrey, Kane, Ketterer, Koffman, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McCormick, McGlocklin, McGowan, McKee, McLaughlin, Millett, Mills J, Mills S, Moody, Norbert, Norton, Nutting, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Tobin D, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Austin, Berry, Bierman, Bowles, Browne W, Bruno, Campbell, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Davis, Duprey B, Fletcher, Glynn, Greeley, Heidrich, Honey, Hotham, Jacobsen, Kaelin, Landry, Ledwin, Lewin, McKenney, McNeil, Muse, O'Brien J, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Sukeforth, Sykes, Tardy, Tobin J, Trahan, Treadwell, Vaughan.

ABSENT - Andrews, Ash, Berube, Bryant-Deschenes, Goodwin, Joy, Maietta, Marraché, Moore, Murphy, O'Brien L, O'Neil, Peavey-Haskell, Perry J, Stone.

Yes, 88; No, 48; Absent, 15; Excused, 0.

88 having voted in the affirmative and 48 voted in the negative, with 15 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:

An Act To Increase the Collection of Child Support  
(H.P. 459) (L.D. 629)  
(C. "A" H-194)

Which was **TABLED** by Representative RICHARDSON of Brunswick pending **PASSAGE TO BE ENACTED**.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

Representative PERCY: Mr. Speaker, Ladies and Gentlemen of the House. If I had been here for Roll Call 63, LD 472, I would have voted yes. If I had been here for Roll Call 64, LD 1109, I would have voted yes. For Roll Call 65, LD 310, I would have voted yes.

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

Representative GROSE: Mr. Speaker, Ladies and Gentlemen of the House. If I were present, I would have voted

yes on LD 472, Roll Call 63. I would have voted yes on LD1109, Roll Call 64 and I would have voted yes on LD 310, LD 65.

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

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On motion of Representative GROSE of Woolwich, the House adjourned at 6:04 p.m., until 9:00 a.m., Wednesday, May 7, 2003.