

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
49th Legislative Day
Monday, May 12, 2003

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

Prayer by Reverend Dr. Henry G. Wyman, Bangor (retired).
National Anthem by Lawrence High School Show Choir, Fairfield.

Pledge of Allegiance.

The Journal of Friday, May 9, 2003 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Protect Consumer Privacy Rights"

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

Majority (11) **OUGHT NOT TO PASS** Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** in the House on May 6, 2003.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, Directing the Commission on Governmental Ethics and Election Practices To Adopt Rules Regarding Certain Election Practices

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

Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-230)** in the House on May 7, 2003.

Came from the Senate with the Reports **READ** and the Resolve and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in **NON-CONCURRENCE**.

On motion of Representative CLARK of Millinocket, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

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

Non-Concurrent Matter

Resolve, To Improve Fisheries Management in Hancock County

(H.P. 601) (L.D. 824)

Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** in the House on May 6, 2003.

Came from the Senate with the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT**

"A" (H-258) AS AMENDED BY SENATE AMENDMENT "A" (S-113) thereto in **NON-CONCURRENCE**.

Representative McKEE of Wayne moved that the House **ADHERE**.

Representative DUNLAP of Old Town moved that the House **RECEDE AND CONCUR**.

The same Representative **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative **CROSTHWAITE**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition to the motion to Recede and Concur. For the sake of clarity, I would like to revisit a few salient points concerning the ambiguity of this piece of legislation and for the sake of brevity, I will pose a number of questions specific to the amended version of the bill before us. Branch Pond is a great pond located entirely in the City of Ellsworth. It is the source of the city's drinking water supply. City and state officials have held several extensive discussions concerning a state owned boat launch facility. The city is not opposed to construction of a public boat launch facility. Increasing public access to Branch Pond is one of the objectives of the city's new comprehensive plan and the main issues of local interest revolve around the size of the facility, gating oversight, maintenance and other future uses that might be planned for this site.

Mr. Speaker, once again I offer as yet unanswered questions concerning the planned project. How can such an expansion be completed without addressing the possible introduction of foreign fauna species? If the Department of Conservation, Bureau of Parks and Lands is given sole discretion in the placement, design and maintenance of the proposed boat launch and possible picnic site and camping area, does it not appear to exclude public input with no assurance of environmental issues being addressed. Would not a continuing dialogue between city and state officials and agencies be a far better approach to this challenge than that being contemplated by the proposed and twice amended bill, which came out of committee with a narrow 7 to 5 margin? Will such a project enhance or harm the water quality of the public resource? Is the adjusted fiscal note figure of \$200,000 realistic in today's terms given the state's present financial position? Does state mandate trump home rule? Have other members of this esteemed body checked with DOC recently to see if one or more of the eight or nine previously planned boat launch projects, which will have to be withdrawn or seriously delayed are indeed projects within their own districts? Do members present, especially the members of the committee of jurisdiction, realize that there already is public access to Branch Pond by way of a city owned and operated day use park and boat launch? Mr. Speaker, if access to the lake and maneuverability on the lake are the real problems facing Branch Pond, could someone explain to me how no fewer than 18 boats will be arriving at the present boat launch at 6 a.m. on Sunday next, May 18th, to participate in an all day IF & W sponsored bass fishing tournament on Branch Pond? Is it not a reasonable request to delay further action until all vested parties can be given opportunity for input and exchange seeing that 81 out of 81 property owners surveyed say they are opposed to LD 824 and its accompanying papers while 77 of those 81 said they are not against improved public access to Branch Pond with some form of supervision, control and city involvement in the project.

Mr. Speaker, I thank the body for its indulgence. I urge members to vote no on the pending motion to Recede and Concur.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. It is truly a myriad series of questions. I will try to do the best I can. The current boat launch that the good Representative from Ellsworth referred to has four parking spaces in it. I don't know where the other 14 are going to be parking. I would invite anyone to go down there, pick up a medium sized rock and heave it forward into the lake and you are bound to come very close to the current water intake. If the issue is really concern about the water supply, then I don't think over utilizing that current small launch is really going to get to the issue.

I have also heard a bunch of other things in the hallways in the last week or so regarding this bill, which I think point more directly to the questions at hand. First of all, this is not a bill about Matt Dunlap going fishing on Branch Lake. I have heard that a number of times. I did used to fish down there. Chances are with a young family, I don't even get a chance to fish in my section of the Penobscot River. The odds are I probably will never go back down there again. However, my daughter may want to go fishing down there someday. Right now, the way things stand, she probably will never get a chance to do that. I can assure you that if we do not do something to create public access down there now, it may never happen.

If you think about your children and grandchildren and whether or not we should take a great pond the size of 2,403 acres and basically lock it up, then think about that for a few moments.

Local control, home rule, I have heard that quite a bit in the last couple days in this debate. I think it would be worthy to note that in terms of regulating surface water uses, boating laws and that sort of thing, few people can match my record on embracing local control. In 1998, we went though the whole fight on the Great Ponds Act, giving municipalities real solid input on what types of boating restrictions could be in place in bodies of water near municipalities. I have been a champion of that. It is sunset. We discovered it was such a good idea; my committee is going to bring it back. That is a major, major public policy initiative to give municipalities that type of local control.

My friend from Ellsworth said something and I don't know if anybody caught it. He used the word gated, gated access. Well, home rule is one thing, ladies and gentlemen, but when you are talking about a great pond held in trust by the people of the State of Maine, 2,400 acres, 2 miles of public shorefront paid for with your tax dollars. Let me ask you something, do your constituents have a right to that property or is it an issue of home rule? Is it an issue of home rule or is it an issue of state mandated gated communities? I would ask you to consider that. Water quality, that could be an issue, but it is an issue in every body of water in the State of Maine, whether they have a boat launch or not.

In terms of invasive species, with 38 private boat launches, I don't see how you could minimize the risk and threat of invasive species. These issues keep coming up again and again and again. I would invite you to consider whether or not those are really the issues at hand or whether the issue at hand is who has access to that body of water. I maintain the people of the State of Maine should have access to that body of water, not just a select group of people who happen to own shorefront property in the lake. Thank you Mr. Speaker.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I urge you to oppose the Recede and Concur motion. I will speak briefly to my position. The very eloquent and articulate Representative from Ellsworth, Representative Crosthwaite, certainly was asking some questions. Some of these are rhetorical questions though, because they haven't yet been answered. We haven't given the Town of Ellsworth the time that they need to consider these. This is not a question of whether or not we want public access. Of course we do. The Department of Conservation could at this point do exactly what this amendment says. It could force its way in and say we are going to do it. We have a beautiful site. We can convert a once private landing, which was very popular, into a multi-use facility. They can go right ahead and do that.

What we want here is an ingenuous process. We want IF & W as well. We want DOC to come into our communities and be up front about what they hope to do, plan to do, will do and say to us, we care about you here because this is in your town. We want the traffic patterns to be appropriate. We want the speed limit to be appropriate. We want you to know that we have applied for all the permits. We want you to know where the money is coming from. We want to know ways that we can protect this drinking water supply. We want to hear from you and quite frankly this is a very important project. I think the town is very close to having all of their questions answered. Please, let's not set a precedent. Let's not have a department who cannot come up with a process in which they build goodwill and confidence in public access acquisition to have to come to the Legislature and say, do our business for us. We don't have the ability to do this. We are not going to play mommy and daddy here. We are not going to do what the Department of Conservation should already be doing. If it means they have got to go back and examine their process, so be it. I think in both departments they need to do that.

In the best interest of the municipality of Ellsworth and in the best interest of your community and my community where we were allowed such a process, I would have been highly offended if someone had come in here and forced something on the Town of Wayne. We have wonderful public boat access. We have faith in IF & W. We are helping to take care of it. We feel good about it. That is what we want in the Town of Ellsworth. Let's defeat the Recede and Concur motion and let's send a message to our departments about what municipalities need and care about. A roll call has been asked for. Thank you.

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

ROLL CALL NO. 85

YEA - Annis, Ash, Bennett, Blanchette, Brannigan, Bruno, Bunker, Carr, Churchill E, Churchill J, Clark, Daigle, Dunlap, Earle, Fischer, Gagne-Friel, Greeley, Honey, Jackson, Jennings, Kane, Koffman, Lemoine, Lessard, Marley, Moody, Norbert, Nutting, O'Brien L, O'Neil, Patrick, Pellon, Richardson E, Rosen, Sherman, Simpson, Smith W, Thomas, Tobin J, Trahan, Usher, Watson, Wheeler, Wotton.

NAY - Andrews, Austin, Barstow, Berry, Berube, Bowen, Bowles, Breault, Brown R, Browne W, Bryant-Deschenes, Bull, Campbell, Canavan, Clough, Collins, Courtney, Craven, Cressey, Crosthwaite, Cummings, Curley, Davis, Dudley, Duplessie, Duprey B, Eder, Finch, Fletcher, Glynn, Grose, Hatch, Heidrich, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Landry, Laverriere-Boucher, Ledwin, Lerman, Lewin, Lundeen, Maietta, Mailhot, Makas, McCormick, McGowan, McKee, McKenney, McNeil,

Millett, Mills S, Moore, Murphy, O'Brien J, Paradis, Peavey-Haskell, Percy, Perry A, Pineau, Pingree, Rector, Richardson J, Richardson M, Rogers, Sampson, Saviello, Shields, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Thompson, Tobin D, Treadwell, Twomey, Vaughan, Walcott, Woodbury, Young.

ABSENT - Adams, Bierman, Bliss, Cowger, Dugay, Duprey G, Faircloth, Gerzofsky, Goodwin, Hutton, Ketterer, Marraché, McGlocklin, McLaughlin, Mills J, Muse, Norton, Perry J, Piotti, Rines, Smith N, Tardy, Mr. Speaker.

Yes, 44; No, 84; Absent, 23; Excused, 0.

44 having voted in the affirmative and 84 voted in the negative, with 23 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **ADHERE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 201)

STATE OF MAINE

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

May 8, 2003

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Insurance and Financial Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1521 An Act Concerning Liability Insurance Covering Debt Cancellation Contracts

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

Sincerely,

S/Sen. Lloyd P. LaFountain III

Senate Chair

S/Rep. Christopher P. O'Neil

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 202)

STATE OF MAINE

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

May 8, 2003

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business, Research and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 75 An Act to Amend the Motor Vehicle Franchise Laws

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

Sincerely,

S/Sen. Lynn Bromley

Senate Chair

S/Rep. Nancy B. Sullivan

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 203)

STATE OF MAINE

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

May 8, 2003

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1405 An Act To Adjust Fees Charged for Licenses Issued by the Bureau of State Police Licensing Division

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

Sincerely,

S/Sen. Ethan Strimling

Senate Chair

S/Rep. George H. Bunker, Jr.

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 204)

STATE OF MAINE

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

May 8, 2003

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1198 An Act Regarding the Criminal History Record Check of School Employees

L.D. 1484 An Act To Amend the School Construction Program

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

Sincerely,

S/Sen. Neria R. Douglass

Senate Chair

S/Rep. Glenn Cummings
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 205)
STATE OF MAINE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON JUDICIARY

May 8, 2003
Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333
Dear President Daggett and Speaker Colwell:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bill out "Ought Not to Pass":
L.D. 1138 An Act To Enhance the Economic Security of Maine's Families and Children
We have also notified the sponsor and cosponsors of the Committee's action.
Sincerely,
S/Sen. Peggy A. Pendleton
Senate Chair
S/Rep. William S. Norbert
House Chair
READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 206)
STATE OF MAINE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

May 8, 2003
Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333
Dear President Daggett and Speaker Colwell:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":
L.D. 568 Resolve, To Study the Impact of a Statewide System for the Electronic Filing of Deeds
L.D. 700 Resolve, To Create the Task Force To Study County Government Efficiency
L.D. 1118 An Act To Study the Consolidation and Regionalization of Programs at All Levels of Government
We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.
Sincerely,
S/Sen. Margaret Rotundo
Senate Chair
S/Rep. Janet L. McLaughlin
House Chair
READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative McKEE of Wayne, the following Joint Resolution: (H.P. 1186) (Cosponsored by Senator BRYANT of Oxford and Representatives: CARR of Lincoln, CHURCHILL of Orland, EDER of Portland, FLETCHER of Winslow, LUNDEEN of Mars Hill, PINEAU of Jay, PIOTTI of Unity, SMITH of Monmouth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)
JOINT RESOLUTION MEMORIALIZING THE UNITED STATES DEPARTMENT OF AGRICULTURE TO PROVIDE REGIONAL EQUITY IN FEDERAL SUPPORT TO AGRICULTURE AS PROMISED IN THE 2002 FARM BILL

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 Department of Agriculture as follows:
WHEREAS, agricultural production is a unique and diversified industry in the northeastern United States; and
WHEREAS, the agricultural industry continues to be one of the top employers in each of the states in the northeast region; and
WHEREAS, differences in climate, transportation, feed, energy costs and land values compound regional differences; and
WHEREAS, the current crisis in dairy prices is placing a tremendous burden on the entire structure and infrastructure of agriculture in the northeast region; and
WHEREAS, the northeast region of the United States contains more than 135,000 small to mid-size family agricultural operations on more than 20 million acres of land; and
WHEREAS, in the northeast region, more than 58 million consumers, many living in urban areas, are concerned about food security in these times of national unrest and terrorism; and
WHEREAS, we believe that it is in the best interest of national security to ensure that regional agriculture continues to be viable and available to provide a safe, secure food supply to those consumers; and
WHEREAS, the federal Farm Security and Rural Investment Act of 2002, commonly referred to as the 2002 Farm Bill, provided a very positive first step in providing regional equity in federal support to agriculture; and
WHEREAS, the proposed United States Department of Agriculture's Environmental Quality Incentives Program rules contain provisions that will pose a severe impediment to northeast farmers who wish to access that program; now, therefore, be it
RESOLVED: That We, the Members of the 121st Legislature, now assembled in the First Regular Session, respectfully request that when the United States Department of Agriculture promulgates its rules, the department:
1. Ensure that locally led conservation not take a back seat to national priorities and measures by continuing the commitment to farmer-driven decision making that will create local efficiencies and opportunities to partner with other entities to optimize the funds available;
2. Recognize that cost-share rates less than 75% will not make agricultural production and environmental quality compatible goals as stated in the statute, particularly given the fiscal crisis in the northeast dairy industry;
3. Ensure that the Environmental Quality Incentives Program will support the development of irrigation systems for new and existing irrigators;
4. Acknowledge that the practice of 3-year rotations, encouraged by the United States Department of Agriculture,

which has been adopted by many northeast producers, will under the proposed rule severely limit the number of producers who are eligible for irrigation cost-share funds;

5. Recognize that historically the northeast is underserved by farm bill programs due to the inability of northeast producers to receive commodity payments;

6. Recognize that the Environmental Quality Incentives Program is one of the few farm bill programs that can be utilized by producers in the northeast region;

7. Recognize the intent of Congress by making the Environmental Quality Incentives Program regionally equitable by distributing funds equally; and

8. Ensure that the timing of drafting the Environmental Quality Incentives Program rules doesn't eliminate states from the regional equity clause in the proposed rule for 2003 and that the \$12,000,000 allocated to each state will be available for at least one year until the rules are established and ample time is given to notify the agricultural community and to distribute funds; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Agriculture Secretary Ann M. Veneman and to each member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Talmadge and Frances Allen, of Old Orchard Beach, on the occasion of their 60th Wedding Anniversary, May 25, 2003. We extend our congratulations and best wishes to them on this very special occasion;

(HLS 519)

Presented by Representative LEMOINE of Old Orchard Beach. Cosponsored by Representative LAVERRIERE-BOUCHER of Biddeford, Senator PENDLETON of Cumberland.

On **OBJECTION** of Representative LEMOINE of Old Orchard Beach, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. It is a great honor for me to present to you all today some of the best folks I have met. The kind of folks that are the backbone of any community, the folks who are always contributing to the church, the neighborhood, each other, friends and family. Ted and Frances Allen of Old Orchard Beach are now celebrating 60 years together as husband and wife. It has been my great pleasure to have been dealing with them for the last few years where they are noted for not only their kindness, but in particular there is an annual Flag Day celebration that they put on that all of the children in town are invited to attend. It has been a great patriotic experience for everybody. It has been a great family experience. I know it comes from the deep, deep feelings that they have for this state, for our country and for the children who are the future. I really want to take this moment to say thank you very much to them and congratulate them on their 60 year anniversary. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Laverriere-Boucher.

Representative **LAVERRIERE-BOUCHER**: Mr. Speaker, Ladies and Gentlemen of the House. I am privileged to give

honor to my Aunt Frances and my Uncle Ted today as they celebrate their 60 years of marriage this month. I would like to point out two things as I speak of Aunt Frances and Uncle Ted and their 60th wedding anniversary. These two things I will speak about are commitment and being a hero. My aunt and uncle know what commitment is. They have lived it out for 60 years together. They are not only committed to each other, but they have been the perfect models of commitment to all their nieces and nephews, other family members and their friends. My aunt and uncle have also been heroes. They have not done anything that got them an interview with Oprah or the Nobel Peace Prize, but they have always been there for us through thick and thin. We could always count on them. They have done hundreds of heroic deeds and today I honor them. Thank you.

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act to Prevent Abuse of Elephants"

(S.P. 109) (L.D. 327)

Signed:

Senators:

BRYANT of Oxford

KNEELAND of Aroostook

Representatives:

LUNDEEN of Mars Hill

SMITH of Monmouth

CARR of Lincoln

HONEY of Boothbay

CHURCHILL of Orland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-85)** on same Bill.

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

McKEE of Wayne

PINEAU of Jay

PIOTTI of Unity

FLETCHER of Winslow

EDER of Portland

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-85) AS AMENDED BY SENATE AMENDMENT "A" (S-120)** thereto.

READ.

Representative McKEE of Wayne moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-123)** on Bill "An Act To Provide for the Expedited Eviction of Violent Tenants"

(S.P. 353) (L.D. 1022)

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

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-123)**.

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" (S-123)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 13, 2003.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-122)** on Bill "An Act To Regulate the Landlord-tenant Relationship"

(S.P. 451) (L.D. 1381)

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

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-122).
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" (S-122)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 13, 2003.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act to Create a Crime of Refusing an Alcohol Test in Operating-under-the-influence Cases"

(H.P. 267) (L.D. 324)

Signed:

Senators:

STRIMLING of Cumberland
HATCH of Somerset
CARPENTER of York

Representatives:

BUNKER of Kossuth Township
MAIETTA of South Portland
GROSE of Woolwich
GERZOFISKY of Brunswick
CHURCHILL of Washburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-314)** on same Bill.

Signed:

Representatives:

SYKES of Harrison
GREELEY of Levant
BLANCHETTE of Bangor
SNOWE-MELLO of Poland
LESSARD of Topsham

READ.

Representative BUNKER of Kossuth Township moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-313)** on Bill "An Act To Protect Public Safety Using DNA Data of Juvenile Violent Offenders"

(H.P. 300) (L.D. 380)

Signed:

Senators:

HATCH of Somerset
CARPENTER of York

Representatives:

BUNKER of Kossuth Township
BLANCHETTE of Bangor
LESSARD of Topsham
GROSE of Woolwich
SNOWE-MELLO of Poland
GREELEY of Levant
MAIETTA of South Portland
SYKES of Harrison
CHURCHILL of Washburn

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

Signed:

Senator:

STRIMLING of Cumberland

Representative:

GERZOFISKY of Brunswick

READ.

On motion of Representative BUNKER of Kossuth Township, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-313)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 13, 2003.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Implement Full Reciprocity of Concealed Weapons Requirements"

(H.P. 814) (L.D. 1111)

Signed:

Senators:

STRIMLING of Cumberland

HATCH of Somerset

CARPENTER of York

Representatives:

BUNKER of Kossuth Township

MAIETTA of South Portland

SYKES of Harrison

GROSE of Woolwich

GREELEY of Levant

BLANCHETTE of Bangor

GERZOFISKY of Brunswick

CHURCHILL of Washburn

LESSARD of Topsham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-312)** on same Bill.

Signed:

Representative:

SNOWE-MELLO of Poland

READ.

Representative BUNKER of Kossuth Township moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. This bill simply allows a person to carry a concealed weapon's permit in Maine if the person meets all other requirements for carrying a concealed weapon in another state. Full reciprocity only makes good sense. Tourists who come to our state who already meet the requirements to carry a concealed weapon in their home state should not be expected to go through another permitting process when they vacation here in Maine. Making tourists go through the permitting process again in our state only serves as an obstacle and a deterrent to vacation in Maine. Maine needs to continue to promote our outdoor tourist industry and our hunting industry. I urge you to join with me in voting against the pending motion and support law-abiding citizen's rights to carry firearms safely in Maine when they are on vacation and support full reciprocity. Mr. Speaker, when the vote is taken, I request the yeas and nays.

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

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

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. Just to clarify, I am not in opposition of the good Representative's idea. Currently on the books here in the State of Maine a prior Legislature has authorized reciprocity with other states in this area. The head of that part of the State Police that does the licensing and an assistant Attorney General by the name of Smith has been working on this for over a year now trying to come into compliance. To this date, they have checked all the other states and they still have five more to go. The problem is every state has a different set of rules to follow and a different set of basic minimum requirements. They are trying to find other states that meet our requirements so that we can enter those agreements. To date they have not found any that meet it. We are not opposed to the idea; it is just that we have not found other states that meet our guidelines so that we can enter these agreements. As you know, when you cross state lines it gets very technical. This bill is unnecessary. 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. 86

YEA - Adams, Andrews, Ash, Barstow, Berry, Berube, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Canavan, Churchill E, Churchill J, Clark, Courtney, Cowger, Craven, Crosthwaite, Cummings, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Earle, Eder, Finch, Fischer, Fletcher, Gagne-Friel, Goodwin, Greeley, Grose, Hatch, Honey, Hotham, Jackson, Jennings, Jodrey, Kane, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Maietta, Makas, Marley, McCormick, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills S, Moody, Moore, Murphy, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Pellon, Percy, Perry A, Pineau, Pingree, Rector, Richardson J, Richardson M, Rosen, Sampson, Saviello, Simpson, Smith W, Sukeforth, Sullivan, Suslovic, Sykes, Thomas, Thompson, Tobin D, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Annis, Austin, Bennett, Bierman, Campbell, Carr, Clough, Collins, Cressey, Curley, Duprey B, Glynn, Heidrich, Jacobsen, Joy, Kaelin, Mailhot, Patrick, Peavey-Haskell, Richardson E, Rogers, Sherman, Shields, Snowe-Mello, Stone, Tobin J, Trahan, Treadwell, Vaughan.

ABSENT - Bliss, Duprey G, Faircloth, Gerzofsky, Hutton, Ketterer, Marraché, McGlocklin, Mills J, Muse, Perry J, Piotti, Rines, Smith N, Tardy.

Yes, 107; No, 29; Absent, 15; Excused, 0.

107 having voted in the affirmative and 29 voted in the negative, with 15 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Ensure an Equitable Allocation of Federal Sport Fish Restoration Funding between Saltwater and Freshwater Fisheries Projects" (H.P. 757) (L.D. 1040)

Signed:

Senators:

BRYANT of Oxford
CARPENTER of York
KNEELAND of Aroostook

Representatives:

DUNLAP of Old Town
RICHARDSON of Greenville
TOBIN of Dexter
HONEY of Boothbay
TRAHAN of Waldoboro
WHEELER of Kittery
WOTTON of Littleton
PINEAU of Jay

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-307)** on same Bill.

Signed:

Representative:

WATSON of Bath

READ.

Representative DUNLAP of Old Town moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **WATSON**: Mr. Speaker, Ladies and Gentlemen of the House. This is a dispute, not surprisingly, over money. I was the lone descander on my committee. I would like to explain to you a little bit about my position and why I would encourage you to defeat the Majority Ought Not to Pass Report.

The Department of Inland Fisheries and Wildlife, as you know, the department my committee supervises has jurisdiction over sport fishing in all the inland waters, lakes, ponds, streams and the major tidal rivers above the head of tide. The Department of Marine Resources, on the other hand, has jurisdiction over sport fishing in the coastal waters and the inland rivers below the head of tides, saltwater sport fishing.

The dispute comes from the proceeds from an excise tax. Every time anyone in this state and across the country purchases some fishing tackle, sporting goods or other supplies, an excise is paid to the federal government. That money then disappears into that great sucking sound south of us called Washington DC. Surprisingly a bit of it comes back to the state. It comes back to the state based on a formula devised by the federal government and only the federal government can understand and is passed out. That money then comes to the Department of Inland Fisheries and Wildlife who then uses the same federal data, a survey that is done every five years, to determine how much of that money should be spent on inland fisheries sport fishing, freshwater sport fishing and how much should go to the Department of Marine Resources for the regulation and encouragement and enforcement of saltwater sports fishing.

This bill attempts to bring a little equalization to that procedure. Right now the Department of Inland Fisheries and Wildlife relies on federal data produced in the survey done every five years, a very generalized survey that covers all of the United States. The bill calls for a survey being done here in the State of Maine to more accurately define the number of people participating in salt water sport fishing versus the number of

people participating in freshwater sport fishing so that the division of this money can be more accurately handled.

There is, in fact, surveys already done in the State of Maine. They are done by the Department of Marine Resources. They are done by the Coastal Conservation Association. Many of you have participated in them. If you have arrived back from a day of fishing off the coast or in the tidal waters, you might have been met at the boat ramp by some smiling survey taker with a clipboard who asked you, what you fished for, what you caught, what kind of gear you used, how long you spent on the water, how much money you spent on your trip? All that data now goes to the Department of Marine Resources and is published. In fact, a report just came out recently showing what it is.

The formula, however, for dividing up this money still rests with the Department of Inland Fisheries and wildlife based on federal numbers, which are ancient in comparison to the numbers now proposed.

There is a fiscal note attached to this. It is Committee Amendment "A." It is a price of about \$7,500 that has been placed on the cost of doing a new survey. I would submit to you that a new survey to aid in the division of this money is not necessary because that data is already available. If, in fact, a new survey were done, it would be very simply done by Inland Fisheries and Wildlife. It could simply provide a check off form on your application for a fishing license, the check off being, do you also fish in salt water. Inland Fisheries and Wildlife knows specifically how many freshwater fishing licenses it provides. As you know, there is no license issued for salt-water fishing so those numbers are somewhat in contest and that is the basis of the dispute.

I only bring this matter to the floor because it reminded me, as I sat and listened to testimony and to its credit, Marine Resources, took no position in favor or in opposition to this bill. It only came in saying that the data is available and we think it should be utilized. Inland Fisheries and Wildlife, obviously, for its own good reasons, wants to keep things as they are in the status quo. Listening to that debate, however, and being a fisherman who enjoys both fresh and salt water fishing, I recognize that if there is a better way to divide up this money, it should be done. I was reminded of growing up all my life as a little brother watching my big brother get a candy bar and then being told to share it with your brother. I know how that sharing goes. I think that with the proper data and to back it up, a better and more equitable system for dividing this money should be used. In this day and age when we should be in firm support of those visiting this area to fish the coastal waters as well as the inland waters. The proper way of dividing this money should be, in fact, done. I urge you then to join with me and defeat the Majority Report accepting this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. I could not agree more with my good friend from Bath, Representative Watson. I think it would be the pinnacle of public policy to push more revenues toward conservation of our marine sport fisheries. However, there are a couple of minor technical problems with this. The monies that the Representative referred to, the excise tax dollars, which do, in fact, go to Washington and do, in fact, come back to the states. There is a formula. It is a prorated formula based largely on the number of fishing licenses that a state sells. We have had this argument in this chamber many times about complimentary fishing licenses. If you issue a complimentary license, then the federal government doesn't count that as a license sold so you

don't the federal matching dollars. The dollars that come back are used for conservation.

As the Representative very accurately pointed out, we do not have a saltwater fishing license. Marine Resources puts very, very little resources into its sports fishery programs. I would welcome an improvement in that situation. However, a few years ago it came to our attention that the Department of Inland Fisheries and Wildlife, at its own expense, was publishing these saltwater fishing rules because the Department of Marine Resources, even though they promulgate rules about fishing regulations for sport fishing, they don't publish them anywhere.

I think that has been changed now. I think they do have a Xerox 8 1/2 x 11 sheet, which gives you a rough idea of what you can and cannot fish for and what you can and cannot keep. However, I think if we were willing to better leverage those federal dollars with an equitable formula based on a sold license, I think that the rest of the committee would have been much more amenable to taking this issue up in a positive manner. However, I think if the Department of Inland Fisheries and Wildlife is going to be carrying the freight for fisheries management, ladies and gentlemen of the House, I think they ought to be at least keeping the revenue to do that.

I would urge you to support the pending motion. Mr. Speaker, I would request a division. Thank you.

The same Representative **REQUESTED** a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative WATSON of Bath **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. 87

YEA - Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bunker, Campbell, Canavan, Carr, Churchill J, Clark, Clough, Courtney, Cowger, Craven, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dudley, Dunlap, Duplessie, Duprey B, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Glynn, Goodwin, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Jacobsen, Jennings, Jodrey, Joy, Kane, Koffman, Ledwin, Lerman, Lewin, Lundeen, Maietta, Mailhot, Makas, Marley, McCormick, McGowan, McKee, McLaughlin, Millett, Mills S, Moody, Moore, Murphy, Norbert, Norton, Nutting, O'Brien J, O'Neil, Paradis, Patrick, Peavey-Haskell, Pellon, Perry A, Pineau, Rector, Richardson E, Richardson J, Richardson M, Rogers, Rosen, Saviello, Simpson, Smith W, Snowe-Mello, Stone, Sukeforth, Sykes, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Usher, Vaughan, Walcott, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Adams, Bierman, Bull, Collins, Dugay, Jackson, Kaelin, Landry, Laverriere-Boucher, Lemoine, Lessard, McKenney, McNeil, O'Brien L, Percy, Pingree, Sampson, Sherman, Shields, Sullivan, Suslovic, Twomey, Watson.

ABSENT - Bliss, Churchill E, Duprey G, Gerzofsky, Hutton, Ketterer, Marraché, McGlocklin, Mills J, Muse, Perry J, Piotti, Rines, Smith N, Tardy.

Yes, 113; No, 23; Absent, 15; Excused, 0.

113 having voted in the affirmative and 23 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**.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-300)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Appearance of Referenda on Ballots at General Elections

(H.P. 962) (L.D. 1308)

Signed:

Senators:

LEMONT of York
MAYO of Sagadahoc

Representatives:

GLYNN of South Portland
HOTHAM of Dixfield
BROWN of South Berwick
MOORE of Standish
BLANCHETTE of Bangor
JENNINGS of Leeds
LANDRY of Sanford

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

Signed:

Senator:

GAGNON of Kennebec

Representatives:

CLARK of Millinocket
PATRICK of Rumford
CANAVAN of Waterville

READ.

Representative CLARK of Millinocket moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Require the Net Proceeds from the Sale of a Foreclosed Property To Be Returned to the Former Owner"

(H.P. 694) (L.D. 937)

Signed:

Senators:

STANLEY of Penobscot
STRIMLING of Cumberland
NASS of York

Representatives:

LEMOINE of Old Orchard Beach
McGOWAN of Pittsfield
SUSLOVIC of Portland
TARDY of Newport
McCORMICK of West Gardiner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-315)** on same Bill.

Signed:

Representatives:
PERRY of Bangor
CLOUGH of Scarborough
COURTNEY of Sanford
LERMAN of Augusta
SIMPSON of Auburn

READ.

On motion of Representative LEMOINE of Old Orchard Beach, the Bill and all accompanying papers were **COMMITTED** to the Committee on **TAXATION** and sent for concurrence.

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Establish a Modern Transportation Policy"

(H.P. 887) (L.D. 1213)

Signed:
Senators:
HATCH of Somerset
SAVAGE of Knox
Representatives:
JODREY of Bethel
McNEIL of Rockland
COLLINS of Wells
USHER of Westbrook
BROWNE of Vassalboro
McKENNEY of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-297)** on same Bill.

Signed:
Senator:
DAMON of Hancock
Representatives:
MARLEY of Portland
PARADIS of Frenchville
MARRACHÉ of Waterville
SAMPSON of Auburn

READ.

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

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act to Ensure that Utility Property is used to Further the Public Interest"

(H.P. 75) (L.D. 67)

Signed:
Senators:
HALL of Lincoln
BROMLEY of Cumberland
YOUNGBLOOD of Penobscot
Representatives:
RINES of Wiscasset
FLETCHER of Winslow
LUNDEEN of Mars Hill
MOODY of Manchester
BERRY of Belmont
CRESSEY of Baldwin

RICHARDSON of Skowhegan
BLISS of South Portland
Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-318)** on same Bill.

Signed:
Representatives:
ADAMS of Portland
GOODWIN of Pembroke

READ.

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

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-316)** on Bill "An Act To Authorize Water and Wastewater Districts To Lease Their Assets"

(H.P. 926) (L.D. 1252)

Signed:
Senators:
HALL of Lincoln
BROMLEY of Cumberland
YOUNGBLOOD of Penobscot

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

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

Signed:
Representative:
ADAMS of Portland

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-316)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, May 13, 2003.

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-319)** on Bill "An Act To Ensure Proper Funding of the Public Utilities Commission"

(H.P. 759) (L.D. 1042)

Signed:
Senators:
HALL of Lincoln
BROMLEY of Cumberland
YOUNGBLOOD of Penobscot

Representatives:
RINES of Wiscasset
FLETCHER of Winslow
LUNDEEN of Mars Hill
MOODY of Manchester
ADAMS of Portland
BERRY of Belmont
BLISS of South Portland

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

Signed:
 Representative:
 CRESSEY of Baldwin
READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-319)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 13, 2003.

CONSENT CALENDAR

First Day

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

(S.P. 411) (L.D. 1280) Bill "An Act To Improve Boating in Maine" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(S.P. 470) (L.D. 1420) Bill "An Act To Allow the Maine Turnpike Authority To Allow the Purchase of Nontoll Services by Electronic Toll Collection Patrons" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(S.P. 52) (L.D. 129) Resolve, Directing the Department of Inland Fisheries and Wildlife To Conduct a Programmatic Review of the Department's Bureau of Administrative Services Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-125)**

(S.P. 107) (L.D. 325) Bill "An Act To Clarify the Laws Pertaining to the Surcharge for Records Preservation for the Registry of Deeds" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-115)**

(S.P. 121) (L.D. 342) Bill "An Act to Amend the Law Relating to Annuities" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-114)**

(S.P. 122) (L.D. 346) Resolve, Authorizing the Commissioner of Inland Fisheries and Wildlife To Allow a Well and Waterline Easement (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-124)**

(S.P. 243) (L.D. 705) Bill "An Act To Suspend Driving Privileges of Drivers Who Were Cited Twice Within One Year for Driving To Endanger" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-110)**

(S.P. 297) (L.D. 901) Bill "An Act To Update the Abandoned Property Laws" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-117)**

(S.P. 305) (L.D. 909) Resolve, To Establish the Committee To Investigate the Feasibility of and Need for Regulation of Spoken Language Interpreters (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-119)**

(S.P. 421) (L.D. 1290) Bill "An Act To Provide Requirements for Towns To Deorganize" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-121)**

(S.P. 498) (L.D. 1498) Bill "An Act To Improve Access by the Department of Corrections to Federal Funds under Title IV-E of the federal Social Security Act" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-118)**

(H.P. 1067) (L.D. 1462) Bill "An Act To Conform the Maine Tax Laws for 2002 with the United States Internal Revenue Code" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass**

(H.P. 343) (L.D. 451) Bill "An Act To Clarify Tax Appeal Procedures" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-310)**

(H.P. 373) (L.D. 484) Bill "An Act To Implement the Recommendations of the State House and Capitol Park Commission Regarding a Living Memorial in Capitol Park" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-308)**

(H.P. 633) (L.D. 856) Bill "An Act To Change Mandatory Minimum Sentences in Certain Cases" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-311)**

(H.P. 966) (L.D. 1312) Bill "An Act To Ensure and Encourage the Generation of Electricity from Renewable Resources" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-317)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

CONSENT CALENDAR

Second Day

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

(H.P. 32) (L.D. 25) Bill "An Act Imposing a Horsepower Restriction for Boat Motors on Pickerel Pond"

(H.P. 57) (L.D. 49) Bill "An Act to Implement the Recommendations from the Programmatic Review of the State's Inland Fisheries Management Program" (C. "A" H-304)

(H.P. 115) (L.D. 106) Bill "An Act Regarding Alewife Harvesting" (C. "A" H-302)

(H.P. 577) (L.D. 778) Bill "An Act To Create the Snowmobile Trail Fund Advisory Council" (C. "A" H-306)

(H.P. 779) (L.D. 1061) Bill "An Act To Eliminate Filing by Special Hide Dealers" (C. "A" H-303)

(H.P. 780) (L.D. 1062) Bill "An Act To Protect Lienholders of Titled Vehicles" (EMERGENCY) (C. "A" H-299)

(H.P. 1064) (L.D. 1456) Bill "An Act To Establish the Landowners and Sportsmen Relations Advisory Board" (C. "A" H-305)

(H.P. 1133) (L.D. 1547) Bill "An Act To Amend Certain Laws Administered by the Department of Environmental Protection" (C. "A" H-298)

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

(H.P. 489) (L.D. 659) Bill "An Act To Standardize Reporting Requirements for PACs, Parties and Independent Electioneering Expenditures" (C. "A" H-301)

On motion of Representative CLARK of Millinocket, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-301)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-301)** and later today assigned.

BILLS IN THE SECOND READING
House as Amended

Bill "An Act to Control Internet 'Spam'"

(H.P. 210) (L.D. 255)
(C. "A" H-70)

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

Bill "An Act Concerning Age Requirements for Student, Apprentice and Noncommercial Lobster Licenses"

(H.P. 1003) (L.D. 1368)
(C. "A" H-276)

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

On motion of Representative BIERMAN of Sorrento, was **SET ASIDE**.

The **SPEAKER**: The Chair recognizes the Representative from Sorrento, Representative Bierman.

Representative **BIERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to clarify this a little bit. I didn't have the opportunity the other day, due to my tardiness. I apologize. This is changing the age requirements from five to eight for a student license. Right now as it stands, a student, five is the school age that Marine Resources use, let me clarify that. A student at that age is allowed 150 lobster traps. We all know a five-year-old is not going to go out and haul 150 lobster traps. What it does is it changes the age from five to eight and it limits the traps to 10. We would then take seven year olds who may be wanted to have 12 lobster traps and he couldn't do so. I think this is just a little too restrictive and possibly could use a little more work. I would encourage this act to be defeated. Thank you Mr. Speaker.

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

Representative **BULL**: Mr. Speaker, Men and Women of the House. With all due respect to my friend from Sorrento, Representative Bierman, the majority of the Marine Resources Committee felt that this was a very worthwhile bill. In fact, it was a 10 to 3 report, if I remember correctly.

What this bill does, it was brought forth by the department to address some concerns that were raised by members within the industry, the Maine Lobsterman's Association in particular. They are having some abuses of people who, in order to have a lobster license, you have to claim a boat, go through all the regulations that restrict people and how many tags and traps each person can individually lobster. What has been happening is that some people have been claiming very young children as being the holder of that license to circumvent the current law to allow an individual to fish more traps than they really should be doing.

This is simply an issue of trying to correct some of the abuses in the current system. We did put in a grandfathering clause that simply said that if you are currently at the age that would be restricted under the current law, but are currently holding a lobster license, we would not shut you off. It allows people that are currently under the age of 18 who have a lobster license to continue using that, but we will not be allowing additional people to come in at these young ages.

This is a bill that the vast majority of the committee felt was a very good idea. It was brought forth by the department with input from the industry to try and address some abuses. I would encourage you to support the 10 members, bipartisan members, of the Committee on Marine Resources who felt this was worthwhile and the right thing to do. Thank you Mr. Speaker.

Representative BIERMAN of Sorrento **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I would request that you support the passage of this bill to be engrossed. We have many people who earn their living by lobster fishing and they have not been able to get back into the business because of exit ratios and because of federal mandates. They have lost their way of living. Students receive the okay for 150 traps. That is half of what somebody entering their business may have. Three hundred is the present trap limit for your first year in the business. You can increase that each year by 100. Students automatically have 150 traps. It seems disingenuous that we have a five year old, supposedly a student, and while there was some disagreement if a four and a half year old could lift these traps, we are pretty convinced that five, six and seven year olds, it is simply a way to get around the new regulations that we have in order to conserve this fishery so that other people, people who make their living this way and this resource can survive. We are asking you to support this. Not that there aren't problems with some of things that the Representative is concerned about, but this is not the way to attack it. We need to put a limit and eight years old is certainly an age where a student may pick up half of what a man is planning to support his family on, 300 traps. It seems reasonable and I would ask you to support this bill. Thank you.

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

ROLL CALL NO. 88

YEA - Adams, Andrews, Annis, Austin, Barstow, Berry, Berube, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Canavan, Churchill E, Churchill J, Clark, Clough, Collins, Cowger, Craven, Cummings, Curley, Daigle, Davis, Dudley, Dunlap, Duplessie, Duprey B, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Glynn, Goodwin, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Jackson, Jacobsen, Jodrey, Kaelin, Kane, Ketterer, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Maietta, Makas, Marley, McCormick, McKee, McKenney, McLaughlin, McNeil, Mills S, Moody, Murphy, Norbert, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Percy, Perry A, Pineau, Pingree, Rector, Richardson E, Richardson J, Rogers, Rosen, Sampson, Saviello, Simpson, Smith N, Smith W, Sukeforth, Sullivan, Suslovic, Sykes, Thompson, Tobin D, Treadwell, Twomey, Walcott, Watson, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Ash, Bierman, Campbell, Carr, Courtney, Cressey, Crosthwaite, Dugay, Fletcher, Jennings, Joy, Landry, McGowan, Millett, Moore, Peavey-Haskell, Pellon, Perry J, Richardson M, Rines, Sherman, Shields, Snowe-Mello, Stone, Tardy, Thomas, Trahan, Vaughan, Wheeler.

ABSENT - Bennett, Bliss, Duprey G, Gerzofsky, Hutton, Mailhot, Marraché, McGlocklin, Mills J, Muse, Norton, Piotti, Tobin J, Usher.

Yes, 108; No, 29; Absent, 14; Excused, 0.

108 having voted in the affirmative and 29 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED** as Amended and sent for concurrence. **ORDERED SENT FORTHWITH.**

ENACTORS

Emergency Measure

An Act To Allow Licensure of Graduates of Social Work Programs That Are in Candidacy for Accreditation

(H.P. 849) (L.D. 1146)

(S. "A" S-109 to C. "A" H-182)

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. 118 voted in favor of the same and 11 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Emergency Mandate

An Act To Establish the Lincoln and Sagadahoc Multicounty Jail Authority

(S.P. 405) (L.D. 1199)

(C. "A" S-103)

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

On motion of Representative McLAUGHLIN of Cape Elizabeth, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Acts

An Act To Ensure Comprehensive Cancer Control in Maine

(S.P. 314) (L.D. 973)

(C. "A" S-105)

An Act To Promote Economic Growth by Retaining Engineers in Maine

(S.P. 334) (L.D. 993)

(C. "A" S-97)

An Act To Promote and Protect Private Enterprise

(S.P. 416) (L.D. 1285)

(C. "A" S-100)

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

Resolves

Resolve, To Study the Policies of the Department of Administrative and Financial Services, Bureau of Revenue Services Regarding Tax Collection Practices

(H.P. 359) (L.D. 467)

(C. "A" H-235)

Resolve, To Establish a System for Electronic Filing of Death Certificates

(S.P. 291) (L.D. 896)

(C. "A" S-104)

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 Extend the Authority of the Health Care System and Health Security Board

(H.P. 27) (L.D. 20)

(C. "A" H-113; H. "A" H-143)

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

On motion of Representative GLYNN of South Portland, was **SET ASIDE.**

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

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

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. This bill, as the body remembers, was put forward to extend the reporting deadline of a committee who has already completed their work. That committee is the Health Security Board, the proposal for a single-payor health care system. That study has been completed. The bill work has been completed. However, this legislation wishes to, 90 days after we adjourn, extend and allow the committee more time to continue to meet even though their work is completed. I feel that this is a very bad precedent, especially in light of the legislation recently proposed by the Executive looking to lower the cost of health insurance. Not having this bill report back to the Committee on Insurance and Financial Services so that we can work on it, having it being considered in a vacuum at a later period of time. I believe this does not serve the public interest. Additionally, I do not believe it serves the public interest to allow a board to continue to meet after the work has been completed. Mr. Speaker, when the vote is taken, I respectfully request the yeas and nays.

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.

ROLL CALL NO. 89

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

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Fletcher, Glynn, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lewin, Maietta, McCormick, McGowan, McKenney, McNeil, Millett, Mills S, Moore, Murphy, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello,

Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

ABSENT - Bliss, Dugay, Duprey G, Gerzofsky, Goodwin, Hutton, Landry, Mailhot, Marraché, McGlocklin, Mills J, Muse, Piotti, Twomey.

Yes, 70; No, 67; Absent, 14; Excused, 0.

70 having voted in the affirmative and 67 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.

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, May 9, 2003, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Resolve, To Establish a Task Force on the Planning and Development of Marine Aquaculture in Maine (EMERGENCY) (H.P. 1112) (L.D. 1519)

TABLED - May 9, 2003 (Till Later Today) by Representative BULL of Freeport.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-281)**.

Representative BULL of Freeport **PRESENTED House Amendment "A" (H-327) to Committee Amendment "A" (H-281)**, which was **READ** by the Clerk.

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

Representative **BULL**: Mr. Speaker, Men and Women of the House. This is simply a technical drafting error to correct a drafting error from the committee. A word got switched. Thank you Mr. Speaker.

Subsequently, **House Amendment "A" (H-327) to Committee Amendment "A" (H-281)** was **ADOPTED**.

Committee Amendment "A" (H-281) as Amended by House Amendment "A" (H-327) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-281) as Amended by House Amendment "A" (H-327)** thereto and sent for concurrence.

Bill "An Act To Increase Parental Responsibility for Restitution"

(H.P. 842) (L.D. 1139)

(C. "A" H-132)

TABLED - April 29, 2003 (Till Later Today) by Representative BUNKER of Kossuth Township.

PENDING - **PASSAGE TO BE ENGROSSED**.

On motion of Representative BUNKER of Kossuth Township, the Bill and all accompanying papers were **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and sent for concurrence.

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Provide Affordable Health Insurance to Small Businesses and Individuals and To Control Health Care Costs" (H.P. 1187) (L.D. 1611)

Sponsored by Representative O'NEIL of Saco. (GOVERNOR'S BILL)

Cosponsored by Senator TREAT of Kennebec and Representatives: Speaker COLWELL of Gardiner, DAVIS of Falmouth, MILLS of Cornville, RICHARDSON of Brunswick, Senators: President DAGGETT of Kennebec, GAGNON of Kennebec, MAYO of Sagadahoc, TURNER of Cumberland.

Joint Select Committee on **HEALTH CARE REFORM** suggested and ordered printed.

On motion of Representative MILLS of Cornville, was **SET ASIDE**.

Representative MILLS of Cornville **REQUESTED** a roll call on the motion to **REFER** this Bill to the Joint Select Committee on **HEALTH CARE REFORM**.

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 Cornville, Representative Mills.

Representative **MILLS**: Mr. Speaker, Men and Women of the House. I have reservations about the mode of reference to these two bills and would ask that we consider abiding by the Joint Rules and consider an alternative mode of reference so that they might get fuller consideration before the committees that have a deep seeded jurisdictional concern. These two bills taken together may be the most important reform legislation that are considered by this Legislature. I think it is highly important that the members of the Health and Human Services Committee, all 13 of them, and the members of the Insurance and Financial Regulation Committee, all 13 of them, have the full opportunity to participate in the public hearings and work sessions over these bills. The way that the reference order is presently framed, over half of them are, frankly, disenfranchised from participating in the deliberations over this bill. I know that there are members of the Health and Human Services Committee and the Insurance and Financial Services Committee who were not on the select committee who have a deep and abiding concern for the issues that are raised by this extremely significant piece of legislation. The Governor's bill will seek to achieve some thing that has not been done before in the United States or by any state of the United States. It confronts an issue that is a deep concern for all of my constituents and I am sure all of yours.

As I was going door to door, this was the issue that cropped up more frequently than any other, the concern for access to health care. It is not my purpose in rising this morning to delay in any way the consideration of this important issue. It is simply my concern that we enfranchise all of the members of the two relevant committees to participate in the public hearing and the workings of this really crucial issue. For that reason, Mr. Speaker, I with great hesitance ask for a roll call on the matter of reference to the Select Committee.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Preserve the Fund for a Healthy Maine

(H.P. 1188) (L.D. 1612)

Sponsored by Speaker COLWELL of Gardiner. (GOVERNOR'S BILL)

Cosponsored by Senator YOUNGBLOOD of Penobscot and Representatives: DUDLEY of Portland, MOODY of Manchester, PERRY of Calais, RICHARDSON of Brunswick, YOUNG of Limestone, Senators: EDMONDS of Cumberland, KNEELAND of Aroostook, MARTIN of Aroostook.

Joint Select Committee on HEALTH CARE REFORM suggested and ordered printed.

On motion of Representative MILLS of Cornville, was SET ASIDE.

CROSTHWAITE of Ellsworth
BARSTOW of Gorham
BOWEN of Rockport
SUSLOVIC of Portland
SUKEFORTH of Union
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

READ.

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

The Bill was READ ONCE. Committee Amendment "A" (H-321) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Tuesday, May 13, 2003.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on LABOR reporting Ought Not to Pass on Bill "An Act To Allow the Buyback of Active Duty Military Time for Maine State Retirement System Credit"

(H.P. 658) (L.D. 881)

Signed:

Senators:

EDMONDS of Cumberland

STANLEY of Penobscot

BLAIS of Kennebec

Representatives:

SMITH of Van Buren

CRESSEY of Baldwin

HEIDRICH of Oxford

NUTTING of Oakland

HUTTON of Bowdoinham

HATCH of Skowhegan

PATRICK of Rumford

JACKSON of Fort Kent

WATSON of Bath

Minority Report of the same Committee reporting Ought to Pass as Amended by Committee Amendment "A" (H-320) on same Bill.

Signed:

Representative:

TREADWELL of Carmel

READ.

On motion of Representative SMITH of Van Buren, the Majority Ought Not to Pass Report was ACCEPTED and sent for concurrence. ORDERED SENT FORTHWITH.

Divided Report

Majority Report of the Committee on STATE AND LOCAL GOVERNMENT reporting Ought to Pass as Amended by Committee Amendment "A" (H-321) on Bill "An Act Concerning Municipal Firearms Discharge Ordinances"

(H.P. 781) (L.D. 1063)

Signed:

Senator:

GILMAN of Cumberland

Representatives:

McLAUGHLIN of Cape Elizabeth

STONE of Berwick

KETTERER of Madison

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

Representative KETTERER: Mr. Speaker, Ladies and Gentlemen of the House. Had I been present on the Roll Call on (6-7), I would have voted yea with the majority. Thank you Mr. Speaker.

CONSENT CALENDAR

First Day

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

(H.P. 1143) (L.D. 1560) Resolve, Regarding Legislative Review of Chapter 1: Community Industrial Building Program, a Major Substantive Rule of the Maine Rural Development Authority (EMERGENCY) Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT reporting Ought to Pass

(H.P. 949) JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REQUIRE THE UNITED STATES DEPARTMENT OF LABOR TO EXAMINE ITS METHODOLOGY FOR CALCULATING RATES IN THE WOODS WAGE SURVEY, TO ESTABLISH HEAVY EQUIPMENT OPERATIONAL RATES AND TO REMOVE BARRIERS TO THE HEALTH AND SAFETY OF PERSONS HARVESTING FOREST PRODUCTS Committee on LABOR reporting Ought to Pass

(H.P. 158) (L.D. 199) Bill "An Act to Protect Children from Cancer-causing Chemicals" Committee on EDUCATION AND CULTURAL AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (H-323)

(H.P. 608) (L.D. 831) Bill "An Act Pertaining to Former Members of the Maine State Retirement System" Committee on LABOR reporting Ought to Pass as Amended by Committee Amendment "A" (H-322)

(H.P. 797) (L.D. 1079) Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws (EMERGENCY) Committee on JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (H-326)

(H.P. 854) (L.D. 1155) Bill "An Act To Include Alternates as Regular Jurors" Committee on JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (H-325)

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

There being no objection, the House Papers were **ADOPTED, PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

CONSENT CALENDAR

First Day

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

(H.P. 951) (L.D. 1297) Bill "An Act To Amend the Subdivision Laws" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-330)**

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

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

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-85)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Prevent Abuse of Elephants"

(S.P. 109) (L.D. 327)

Which was **TABLED** by Representative McKEE of Wayne pending her motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

Subsequently, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

On motion of Representative WHEELER of Kittery, the House **RECONSIDERED** its action whereby the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

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

Representative **McKEE**: Mr. Speaker, Men and Women of the House. In order for us to go on to the Senate Amendment, I would urge you to pass the Minority Ought to Pass as Amended Report so that we can get to that action of compromise. Thank you.

Although I cannot speak of the Senate Amendment, I think you have your notebooks and you can certainly look it up. We have talked about this this morning. Right now, in order to get to that Senate Amendment of compromise, which we have talked about, we must go ahead and pass this in order to do it. Action in the amendment will get rid of this. I hope that is clear.

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. 90

YEA - Adams, Annis, Austin, Barstow, Bennett, Berry, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Bunker, Canavan, Courtney, Cowger, Craven, Cummings, Daigle, Davis, Dudley, Duplessie, Duprey B, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel,

Gerzofsky, Glynn, Grose, Hatch, Jackson, Kaelin, Ketterer, Koffman, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McCormick, McGlocklin, McKee, McLaughlin, McNeil, Mills J, Mills S, Moody, Moore, Murphy, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Perry A, Pineau, Pingree, Piotti, Rector, Richardson J, Richardson M, Rines, Rosen, Saviello, Simpson, Sukeforth, Sullivan, Suslovic, Tardy, Thomas, Thompson, Trahan, Twomey, Walcott, Watson, Woodbury, Young, Mr. Speaker.

NAY - Andrews, Ash, Berube, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Cressey, Crosthwaite, Dunlap, Goodwin, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jennings, Jodrey, Joy, Landry, McKenney, Millett, Nutting, Peavey-Haskell, Pellon, Percy, Richardson E, Rogers, Sampson, Sherman, Smith N, Smith W, Snowe-Mello, Stone, Sykes, Tobin D, Tobin J, Treadwell, Usher, Vaughan, Wheeler, Wotton.

ABSENT - Bierman, Curley, Dugay, Duprey G, Hutton, Kane, Laverriere-Boucher, Lewin, Maietta, Marraché, McGowan, Muse, Perry J, Shields.

Yes, 91; No, 46; Absent, 14; Excused, 0.

91 having voted in the affirmative and 46 voted in the negative, with 14 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-85)** was **READ** by the Clerk.

Senate Amendment "A" (S-120) to **Committee Amendment "A" (S-85)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-85) as **Amended by Senate Amendment "A" (S-120)** thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Tuesday, May 13, 2003.

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

Bill "An Act To Provide Affordable Health Insurance to Small Businesses and Individuals and To Control Health Care Costs"

(H.P. 1187) (L.D. 1611)

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

Subsequently, Representative MILLS of Cornville **WITHDREW** his **REQUEST** for a roll call.

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

Representative **MILLS**: Mr. Speaker, Men and Women of the House. I wish to withdraw my request for a roll call on reference of this bill and wish to say that I appreciate your efforts to generate a process by which the other members of the committees would be included in this very important legislation. Thank you very much.

Subsequently, the Bill was **REFERRED** to the Joint Select Committee on **HEALTH CARE REFORM**, ordered printed and sent for concurrence.

The Chair laid before the House the following item:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Preserve the Fund for a Healthy Maine

(H.P. 1188) (L.D. 1612)

Sponsored by Speaker COLWELL of Gardiner. (**GOVERNOR'S BILL**)

Cosponsored by Senator YOUNGBLOOD of Penobscot and Representatives: DUDLEY of Portland, MOODY of Manchester, PERRY of Calais, RICHARDSON of Brunswick, YOUNG of

Limestone, Senators: EDMONDS of Cumberland, KNEELAND of Aroostook, MARTIN of Aroostook.

Subsequently, the Resolution was **REFERRED** to the Joint Select Committee on **HEALTH CARE REFORM**, ordered printed and sent for concurrence.

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

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

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 (10) Ought Not to Pass - Minority (3) Ought to Pass as Amended by Committee Amendment "A" (H-199) - Committee on INSURANCE AND FINANCIAL SERVICES on Bill "An Act To Amend the Laws Governing Privacy of Consumer Financial Information"

(H.P. 491) (L.D. 661)

TABLED - May 9, 2003 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - ACCEPTANCE of the Majority OUGHT NOT TO PASS Report.

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

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

Subsequently, the same Representative **WITHDREW** his **REQUEST** for a roll call.

Representative RICHARDSON of Brunswick moved that the House **RECONSIDER** its action whereby the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **INSURANCE AND FINANCIAL SERVICES FAILED**.

The **SPEAKER**: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: I am assume we are voting on Reconsideration Mr. Speaker, is that correct?

The **SPEAKER**: That is correct. That is the motion before the body.

Subsequently, **RECONSIDERED** its action whereby the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **INSURANCE AND FINANCIAL SERVICES FAILED**.

Representative BRUNO of Raymond **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

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 Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. Hopefully nothing has changed between last Friday and today when we, in this body, decided not to send this back to committee and decided that we wanted to take up the action of this bill. I would ask that you vote against Reconsideration. Thank you Mr. Speaker.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. I just wanted to clarify that I know many in this chamber are conflicted about this bill. The pending motion is whether or not to send the bill back to committee so the committee may give it further consideration, particularly in the wake of any research that the Attorney General is going to conduct on the degree to which people in Maine have opted out of the sharing of their personal financial information, the degree to which the people in Maine are aware of their right to opt out of the sharing of personal financial information and also the degree to which the hundreds of Maine people annually who are the victims of identity theft are the victims because of this information sharing that happens without their express consent.

I want to clarify that a vote in favor of this motion does not necessarily suggest support for the bill. I merely allows the committee more time to consider the bill, particularly in the aftermath of whatever new information the Attorney General is able to gather.

The **SPEAKER**: The Chair recognizes the Representative from Yarmouth, Representative Woodbury.

Representative **WOODBURY**: Mr. Speaker, Men and Women of the House. This is a complicated issue. The committee would benefit from further consideration. Thank you.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. As stated previously when this bill was brought up in our chamber, the issue of the Attorney General's survey information that he would like to collect, that was all information that the committee knew was available to us. The offer was made at the Insurance and Financial Services Committee workshop that we had on this bill. We were fully aware of that when we voted our recommendations to the House. This issue is nothing new. This is a repeat issue, a perennial issue of the Legislature. This bill would serve to make Maine an outlier in the area of financial services. Maine has worked very hard over the past few years to create a more attractive business environment in the financial services arena, including the passage of the universal bank charter legislation in 1997. The universal bank charter legislation was passed in anticipation of the passage of the financial services modernization legislation on the federal level, which ultimately passed in 1999 as Graham, Leach, Bliley through such progressive information and the efforts of many Maine businesses. We have been successful in attracting financial service providers to locate here in the State of Maine. Supporting of LD 661 would result in Maine not only having the same

On **POINT OF ORDER**, Representative BULL of Freeport asked the Chair if the remarks of Representative GLYNN of South Portland were germane to the pending question.

The Chair reminded Representative GLYNN of South Portland to stay as close as possible to the pending question.

Representative **GLYNN**: Thank you Mr. Speaker. Again, stating the reasons why the Committal would be to a disadvantage to this body and to the business climate here in the State of Maine. Supporting LD 661, which referring back to this committee would result in Maine not having the same law as the federal/national law. Maine's financial services providers would be at a disadvantage.

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

The Chair reminded Representative GLYNN of South Portland to stay as close as possible to the pending question.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. Again, why we don't want to refer this back to our committee is additional regulatory burdens would be costly and could result in the loss of Maine jobs. Thousands of Maine job holders are engaged in market financial services and products. For these very reasons are why the Insurance and Financial Services Committee voted out a recommendation Ought Not to Pass on this bill. The information that has been tossed around the chamber as new information is not new information. We considered this information when we gave you our recommendation.

Mr. Speaker, I would ask that the Clerk please read the Committee Report. Thank you.

Representative **GLYNN** of South Portland **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 Rockport, Representative Bowen.

Representative **BOWEN**: Mr. Speaker, Men and Women of the House. I rise again as I did on Friday in opposition to this motion. I am going to try very carefully to walk that thin line. That argument put forth by our friends on the other side for why we need to Commit this is because there are questions that were not answered and there were certain concerns that they put forward that they argued we needed to send it back to the committee to address. I am going to try to argue that those questions are either questions that we necessarily need to ask or are irrelevant or in some other way not really necessitating us, sending this back to the committee. For instance, we do not need to commit this bill back to the committee to investigate the power it would have over out-of-state financial institutions because no matter what the answer is, it is still going to put the state in a different set up than the rest of the nation, at odds with federal law and the law of most other states, potentially putting the state at some type of financial disadvantage, competitive disadvantage and adding to the confusion of consumers who are going to think that they opted out, but didn't. They did for some and not for others. We do not need to Commit this bill back to the committee to investigate whether people make use of the opt out rights because we already know that only about 5 percent do, even though they are given the opportunity by all their financial institutions every single year. We do not need to commit this bill back to the committee to find out if people understand their opt out rights, because even if they don't, they are told explicitly what they are by each one of their financial institutions every single year, their banks, their credit card companies and mortgages. They are told what their rights are. If they don't know what their rights are, I honestly don't know what more we can do about it.

They are told every year. What more do you want us to do, other than to take that right of choice away? We do not need to Commit this bill back to further investigate, as we just heard, on the role of financial institutions and identity theft, because studies show that identity theft is more connected to the wide use of computers, which process information much more quickly and also the over use of Social Security numbers. They have become sort of a national identity number. It is those things and not financial institutions that are largely responsible for identity theft because financial institutions are under mounds of federal regulation as it is.

Lastly, we do not need to need to commit this bill back because it is clear from what we have heard, I think, that the bill's sponsors do not have the intention of addressing the very real prospect of harming the state's banking and financial institution industry, which employs tens of thousands of people in the state

and has been a growth industry in the state at a time when our traditional industries are in decline and added thousands and thousands of jobs and been responsible for the rebirth of industrial towns from Rockland to Presque Isle to Lewiston.

I understand what the bill's sponsor and cosponsors are trying to do. There is no question identity theft is a serious, serious problem. It is a national problem. There is national legislation to address it. Taking a Maine law and going after Maine financial institutions, which are not responsible for this, can only harm our standing financially with the rest of the country. With all due respect, I understand what you are trying to do, but I don't think that this is the vehicle to do it. I think we need to follow the recommendations of the committee. They voted 10 to 3 Ought Not to Pass. Let's get that done. Let's move on to the other work that we have to do. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I think the previous speakers have spoken right to the point about why we don't need to Commit this bill. Let me add my two cents. First, no one is going to change their mind on this bill no matter what you come up with. That is why we need to dispose of this bill now. Secondly, we are going to put our financial institutions over the next year on pins and needles wondering whether or not they should invest in this state and this economy and expand their programs here or not. Over the next year they have to wait. They can't make that decision because they have to wait and see what we do as a body with this piece of legislation. That is wrong. We have a very strong 10 to 3 report in front of us saying it should not pass. We should not put our financial institutions in harms way, yet, we want them to wait another year before we dispose of this legislation. That is wrong. We should not do that to any industry in this state, especially one that is creating thousands of jobs for our citizens in an economy that is going down the tubes.

Mr. Speaker, I hope you support what we did on Friday and not Commit this bill. Let's dispose of it properly.

The **SPEAKER**: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative **PERCY**: Mr. Speaker, Ladies and Gentlemen of the House. As one of 70 freshmen, there are many of us here who do not have a history and background about the discussion about this bill. I will confess that I had no idea about opt in opt out until this bill came forward. The information that they would send us in the mail was always so small even my glasses didn't help me when I tried to read it. I believe out of courtesy to the voters, especially with so many freshmen, even if it takes two days, we owe it to them to discuss and study this just a little bit more. I support committing it. Thank you.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. I thank the Representative from Phippsburg for her comments. Illustrating very well, I think, for this body the need, at least, for further consideration of this bill. Whether the bill is good idea or a bad idea, let's not make that decision today. Let's make the decision of whether or not there is something worthy of considering here. I think clearly there is. The Representative from Phippsburg illustrated it quite pointedly for us.

Regarding the comments from the Representative from Raymond, Representative Bruno, yes, he is right. There is a question here. This is going to create a pins and needles situation for certain Maine banks. They want a clear idea. We are not talking about passing the bill. We are talking about holding it and waiting for more information. Yes, we owe them an

obligation. We owe our business community and our banking community an obligation for a predictable system. We also owe the voters and the citizens of the State of Maine an opportunity to protect their own privacy. We have also made a commitment to them, by our being here, that we are going to very carefully consider any measure that might potentially protect them or threaten them. We have an opportunity to spend more time with this bill. We have heard from a number of committee members who are asking for more time to consider this bill. I know I would like more time and I know many of you would like more time. Let's take our time and do what we promised to Maine voters and to Maine citizens.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House. As I understand, the present motion is Commit this matter back to the committee from which it came. The argument is that we should somehow dispose of this problem. The problem, as I understand it, is that the bill would seek to bring to the citizens of our state the determination of whether the privacy rights they have that we so generously gave away at the last legislative session, that they be given a chance to have a say on it. I don't think we need this as a matter that should be hurried and we should hurry to dispose of this problem. I think the matter should be sent back to the committee so it can be studied fully. This is important to the people of the State of Maine and it is important as legislators that we act very responsibly when we are giving away the rights of our citizens. I will vote in favor of this motion to Commit.

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

Representative CANAVAN: Mr. Speaker, Men and Women of the House. We are not, as several members of the House have already mentioned, we are not debating the merits of this bill here today. I agree that we need to keep cool heads here. I certainly haven't been made aware that as a member of the Insurance and Financial Services Committee of any statistics showing the extent to which Maine people are aware of the purpose of the notices banks send them and how many people simply throw them out, thereby unwittingly forfeiting their financial privacy rights. By Committing this to the Insurance and Financial Services Committee, we can take the time we need to get the information that we need to make a more informed decision. I think we owe that to the people of Maine. Thank you.

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

Representative SNOWE-MELLO: Mr. Speaker, Ladies and Gentlemen of the House. With all due respect to Representative Canavan from Waterville, the committee has all of that information. Every single bit of it. I really don't think that those facts are going to change. What I am saying is, let me tell you that we reconsidered this bill twice because a Representative wanted to change their vote in committee. This bill has already come back to us twice to be reconsidered. I really believe that we should take our vote now. I don't think it is necessary to bring this back to committee. We had all the facts, everything. As you know, when you are in committee, you get the pros and you get the cons. You hear people in support and you hear people against. At that time, you get all your facts and figures. I am asking you to please vote against Committing this to committee. Thank you.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

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

The SPEAKER: The Representative may pose his question.

Representative BRUNO: Mr. Speaker, Men and Women of the House. To the chair of the committee, what is the stance of the Administration on this bill? What was the testimony from the Commissioner of Professional and Financial Regulation? Was he opposed to this bill or in support of it?

The SPEAKER: The Representative from Raymond, Representative Bruno has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Mr. Speaker, Men and Women of the House. In answer to the question, I have in my hands the testimony from Buddy Murray, the Commissioner of DPFR. He testified in opposition of LD 661. He listed several points that I won't bother you with. I think you know what the arguments are. That was the extent of it.

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

Representative CANAVAN: Mr. Speaker, Ladies and Gentlemen of the House. I guess I must add to the debate here. I have not seen any statistics on how many people are either filling out these forms and returning them to banks and credit card companies or how many people are throwing them away. I have seen no such report come across my desk in committee.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Commit the bill and all accompanying papers to the Committee on Insurance and Financial Services. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 91

YEA - Adams, Barstow, Bliss, Brannigan, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Goodwin, Grose, Hatch, Jackson, Kane, Ketterer, Koffman, Laverriere-Boucher, Lemoine, Lerman, Lessard, Mailhot, Makas, Marley, Marraché, McGlocklin, McKee, Mills J, Murphy, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Simpson, Smith N, Smith W, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury.

NAY - Andrews, Annis, Ash, Austin, Berry, Berube, Blanchette, Bowen, Bowles, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Dugay, Duprey B, Fletcher, Glynn, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Landry, Ledwin, Lewin, Lundeen, McCormick, McGowan, McKenney, McLaughlin, McNeil, Millett, Mills S, Moody, Moore, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Saviello, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sullivan, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Wotton, Young.

ABSENT - Bennett, Bierman, Duprey G, Hutton, Maietta, Muse, Perry A, Perry J, Mr. Speaker.

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

66 having voted in the affirmative and 76 voted in the negative, with 9 being absent, and accordingly the motion to COMMIT the Bill and all accompanying papers to the Committee on INSURANCE AND FINANCIAL SERVICES FAILED.

Subsequently, 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.**

Bill "An Act To Provide That Employee Terminations by Any Company That Receives Monetary Benefits from the State Require Just Cause"

(H.P. 860) (L.D. 1163)
(C. "A" H-175)

TABLED - May 8, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - PASSAGE TO BE ENGROSSED.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Mr. Speaker, Men and Women of the House. I apologize for speaking so much this afternoon. These are very important issues that I feel strongly about. As I listened to the debate last week on this issue, I just kept contemplating why we would single out just large employers. The Administration has put forth a proposal on pine tree zones to try and attract businesses to this state. What we want are large employers to come here. We want those jobs, those benefits that these large employers bring with them, yet we have a bill here that would absolutely discourage any large employer from coming here. That is my concern. What are we trying to do as a state? Are we trying to attract business through the administration and pine tree zones or are we trying to discourage business with legislation like this?

I don't know why we single out just large employers. I know there is an exception in this bill for employers under 50, 50 or fewer employees. The fact of the matter is those are not employers that take advantage of TIFs and BETR, it is the large ones that do. Whatever exemption you put in really doesn't amount to a hill of beans. My concern is over the business climate in Maine. Why we would oppose the Administration and his pine tree zones and put in a piece of legislation like this, I don't understand. I would request a roll call on this piece of legislation.

Representative BRUNO of Raymond REQUESTED a roll call on **PASSAGE TO BE ENGROSSED.**

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

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

Representative FISCHER: Mr. Speaker, Ladies and Gentlemen of the House. I rise with great difficulty. I fully understand the unpopularity of my opposition to this bill, but my constituents have sent me here to stand up for them, not to sit passively as their interests are subverted.

Mr. Speaker, when a person is drowning, you throw them a rope. Whether it is the BETR Program or the wide variety of incentives that will be available in our pine tree zones, financial inducements from our state are a rope being thrown to struggling businesses in struggling areas in order to help them grow and hire more workers.

Mr. Speaker, when a person is drowning, you throw them a rope, but you do not tie their hands with it. LD 1163 will intrusively change the terms of private employment for businesses that receive state assistance from at will to just cause. It will tie the hands of drowning businesses in Maine.

If you are from Aroostook County, if you are from Washington County or the Downeast region, if you are from the Androscoggin Valley or the Penobscot Valley or any other struggling area of the state, I beg you to vote against this bill. Please, do not tie the

hands of drowning businesses with the rope that is meant to save them. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House. This bill involves something called just cause. I have yet to understand why this is such a fearsome term for businesses in the state. Just cause, in other words, asking that a large employer have a reason for terminating an employee. That is what just cause is. Is this the kind of requirement that is going to drive businesses out of state? We know it isn't. We know in many sectors of our state, just cause, is part of the employment contracts. Just think about it, the paper industry, all those contracts involve just cause termination. Does this mean they are falling apart? Does this mean their workforce is loaded with people that they want to get rid of? I don't think so. They come and talk about the quality of the Maine workforce, just cause doesn't mean you lose the quality. It means you recognize the quality. Look at local government. Just cause provisions are there. Look at state government employees, just cause is there. Teacher employment, just cause is there. Has that been the downfall of these employments? No, it hasn't. When you vote on this bill, ask yourself, is just cause something that we don't want in our state or is fairness and having a reason for what you do part of what this state is all about? I ask you to vote in favor of this bill. Fairness and just reasons for actions are a part of the fabric of this state. Thank you.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to remind you of a comment that I made last week on this bill. There is only one state in the union at the present time that has a just cause law on their books and that is Wyoming. If this bill is enacted, we will only be the second state in the union to have such a law.

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

Representative MILLS: Mr. Speaker, Men and Women of the House. I have nothing against just cause. Just cause as it is known in this state arises out of a contract, which means it was a promise on both sides. The employer says I won't fire you except for just cause. There is also a promise by the employees to work on the basis of a certain set of benefits, a certain salary schedule, upon certain hours and terms. There is a negotiation which leads to this right of just cause and a two-way street in the creation of those rights. We, as a Legislature, intervene in that contractual setting and say that we want to impose a just cause requirement for employment in this state without putting anything on the other size of the equation. We have upset the apple cart in the relationship between employees who are free to organize and bargain on the one hand and the employer who has, in the absence of any contract, the right to hire and fire at will just the same way the employees have the right to leave employment at will.

I, for one, would favor making certain job criteria explicit in the BETR Program and the TIF Program and the other tax incentive programs that we have created. I think it is entirely appropriate for the state to say that there should be certain criteria met in the quality of jobs that are created, in part, through the use of tax incentives. I have lost that debate every time I have raised it over the last eight or nine years, but adhere to that view, but I do not adhere to the view that imposing a just cause clause of condition on those terms of employment just because somebody takes a tax benefit that we make available to them, I don't agree that that is good policy. I would much sooner have the Labor Committee

present a bill where certain other criteria, by way of salary or benefits are injected as a condition of these tax incentives. Just cause is not the appropriate one to inject. For that reason, I urge you to vote no.

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

ROLL CALL NO. 92

YEA - Adams, Ash, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Earle, Eder, Faircloth, Gerzofsky, Goodwin, Grose, Hatch, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lerman, Lessard, Mailhot, Makas, Marley, Marraché, McGlocklin, McKee, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rines, Simpson, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Mr. Speaker.

NAY - Andrews, Annis, Austin, Barstow, Berry, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Dugay, Duprey B, Finch, Fischer, Fletcher, Gagne-Friel, Glynn, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lemoine, Lewin, Lundeen, McCormick, McGowan, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson J, Richardson M, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Smith N, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Woodbury, Wotton, Young.

ABSENT - Berube, Duprey G, Greeley, Hutton, Maietta, Perry J.

Yes, 64; No, 81; Absent, 6; Excused, 0.

64 having voted in the affirmative and 81 voted in the negative, with 6 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENGROSSED as Amended** and was sent for concurrence.

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

An Act to Ban Smoking in Beano and Bingo Halls
(H.P. 186) (L.D. 227)

TABLED - May 9, 2003 (Till Later Today) by Representative DUNLAP of Old Town.

PENDING - **PASSAGE TO BE ENACTED**.

On motion of Representative DUNLAP of Old Town, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

The same Representative **PRESENTED House Amendment "B" (H-309)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. What this amendment does is it would exempt the federally recognized tribes who conduct high-stakes beano or bingo operations from this particular bill and the effects of it. I think we have had a lot of discussion about this particular issue. Generally we always seem to hear things referred to as various slippery slopes. I am sort of standing at the bottom of a

slippery slope and I think as we have gone through the debate about smoking issues in the last few years, we have seen that the consensus has gone toward greater and greater unanimity or conformity, if you will, a nonsmoking atmosphere in these types of operations. That being the will of the Legislature, that is fine. However, we that federally recognized tribes, it is a bit of a different issue.

When I spoke last on this particular bill, I spoke against it. I was doing so really on behalf, not only of the Penobscot Nation, the Indian Island Voting District, being part of my district, but also on behalf of some of the other non-profits who operate these types of operations. They have been very concerned about this. There is a big difference between whether the VFW in your town has smoking and the VFW in the town over doesn't have smoking and this particular situation where dozens of busloads of people come from Canada, New York, all over the northeast to play these really amazing high stakes games. They have options to go other places, especially those from the Maritime Provinces. I think that to do something to protect the operations of the Penobscot Nation; they could lose a significant portion of their general fund funding, which they derive from these games. I would ask that you would support the adoption of this amendment. I think it is a different situation than what we have talked about in the context of the rest of the bill. Help me help my people. Thank you very much.

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

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

The SPEAKER: The Representative may pose his question.

Representative **WATSON**: Thank you Mr. Speaker. As compared to several times a week that my local VFW holds bingo and beano sessions, I would like to know how often the Indians hold high-stakes bingo? I would also like to know if anyone can tell me how dependent the tribes are to the income from their high-stakes bingo? 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. To answer Representative Watson's question, we have games seven weekends a year and the amount that we use for our general fund is the amount that we make from the bingo games, amounts to over half of that fund. We would lose the majority of our emergency services plus some 75 part-time jobs as well as some of the jobs that are full time within our tribal government.

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

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. If we feel the need to protect the citizens, the people of the State of Maine, from themselves, regarding smoking and health, then why don't we have the need to protect the Native Americans of the state? The only word since I have heard of this proposed amendment, the only thing I can think of, I picture a flashing neon sign and it says, hypocritical, hypocritical. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TRAHAN**: Thank you Mr. Speaker. During the previous discussion and debate on this issue the argument was used that banning smoking in these types of halls actually does nothing to decrease the businesses, the people that attend

those businesses and the amount of gambling there. Why doesn't that apply in this case as well?

The **SPEAKER**: The Representative from Waldoboro, Representative Trahan has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. To answer the question, I think it is a different situation in terms of where people are traveling to and from. These bus charters come, as I said before, from the Maritime Provinces, which their tribes don't operate under this type of regulation. I think for people to make a choice, they are going to go where they feel most at ease and most comfortable. The smoking issue could very well help them make their decision to not come to the Penobscot high stakes bingo and that could pose a significant downward turn in their revenues.

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

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

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

Representative **TRAHAN**: Thank you Mr. Speaker. I also thank the Representative from Old Town for that explanation, but wouldn't that same answer apply that if banning smoking in the Indian halls would mean less business, wouldn't the same argument apply to the opposite end of the spectrum which is, if we ban smoking in every other one of the beano halls, wouldn't those people that want to smoke in a casino then go to the Indian casino?

The **SPEAKER**: The Representative from Waldoboro, Representative Trahan has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. I get the sense that my good friend from Waldoboro, Representative Trahan, is trying to help. I would like him to stop. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Laverriere-Boucher.

Representative **LAVERRIERE-BOUCHER**: Mr. Speaker, Men and Women of the House. I would support this amendment if it was designed in the same way that the off-track betting is designed. There is a separate room where people who want to smoke go into, but the workers are not allowed in that room. I cannot say that I would allow this the way it is now because it means people are exposed to second-hand smoke and it is just not a healthy thing for the workers. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative **COWGER**: Mr. Speaker, Men and Women of the House. I would just like to remind the members of this body that the committee that voted on this bill had a 10 to 3 bipartisan Ought to Pass vote. The committee considered the contents of this amendment and rejected it. Please keep that in mind and join me in voting against House Amendment "B."

Representative **MILLS** of Cornville **REQUESTED** a division on the motion to **ADOPT House Amendment "B" (H-309)**.

The Chair ordered a division on the motion to **ADOPT House Amendment "B" (H-309)**.

The **SPEAKER**: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Mr. Speaker, Ladies and Gentlemen of the House. I spoke on this bill last week and said it was an anti-business bill, but some of my colleagues said it is health bill. I wish my friend from Old Town would stand up and

speak for all businesses. He is speaking for the Penobscot. What is good for the Penobscots is good for all business. It is discriminatory to turn around and pit one group against another group. If I am going to vote on this as a health issue, that is fine; if we are going to vote on it as a business issue, that is fine. It is not a two way street. You can't have it both ways, Mr. Speaker. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I believe the difference to prevent smoking in the high stakes bingo hall on Indian Island is a lot different and it is not an anti-business bill that we are applying by stopping smoking in our existing VFW, American Legion and St. Mary's Church. That is a different thing all together. Back in 1992 the State of Maine allowed the Penobscot Nation to enter into high-stakes bingo games. Since that date, the Penobscot Nation has made this income from these beano games, seven weekends a year. That is all. It isn't 52 weeks a year. It is seven weekends a year. Fifty percent of their operational budget comes out of the funds for these high-stakes bingo games. I have had people tell me they go in there and they don't even realize there is smoking going on. They have put very, very expensive, high powered, smoke scrubbers in there to protect people. I know we want to protect everybody in the State of Maine. It is our God given charge. I know it is. We will do that to the best of our ability. I also have to remind you that it is not a life and death matter that you, at any time in your adult life play bingo. You have to go to a restaurant to eat if you are locked out of your house. You want to support your not for profit organizations and go to their beano games, but you don't have to. You can write the check out to the American Legion, Post such and such and skip the bingo game. Let's give our Native American friends some support in keeping their livelihood alive.

Over the years, and I hate to bring this up, on a personal note, but my husband has been taking a course at the University of Maine offered by the Abanaki Tribe. I don't want to tell you how many things we have done as Mainers to hurt our Native Americans. Let's not add taking half of their income away from them as another one of the crimes that we commit against people. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. My good friend from Newfield, Representative Campbell, brings up a very good point about the issues that are laying before us now. You have the issue of health and the issue of business. There is also a third issue, which we have not discussed and that is the issue of the sovereignty of the Penobscot Nation. In allowing them to do the high-stakes beano and bingo, we have sort of set them off on their own course. They have their own human services, fish and wildlife; they have all these state agencies within the tribe that they depend on for their own well-being and their own welfare. We have told them they have to fund those themselves. We have given them a mechanism to do that and I just don't think that it is prudent to send them on that course and then not allow them to fulfill the mission. That is why I stand here with this amendment today.

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

Representative **RICHARDSON**: Mr. Speaker, Ladies and Gentlemen of the House. We keep trying to tell the people of the State of Maine how to live their lives. It seems to me that this is a great example of why it would be much better to let them figure it

out for themselves and make their choice if they will go or not go. If they want to smoke, they will go. If they don't, they won't. 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. I am not going to repeat what some of the other Representatives have said, but I will say that the Penobscot Nation recognizes that there is a health hazard in smoking. As a matter of fact, all of our public buildings in our community are declared nonsmoking buildings. We allow smoking in super bingo seven weekends during the year, because if we didn't we didn't want to take the chance of losing that business. We are working towards improving the environment for people who play bingo. We want to do it in our own time. We have already put in a million dollars worth of equipment in there. It has taken care of a great deal, maybe not all of it, but a great deal of the smoke. We are working on making that a nonsmoking game eventually.

We would ask you to let us do this in our own time and not dictate to us to do this right now. Thank you.

The SPEAKER: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative **PARADIS**: Mr. Speaker, Members of the House. I think this is a very reasonable amendment. Finally we seem to be listening to our Native Americans, the Penobscot and the Passamaquoddy. We don't do enough of that. This might be a temporary compromise, if and when we can decide and maybe build one or two or even three casinos smoke free, then there will be no problem. Vote for the amendment, it is a good one.

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

Representative **COURTNEY**: Mr. Speaker, Ladies and Gentlemen of the House. I was going to try and not say anything today, but I heard a couple of things. I thought we should talk about them a little bit. I voted in opposition to the ban. I think that we have become more and more intrusive on people and maybe it is time that we have gone far enough. I enjoy more than anybody going into a restaurant at night and enjoying my dinner without smoke blowing in my face. It really is nice. I think we have gotten to a certain point where we are intruding on everybody. Now we seem to have decided that we are going to do that, but we feel there is a certain class or a certain group of people that are exempt from that. I have heard sovereignty and I guess I question the whole concept because I think they still get benefits that are provided by the State of Maine, but when it comes to a financial consideration, it seems that there is a different standard.

It is especially troubling to me when we talk about all the buildings they have are nonsmoking, yet when the busload of money starts to come in, all of a sudden it is okay to open that up to smoking. I just think there is hypocrisy there and I think that we really ought to treat this as we treated the rest of the bill. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Mr. Speaker, Men and Women of the House. I don't smoke. I haven't in over 20 years so if any of you think because I speak for these bills that I smoke, I don't. My wife has some Pigwacket blood in here and the Pigwackets are related to the Penobscots. I don't have anything against the American Indians. I have been married to her for almost 50 years and I don't think she deserves anything more than I do. It is an equal basis. It either has to be no smoking in all the bingo buildings or we smoke in all of them. Thank you.

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

Representative **O'BRIEN**: Mr. Speaker, Men and Women of the House. I think what we are looking at is an amendment for a group of people who are living within the State of Maine but, in fact, have their sovereign tribal area that they are responsible for. We are talking about seven; I know that takes two hands, but seven times a year on the weekends in a special bingo hall. I will tell you I am guilty of everything. I am guilty of smoking. I am guilty of playing bingo. I am guilty of all those things. However, this is about a group of people that I respect highly. I know living in the State of Maine that it is their land. They were here long before any of my ancestors came. What I think we have to look at is, is this a reasonable amendment. We are not talking about all smoking. God bless us, we are not talking about restaurants. What we are talking about is these particular games and the people that decide to go there. Nobody makes them go. Thank you.

The SPEAKER: A division has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-309). All those in favor will vote yes, those opposed will vote no.

A vote of the House was taken. 74 voted in favor of the same and 55 against, and accordingly **House Amendment "B" (H-309) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "B" (H-309) in NON-CONCURRENCE** and sent for concurrence.

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

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

HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-300) - Minority (4) Ought Not to Pass - Committee on LEGAL AND VETERANS AFFAIRS on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Appearance of Referenda on Ballots at General Elections

(H.P. 962) (L.D. 1308)

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

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

Representative **HOTHAM**: Mr. Speaker, Men and Women of the House. As sponsor of this legislation, I rise not only to urge that we defeat the Minority Ought Not to Pass Report, but also to clarify its intent. First of all, the title of this bill does not truly describe what is being proposed. This is not a bill to restrict referendum questions to the general election. It is, through the amendment, a bill that would restrict the appearance of such referenda to all statewide elections in November, not just general elections.

I sponsored this bill because I have often wondered why when we ask the people of the State of Maine to participate in making decisions, do we occasionally offer that opportunity at a time when we know the least number of voters are likely to show up. The cynic in me thinks that someone is trying to sneak one by. Quite frankly, so do many others. Maine has always been proud of its voter turnout and rightfully so for general elections. Let's look at the results. The Secretary of State's Office reports

voter turnout in the five special and primary elections since 1992 has averaged 20 percent. The six statewide elections held in November since 1991 have averaged 35 percent, while the six general elections held since 1992 have averaged 59 percent voter turnout. According to these numbers, it would seem that the best time to offer referenda questions or bond issues would be during general elections only. Practically speaking, I believe that limiting these decisions to every two years would be a deterrent to progress for our great state. It is important to note that this legislation does allow for people's veto questions to appear in special elections. It also allows for referenda questions and bond issues to appear in special elections if the Legislature considers them to be emergencies.

Please also be aware that there is a fiscal note associated with this bill. The Office of Fiscal and Program Review reports that we could increase costs by \$8,000 an election if we need to increase the length of the ballot due to the number or size of referenda questions. They also report that a special election would require an additional appropriation of over \$121,000. Clearly also in the case of a special election need I remind anyone of the costs to the towns and cities of the State of Maine.

As we all know, perception is reality. I believe this is an opportunity for us to change one of the negative perceptions people have of their state government. It is also the chance to do the right thing. I urge that you do not pass the Minority Report and save this bill and send it on to the people to make this decision. Let's do all we can to assure maximum participation when we ask Mainers to vote on important issues that affect our children, our parents, our grandparents and our neighbors and friends. Thank you very much.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote with the minority part of the committee of Ought Not to Pass. If this bill is passed, it would ask the Legislature to have a special two-thirds vote to make sure that a referendum or any other referendum would be deemed as an emergency. You already vote two-thirds already to have that go on the ballot. What you are doing is you are asking for another two-thirds vote for a referendum to be on the ballot in June or in a special election. The Representative is mostly correct when he says that we have a higher turnout in November. Most people go to vote in November and there is usually what is called a general election with the gubernatorial or presidential election or with state races. In June, during the primary election, you have primaries during an election year. You have towns that have municipal elections. Those voters will be coming out to those polls. Just because it is not up to around 59 or 65 percent of the vote, does not mean that people do not get out and vote.

What we have to look at is how much time do you want to spend in the legislative process to have a referendum going out to the people, either in June or in November? Yes, this does have a fiscal note on it. You have a special election and it is \$121,000 more from the state and also you have to consider the amount of fiscal responsibility from the municipalities because they have to pay their election wardens and also election clerks. With \$8,000 more to expand the ballots, just think, if for some reason this November you have more than two or three referendum questions on this November's ballot, you would have to have another ballot, which would cost \$8,000 more to add more questions on the referenda.

Talk about being fair, you have citizen's initiatives and also people's vetoes that can now, under the amendment, the Majority Report, still vote during a general or a primary election or a special election. How is that fair from a referendum from a

people's veto or from a citizen's initiative. Mr. Speaker, when the vote is taken, I request the yeas and nays.

Representative CLARK of Millinocket **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. 93

YEA - Adams, Ash, Barstow, Bennett, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Clark, Cowger, Craven, Dudley, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Hatch, Jennings, Ketterer, Koffman, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McKee, Mills J, Mills S, Moody, Norbert, Norton, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Richardson J, Sampson, Saviello, Simpson, Smith W, Sullivan, Suslovic, Thomas, Thompson, Tobin J, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Bierman, Blanchette, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duplessie, Duprey B, Glynn, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Landry, Ledwin, Lewin, McCormick, McKenney, McLaughlin, McNeil, Millett, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Tardy, Tobin D, Trahan, Treadwell, Vaughan, Young.

ABSENT - Berube, Carr, Cummings, Dugay, Dunlap, Duprey G, Fletcher, Goodwin, Greeley, Hutton, Jackson, Kane, Maietta, McGlocklin, McGowan, O'Brien L, O'Neil, Perry J, Rines, Smith N, Sykes.

Yes, 67; No, 63; Absent, 21; Excused, 0.

67 having voted in the affirmative and 63 voted in the negative, with 21 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**.

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-301) - Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act To Standardize Reporting Requirements for PACs, Parties and Independent Electioneering Expenditures"

(H.P. 489) (L.D. 659)

Which was **TABLED** by Representative CLARK of Millinocket pending **ADOPTION** of **Committee Amendment "A" (H-301)**.

Representative MOODY of Manchester **PRESENTED** **House Amendment "A" (H-329) to Committee Amendment "A" (H-301)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-301) as Amended by House Amendment "A" (H-329) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-301) as Amended by House Amendment "A" (H-329)** thereto and sent for concurrence.

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

On motion of Representative ADAMS of Portland, the House adjourned at 4:16 p.m., until 9:00 a.m., Tuesday, May 13, 2003 in honor and lasting tribute to J. Donald MacWilliams, of Portland.