

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
 53rd Legislative Day
 Friday, May 16, 2003

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

Prayer by The Reverend Dr. Michael Stevens, Second Congregational Church, United Church of Christ, Newcastle.

National Anthem by Honorable Leila Percy with Muriel

Havenstein Trio, Phippsburg. 

Pledge of Allegiance.

Doctor of the day, Adele Carroll, D.O., Limerick.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

An Act To Amend the Forester Law

(H.P. 1063) (L.D. 1455)

PASSED TO BE ENACTED in the House on May 8, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-156)** in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

Resolve, Allowing Christy Reposa and Michaela Corbin-Bumford to Sue the State

(H.P. 536) (L.D. 730)

Minority (1) **OUGHT NOT TO PASS** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** in the House on May 14, 2003.

Came from the Senate with the Majority (12) **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-356)** in **NON-CONCURRENCE**.

On motion of Representative CLARK of Millinocket, the House voted to **RECEDE**.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-356)** was **READ** by the Clerk.

The same Representative **PRESENTED House Amendment "A" (H-383)** to **Committee Amendment "A" (H-356)**, which was **READ** by the Clerk.

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

Representative TWOMEY: Mr. Speaker, Men and Women of the House. This amendment would remove the authority for John Wagg to sue the Department of Human Services. It would provide that the proceeds of any recovery by Christy Reposa and her suit against the Department of Human Services, not including costs and reasonable costs and attorney's fees as determined by the court, must be deposited with a third-party trustee, determined by council for Christy Reposa, subject to approval by the court and dispersed only to pay for post-secondary

educational expenses of a sibling of Logan Marr. If these proceeds so deposited are not dispersed to pay for post-secondary educational expenses for a sibling of Logan Marr, they must be deposited in the Victim's Compensation Fund established in the Maine Revised Statutes, Section 3360-H and notwithstanding Title 5, used only for the payment of claims arising under Title 5, based on a crime against a person who has not attained 18 years of age.

Mr. Speaker, what I tried to do after hearing the debate, I am hearing the Representative from Sanford saying that he could not support this because he did not think that parents should be compensated. I guess that is what got me thinking on how we could do this. I truly believe that setting a precedent for parents suing the state, I do accept it, parents have responsibilities. I also accept that sometimes parenting is not a skill that everyone is good at and that makes not excuse, but in this case I feel that the state was delinquent in the fact that this happened. I am trying to salvage this by saying that this lawsuit could go forward, but it would go for Logan Marr's sister, who is her sibling for post-secondary education. If that sibling does not choose to go for post-secondary education, it would go to the Victim's Compensation Fund, which is already set up. That wouldn't be a problem. I am trying to say that I think we need to accept responsibility for what happened. I hope that you could support this amendment. Thank you.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. I am very grateful to the Representative from Biddeford, Representative Twomey. I think it does allow us to take the higher road. Yes, mistakes were made, but it also provides us with good public policy. We are worried about children receiving a college education. There will be money there. If it doesn't go to that one thing, then we have already determined that it goes to the Victim's Fund. I think it is a great solution. If anything can come out of this tragedy good, then good. This is an excellent amendment and I am very proud of the Representative. Thank you.

Representative BLANCHETTE of Bangor moved that **House Amendment "A" (H-383)** to **Committee Amendment "A" (H-356)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-383)** to **Committee Amendment "A" (H-356)**.

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 Bangor, Representative Blanchette.

Representative BLANCHETTE: Mr. Speaker, Ladies and Gentlemen of the House. I am asking you today to vote to Indefinitely Postpone this amendment. Although I feel and I appreciate the good Representative from Biddeford, Representative Twomey, introducing this with all the good intents in the world, but I do believe that we have reached a point in the life in the State of Maine and as taxpayers in this State of Maine where we have already taken the high road. We have taken and probably will have for the rest of the siblings' natural life, the custody and the care of these children. I do not believe that allowing this parent to sue the state with the conditions that the money be put into a trust fund with all of these hoops and hollers to jump through in order for it to go to secondary education for these children is in the best interest of the taxpayers. We have anteed up to the plate. We have paid our dues and we will continue to pay our dues. The state has paid out hundreds of thousands of dollars to close this case, bring it through the court

system and to find the foster mother guilty. That is our share. I would ask you to please follow my light, Indefinitely Postpone this, and do what is right for the people back in your district. That is to dispense taxpayer dollars wisely. This is not a wise move. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative McNeil.

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

The SPEAKER: The Representative may pose his question.

Representative **MCNEIL**: Mr. Speaker, Ladies and Gentlemen of the House. Would it be legal for us to stipulate what could be done with this lawsuit money? Is it legal for us to do that?

The SPEAKER: The Representative from Rockland, Representative McNeil has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Thank you Mr. Speaker. I asked that question yesterday and I was told it is. Thank you.

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

Representative **MILLS**: Mr. Speaker, Men and Women of the House. It is my intention to vote for the amendment, but I do wish to oppose the bill. I want to go on record as saying that I share entirely the sentiments of the good Representative from Bangor in regard to this matter. I would hope that people would understand that some of us may vote for the amendment, but not with the idea that we think that the fundamental bill has merit. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-383) to Committee Amendment "A" (H-356). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 117

YEA - Austin, Bierman, Blanchette, Brown R, Browne W, Churchill J, Duprey B, Fletcher, Jacobsen, Laverriere-Boucher, Muse, Peavey-Haskell, Richardson E, Sykes, Tobin D.

NAY - Adams, Andrews, Annis, Ash, Barstow, Bennett, Berry, Bliss, Bowen, Bowles, Breault, Bruno, Campbell, Canavan, Carr, Churchill E, Clark, Clough, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Curley, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jennings, Jodrey, Kaelin, Kane, Koffman, Landry, Ledwin, Lemoine, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marley, McCormick, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills S, Moody, Moore, Murphy, Norbert, Norton, Nutting, O'Neil, Patrick, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson J, Richardson M, Rogers, Rosen, Sampson, Saviello, Sherman, Simpson, Smith N, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Trahan, Twomey, Usher, Walcott, Watson, Wheeler, Wotton, Young, Mr. Speaker.

ABSENT - Berube, Brannigan, Bryant-Deschenes, Bull, Bunker, Cummings, Daigle, Gerzofsky, Goodwin, Jackson, Joy, Ketterer, Lerman, Marraché, McGlocklin, Mills J, O'Brien J, O'Brien L, Paradis, Pellon, Perry J, Rines, Shields, Smith W, Tardy, Tobin J, Treadwell, Vaughan, Woodbury.

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

15 having voted in the affirmative and 107 voted in the negative, with 29 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-383) to Committee Amendment "A" (H-356) FAILED.**

Subsequently, **House Amendment "A" (H-383) to Committee Amendment "A" (H-356) was ADOPTED.**

Committee Amendment "A" (H-356) as Amended by House Amendment "A" (H-383) thereto was ADOPTED.

The Resolve was assigned for **SECOND READING** Monday, May 19, 2003.

COMMUNICATIONS

The Following Communication: (H.C. 213)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON JUDICIARY**

May 12, 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. 415 An Act To Restore Federal Protections to
Maine State Employees

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: (S.P. 570)

STATE OF MAINE

121ST MAINE LEGISLATURE

May 13, 2003

Sen. Neria R. Douglass

Senate Chair, Joint Standing Committee on
Education and Cultural Affairs

Rep. Glenn A. Cummings

House Chair, Joint Standing Committee on
Education and Cultural Affairs

121st Legislature

Augusta, ME 04333

Dear Senator Douglass and Representative Cummings:

Please be advised that pursuant to Title 3, M.R.S.A. §154, Governor John E. Baldacci has withdrawn the nomination of Samuel Spencer Gulliver of Blue Hill for appointment to the Board of Trustees, Maine Maritime Academy.

Sincerely,

S/Beverly C. Daggett

President of the Senate

S/Patrick Colwell

Speaker of the House

Came from the Senate, **READ and REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS.**

READ and REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

The Following Communication: (S.C. 236)

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

May 15, 2003

Honorable Millicent M. MacFarland

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today Insisted to its previous action whereby it accepted the Minority Ought Not To Pass Report on Bill, "An Act To Strengthen the Criminal Laws by Expanding the Definition of Trafficking and Furnishing Prescription Narcotic Drugs To Include Illegal Possession of a Large Number of Pills" (H.P. 698) (L.D. 941).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Improve Subdivision Standards"

(H.P. 1195) (L.D. 1617)

Sponsored by Representative KOFFMAN of Bar Harbor.

Cosponsored by Senator MARTIN of Aroostook and Representatives: DUNLAP of Old Town, JACKSON of Fort Kent, LEMOINE of Old Orchard Beach, McKEE of Wayne, RICHARDSON of Brunswick, TOBIN of Windham, Senators: EDMONDS of Cumberland, SAWYER of Penobscot.

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

Committee on **NATURAL RESOURCES** suggested and ordered printed.

REFERRED to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent for concurrence.

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 29)

ORDERED, that Representative Guy J. Duprey, Jr. of Medway be excused Monday, May 12th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jeremy Fischer of Presque Isle be excused Thursday, May 15th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Troy D. Jackson of Fort Kent be excused Friday, May 9th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Sarah O. Lewin of Eliot be excused Wednesday, May 14th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jacqueline A. Lundeen of Mars Hill be excused Thursday, May 8th and Friday, May 9th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Gary W. Moore of Standish be excused Tuesday, May 6th and Wednesday, May 7th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Anne C. Perry of Calais be excused Wednesday, May 14th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Richard M. Sykes of Harrison be excused Friday, May 9th for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Muriel Havenstein, of Nobleboro, a lively fixture in the Maine jazz scene who celebrated her 80th birthday with fellow jazz musicians from near and far. She still talks with a Bronx accent, still plays up a storm, still sits on a pillow if the bench is too low and plays for all occasions. Muriel has played the piano since she was 9, though at the age of 14 her piano teacher stepped down from the job because Muriel kept adding notes to Mozart. With her family's permission, she left school and at 16 became the youngest member of the Musicians Union in New York City. During the war years, Muriel played and toured with the all-woman swing band, "Estelle and her Brunettes." After taking time out to raise a family, she relocated to mid-coast Maine and got back to her music. At Spinnaker's Restaurant in Rockport, she found herself playing for an appreciative Dizzy Gillespie, whose autograph she still cherishes. Muriel continues to play a variety of gigs, enjoying all. We send our congratulations and best wishes to her on this milestone;

(HLS 563)

Presented by Representative PERCY of Phippsburg.

Cosponsored by Senator HALL of Lincoln, Representative TRAHAN of Waldoboro, Representative EARLE of Damariscotta.

On **OBJECTION** of Representative PERCY of Phippsburg, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **PERCY**: Mr. Speaker, Ladies and Gentlemen of the House. Maine has a wonderful tradition of jazz and many of you are aware of it in your elementary schools, your middle schools, your high schools and your colleges. There are a lot of older jazz musicians still playing and still making this state swing. I would let you know that the queen of this family of jazz musicians is up in the balcony right now. Muriel Havenstein plays with her heart. It is when she is happiest. I am so grateful that she accompanies me and many other fine musicians in this state. I am sure that every single one of you could find one jazz musician who not only has played with Muriel, but loves to swing with her because music is her life. Happy Birthday Muriel. 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 **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-398)** on Bill "An Act To Provide Peer Support and Advocacy Services To Participants in the ASPIRE-TANF Program and the Parents as Scholars Program" (H.P. 655) (L.D. 878)

Signed:

Senators:

BRENNAN of Cumberland

MARTIN of Aroostook

Representatives:

KANE of Saco

EARLE of Damariscotta

CRAVEN of Lewiston

SHIELDS of Auburn

DUGAY of Cherryfield

CURLEY of Scarborough

WALCOTT of Lewiston

LAVERRIERE-BOUCHER of Biddeford

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

Signed:

Senator:

WESTON of Waldo

Representatives:

CAMPBELL of Newfield

LEWIN of Eliot

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-398)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 19, 2003.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-370)** on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell Up to 15 Acres of Land and Other Interests of the State at the Long Creek Youth Development Center, in South Portland (H.P. 1105) (L.D. 1512)

Signed:

Senators:

ROTUNDO of Androscoggin

LaFOUNTAIN of York

GILMAN of Cumberland

Representatives:

McLAUGHLIN of Cape Elizabeth

KETTERER of Madison

CROSTHWAITE of Ellsworth

BARSTOW of Gorham

BOWEN of Rockport

SUKEFORTH of Union

BUNKER of Kossuth Township

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

Signed:

Representatives:

PEAVEY-HASKELL of Greenbush

STONE of Berwick

Representative SUSLOVIC of Portland - of the House -

abstaining.

READ.

Representative McLAUGHLIN of Cape Elizabeth moved the Majority **Ought to Pass as Amended** Report.

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

Representative MAIETTA: Mr. Speaker, Men and Women of the House. I want to take a second and endorse this. For the record, the reason I support this so strongly is because this proposal in front of us for this 15 acres of land is to build owner-occupied affordable housing, which South Portland is very much in need of. Thank you.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-370)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Monday, May 19, 2003.

BILLS IN THE SECOND READING

Senate as Amended

Bill "An Act To Promote Energy Conservation"

(S.P. 92) (L.D. 233)

(C. "A" S-145)

Bill "An Act Concerning Storm Water Management" (EMERGENCY)

(S.P. 529) (L.D. 1570)

(C. "A" S-151)

House

Bill "An Act To Clarify When Notice is Effective to Terminate a Tenancy at Will"

(H.P. 729) (L.D. 1008)

House as Amended

Bill "An Act Authorizing the Operation of Low-speed Vehicles on Certain Roads" (EMERGENCY)

(H.P. 313) (L.D. 393)

(C. "A" H-357)

Bill "An Act To Encourage Responsible Employment Practices"

(H.P. 880) (L.D. 1206)

(C. "A" H-353)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Papers were **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.

Bill "An Act To Authorize the State To Establish a Multijurisdictional Lottery or Lottery Games"

(S.P. 515) (L.D. 1536)

(C. "A" S-147)

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

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

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

Bill "An Act To Protect and Encourage Firearms Shooting Ranges Throughout the State"

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

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

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

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

Bill "An Act To Prohibit Personal Watercraft on Lake St. George in the Town of Liberty"

(H.P. 477) (L.D. 647)

(C. "A" H-389)

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

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

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

Bill "An Act Concerning Recognition of Qualified Political Parties"

(H.P. 991) (L.D. 1349)

(C. "A" H-379)

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

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

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

Bill "An Act To Establish the Pine Tree Development Zones Program"

(S.P. 456) (L.D. 1385)

(C. "A" S-68)

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

On motion of Representative SULLIVAN of Biddeford, was **SET ASIDE**.

The same Representative moved that the House **RECONSIDER** its action whereby **Committee Amendment "A" (S-68)** was **ADOPTED**.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending the motion of Representative SULLIVAN of Biddeford to **RECONSIDER** whereby **Committee Amendment "A" (S-68)** was **ADOPTED** and later today assigned.

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Increase the Ground Lease Term at the Long Creek Youth Development Center from 50 to 90 Years

(H.P. 1034) (L.D. 1412)

(C. "A" H-387)

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

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

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

ENACTORS

Emergency Measure

An Act To Ensure Proper Funding of the Public Utilities Commission and the Public Advocate

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

(C. "A" H-319)

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

Emergency Measure

An Act To Authorize Certain Former Members of the Maine State Retirement System To Rejoin the Maine State Retirement System

(S.P. 514) (L.D. 1535)

(C. "A" S-152)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Emergency Measure

An Act Regarding Eligibility under the Municipal Investment Trust Fund

(S.P. 523) (L.D. 1554)

(C. "A" S-149)

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

Emergency Measure

Resolve, To Authorize the Issue of Additional Securities for Projects Relating to the Judicial Branch

(S.P. 229) (L.D. 665)

(C. "A" S-140)

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. 115 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

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

Acts

- An Act to Allow Hunters to Exchange Assigned Hunting Areas or Zones with Other Hunters
(S.P. 46) (L.D. 123)
(C. "A" S-143)
- An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee
(S.P. 94) (L.D. 260)
(C. "A" S-116)
- An Act To Protect Conservation Trust Funds
(S.P. 284) (L.D. 805)
(C. "A" S-133)
- An Act To Simplify the Requirements for Tagging, Registering and Transporting Harvested Animals
(S.P. 285) (L.D. 806)
(C. "A" S-142)
- An Act To Promote Alternatives in Group Self-insurance
(H.P. 629) (L.D. 852)
(C. "A" H-338)
- An Act To Clarify and Update the Laws Concerning the Types of Transportation Vehicle Used To Transport Children
(H.P. 739) (L.D. 1018)
(C. "A" H-333)
- An Act To Authorize Water and Wastewater Districts To Lease Their Assets
(H.P. 926) (L.D. 1252)
(C. "A" H-316)
- An Act To Clarify the Authority of the Attorney General To Seek Restitution and To Require the Superintendent of Insurance To Investigate Certain Insurance Practices
(S.P. 438) (L.D. 1347)
(C. "A" S-155)
- An Act To Amend the Maine Pesticide Control Act of 1975 To Increase the Pesticide Product Registration Fee
(H.P. 1027) (L.D. 1400)
(C. "A" H-339)
- An Act To Refine the Maine Rural Development Statutes
(S.P. 464) (L.D. 1408)
(C. "A" S-148)
- An Act To Clarify Maine Law Relating to Viatical Settlements
(H.P. 1035) (L.D. 1413)
(C. "A" H-347)
- An Act Relating to the Award of Attorneys' Fees and Damages under the Maine Human Rights Act
(H.P. 1043) (L.D. 1424)
(C. "A" H-332)
- An Act To Require Disclosure of Benefit Offsets under Disability Insurance Policies
(S.P. 476) (L.D. 1438)
(C. "A" S-154)
- An Act To Amend the Maine Banking Laws
(S.P. 512) (L.D. 1534)
(C. "A" S-141)
- An Act To Modify the Exemption for Compost under the Nutrient Management Law and the Nutrient Management Review Board's Authority To Hear Appeals
(S.P. 517) (L.D. 1543)

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 Encourage Use of Alternative Energy Sources
(S.P. 388) (L.D. 1184)
(C. "A" S-132)
- 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 Ban Smoking in Beano and Bingo Halls
(H.P. 186) (L.D. 227)
(H. "B" H-309)
- Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.
On motion of Representative RICHARDSON of Brunswick, was **SET ASIDE**.
On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.
- An Act To Implement the Recommendations of the Task Force on Rail Transportation and Correct an Inconsistency
(S.P. 208) (L.D. 599)
(C. "A" S-136)
- Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.
On motion of Representative USHER of Westbrook, was **SET ASIDE**.
On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.
On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.
The same Representative **PRESENTED House Amendment "A" (H-400)** which was **READ** by the Clerk.
The **SPEAKER**: The Chair recognizes the Representative from Westbrook, Representative Usher.
Representative USHER: Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, this is a technical amendment to the bill. Thank you.
Subsequently, **House Amendment "A" (H-400)** was **ADOPTED**.
The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-136) and House Amendment "A" (H-400) in NON-CONCURRENCE** and sent for concurrence.
- By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

An Act To Provide "Any-deer" Permits to Permanently Disabled Nonambulatory Persons

(S.P. 265) (L.D. 786)
(C. "A" S-144)

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

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

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

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

Bill "An Act To Establish the Pine Tree Development Zones Program"

(S.P. 456) (L.D. 1385)
(C. "A" S-68)

Which was **TABLED** by Representative RICHARDSON of Brunswick pending the motion of Representative SULLIVAN of Biddeford to **RECONSIDER** whereby **Committee Amendment "A" (S-68)** was **ADOPTED**.

Subsequently, the House voted to **RECONSIDER** whereby **Committee Amendment "A" (S-68)** was **ADOPTED**.

Representative SULLIVAN of Biddeford **PRESENTED House Amendment "A" (H-406)** to **Committee Amendment "A" (S-68)** which was **READ** by the Clerk.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. We are almost there. Eventually you are going to see the real bill, but first we really would like to adopt this amendment. Let me tell you what it does and it should make perfect sense to you because you haven't even seen the bill yet. However, we are going to give it a try. This bill simply takes out a fiscal note. The good Representative from Raymond, Representative Bruno, had brought it up yesterday. Before we were going to have another person in the Bureau of Revenue Services and we have changed that so that the Commissioner of Community and Economic Development will actually look at it. As soon as we pass this, I promise you we will be able to explain everything in the Pine Tree that you have all questioned. We have to get this on so that we can get to the main bill. We need to get through this amendment first so we can go to the pine tree zones and we can explain some of those things that are in it.

The Senate Amendment with the exception of this, simply makes it somewhat easier for certain areas to be included, the competitive zones. It will make more sense to you when you see the bill. I would request that you would please vote for it. Thank you.

Subsequently, **House Amendment "A" (H-406)** to **Committee Amendment "A" (S-68)** was **ADOPTED**.

Committee Amendment "A" (S-68) as Amended by **House Amendment "A" (H-406)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-68) as Amended by House Amendment "A" (H-406)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Increase the Ground Lease Term at the Long Creek Youth Development Center from 50 to 90 Years

(H.P. 1034) (L.D. 1412)
(C. "A" H-387)

Which was **TABLED** by Representative RICHARDSON of Brunswick pending **PASSAGE TO BE ENGROSSED as Amended**.

On motion of Representative MAIETTA of South Portland, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-387)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-405)** to **Committee Amendment "A" (H-387)** which was **READ** by the Clerk.

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

Representative **MAIETTA**: Mr. Speaker, Men and Women of the House. I bring my first floor amendment to this body in hopes that everybody will listen to me at least for my first time standing up and talking. This is very important to me. It is unfortunate that I have heard over the last month or so how people have been misinformed on this subject, whether you have read local newspapers or you have talked to people in passing.

A little bit of history behind this, this is the Boy's Training Center in South Portland where they have now changed that to the Long Creek Correctional Center for boys and girls. This property, many of you I am sure are not aware of, is a very, very prime piece of property in South Portland. It sits on a riverbank. The think that doesn't make it a whole lot attractive in it is not too far from the jetport when they are taking off and landing and what not.

My reasons for this amendment are we currently, the state, offered a 50-year lease on this parcel of land to be developed in some way after the new corrections facility was built. Since the 120th did that, a proposal has come forward to do a housing development on this parcel of land. There was 58 acres in total, 15 of which we had in a previous item that would be sold. This is to increase that to a 90-year lease so that the developer in this proposal can bring forth his affordable housing plan, which is going to require state tax credits, etc. The community has wrapped its arm around this proposal. I am in full support of this proposal unlike some newspaper articles and some people walking the halls have said in the past. I am very much in favor of the proposal. The proposal being that this 90-year lease is needed because we want to have affordable housing on this property.

My amendment, if you would take a second to look at, which is (H-405), I will read it for those that haven't seen it. "The commissioner's authority to lease the property described in Section 3 for 90 years is contingent upon affordable housing being in place. If the affordable housing is not in place, then the commissioner shall lease the property for only 50 years." That is basically what we are doing here. In a previous item, we have referred to the local zoning ordinances to address those issues. Obviously no matter what goes on this property, we have to conform to local zoning ordinances. This, however, in Committee Amendment (H-387) does not refer to my concerns that the affordable housing be part of this property.

I think it is a very simple one to support. If you are in favor of affordable housing, then you will be voting yes. Mr. Speaker, I request a roll call on this.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-405)** to **Committee Amendment "A" (H-387)**.

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 Cape Elizabeth, Representative McLaughlin.

Representative **MCLAUGHLIN**: Mr. Speaker, Men and Women of the House. I rise today in my position as the House Chair of the State and Local Government Committee. This bill has been before our committee. The committee last term worked with similar bills.

Let me speak specifically to the amendment that is being proposed. I am going to urge you to vote against this amendment. This amendment is insisting that the project to be developed on this property be affordable housing. That is what is currently in the zoning for the City of Portland for this property. Let me repeat what the amendment does. It insists that it be affordable housing. Do you want to tell South Portland that this is the only use that they are going to be able to have on this property? I don't think so. I don't think you want to take away that local control. If there is a zoning change, the lease conditions can and will be renegotiated. The Committee Amendment ties the lease to the uses that are prescribed in the cities zoning. We are letting the city decide what it wants on this property.

I just had a quick legal check of this bill, of this proposed amendment and what we quickly found was it could kill the entire bill. You have to have your housing in place, in the ground. I very strongly urge the members not to support this amendment. Thank you.

Representative BLISS of South Portland moved that **House Amendment "A" (H-405) to Committee Amendment "A" (H-387) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a division on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-405) to Committee Amendment "A" (H-387).**

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-405) to Committee Amendment "A" (H-387).**

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

Representative **BLISS**: Mr. Speaker, Ladies and Gentlemen of the House. This is a perfect opportunity for the House to endorse smart growth. This is a perfect opportunity to endorse having a developer work closely with the Maine State Housing Authority and all of the various parts of a city. This is a perfect opportunity for us to endorse development at its best. Changing the rules now that the developer has worked closely with the community, its municipal commissions and with the state for over a year in order to get the best possible use of the land in the best possible way at the best possible price for both the state and the community muddies the water and puts the whole project in danger. I urge you not to do that. I urge you to Indefinitely Postpone this House Amendment and go on to pass the bill. Thank you.

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

Representative **MAIETTA**: Mr. Speaker, Men and Women of the House. Again, my amendment has been taken out of context. That is what we have been listening to for weeks. This does nothing but strengthen the fact that the developer who has done a great job coming up with a proposal that the city and the people on State and Local Committee have wrapped their arms around this proposal. I stand here and remind you that the only reason this is on our desk today is because we are currently under a 50-year lease and they would like a 90-year lease so

they could have more points toward getting their Maine State Housing Tax Credits, which I totally support. That is exclusively so that they can get their money for affordable housing projects that they are proposing. If, for any reason, the developer or if for any reason that the monies don't come through to make this possible, this amendment simply does the same exact thing that the city zoning ordinance would do. It would bring it back to the 50-year lease that is currently on the table.

With reference to us telling the city what we require, the city a couple of months ago, to put this confusion to rest, adopted a contract zone for this parcel exclusively based upon the proposal that is in front of the city and which has brought this 90 year lease forward. We are not insisting that the City of Portland buy our 90-year lease for affordable housing. The city has already done that. I am simply adding to this amendment, which was not added previously, if for whatever reason, being lack of funding, lack of the developer's interest to pursue it any further, that a 90-year lease from this state for that parcel of land would require affordable housing. If there is not going to be an affordable housing project and a Maine Mall offspring comes to that, a mini mall or a hotel chain, then obviously they would have a 50-year lease still available to them to do what needed to be done there. No matter what happens, if the money doesn't become available for the affordable housing or if the developer walks away from this project, then whoever does take on what I am proposing, a 50-year lease as opposed to a 90-year lease, they would have to go back in front of the city anyway, because the zoning for that parcel of property is exclusive to the proposal that is on the table today. This is not changing the rules in midstream.

This supports the developer even stronger in his way of going after the money that he is going after from these entities by showing that he is committed and agrees. We are not signing a 90-year lease prior to him getting his money. The 50-year lease that is on the table to this day has not been signed until he knows where he is headed. We are not interrupting anything. We are not interfering with anything. We are certainly not muddying the waters. This will show support for the developer if his true means are to build affordable housing on that property.

I would urge that we not Indefinitely Postpone this item and, in fact, support this amendment and support affordable housing. Thank you.

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

Representative **BLISS**: Mr. Speaker, Men and Women of the House. There is no confusion here. There is no attempt by this developer to build a mini mall or a shopping mall or anything else. This developer has spent over a year working with the community. He hired a consultant. He held a series of focus groups. He listened to what the people in the community said they wanted to have done with this land. They want affordable housing. They want separate homes available to be purchased and rented. They want green space and trails. They want open land. This developer worked very closely with all of these people, listened to everything they said they wanted and built his proposal exactly around what the community asked for. He went to the city council and the city council endorsed his proposal. There is an agreement there. He went to the planning board. The planning board endorsed his proposal. There is an agreement there. He went to the Maine State Housing Authority. The Maine State Housing Authority endorsed his proposal. There is an agreement there. If all this amendment does is nod our heads in the direction of the developer, I would submit that the House Authority, the planning commission and the city council have already done that and they are the appropriate people to do that.

This is a smart growth effort by a city that is working with its developers and its community. I urge you to Indefinitely Postpone this amendment. Mr. Speaker, when the vote is taken, I ask for a roll call.

Representative BLISS of South Portland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-405) to Committee Amendment "A" (H-387)**.

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 Sanford, Representative Bowles.

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. Frankly I am baffled, absolutely perplexed, as to why we are trying to stop this amendment from going forward. If the goal of this legislation was to allow an affordable housing piece, then we should be supportive of the amendment. If we truly believe in the premise of the project, which was to allow affordable housing in South Portland in an area where it is needed, we should be supportive of the amendment. The good Representative from South Portland, Representative Maietta, has worked long and hard to assure the people of South Portland that their stated goal, stated objective, which was affordable housing, would be met. Only this amendment assures that this will happen. Why would we not want to support this amendment?

We have a responsibility to look out for the state's interest in the ownership of this piece of land. The state wishes to succeed to the wishes of the people of South Portland that they have affordable housing. This is our assurance that that will take place. I commend the Representative from South Portland, Representative Maietta, for assuring that we fulfill our responsibility and satisfy the desires of the people of South Portland. I urge you to oppose this motion to Indefinitely Postpone and let us do what the people of South Portland have requested that we do.

The **SPEAKER**: The Chair recognizes the Representative from Cape Elizabeth, Representative McLaughlin.

Representative **MCLAUGHLIN**: Mr. Speaker, Men and Women of the House. I rise in part to answer what probably was a rhetorical question from the good Representative from Sanford, about why we would want to Indefinitely Postpone this amendment. There are a number of reasons. I think we need to make sure we understand the timing and the sequencing of how the affordable housing project comes into being and how that relates to the language that is before you in the proposed amendment. The proposed amendment says that the commissioner's authority to lease the property is contingent upon affordable housing to lease the property for 90 is contingent upon affordable housing being in place. The operative word there being in place. In place means built. Right now it is an agreement for a 50-year lease. If you have a 50-year lease, you are not going to get enough affordable housing credits when you apply to Maine State Housing. Therefore, with a 50-year lease in place, you don't get an affordable housing project. You have to have the 90-year lease in place for any developer for this project to apply successfully to Maine State Housing. It is a simple trail, but that is the sequence of events. This proposed amendment doesn't let that sequence of events happen the way it needs to to provide affordable housing on this property. I don't know what the intent was for this, but I will tell you what will happen if you do cast this amendment. You are going to kill the project. Please don't let that happen. Please support the Indefinite Postponement motion. Thank you.

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

Representative **MAIETTA**: Mr. Speaker, Colleagues of the House. I just want to clarify for one second, if people are still listening to this argument, that this in no way is meant to kill this project. This is to reinforce this project. For anybody who doesn't completely understand the reason for the 90 year versus the 50 year, the same developer came on board with a 50 year being out there. This reinforces the fact that if, for whatever reason, the free monies, which some have referred to it as, doesn't come forward that this Legislature isn't authorizing a developer to go and tie up this property for 90 years with market rate housing, whether it be rentals, well it would obviously be rentals if they are leasing the land for 90 years, that is not the intention of the city council and the process which I followed very closely. In fact, I was a part of it initially when it first came forward. I am very much up to date on what has taken place with it.

The good Representatives that think that I am trying to undermine something here is nothing more than, my interest is with the state's level with this thing, not the cities, that if you don't have affordable housing, which is the only reason it is here, to get the tax credits, then we don't need a 90-year lease if that doesn't happen. I hope you vote against this pending motion. Thank you.

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

Representative **BARSTOW**: Mr. Speaker, Men and Women of the House. I stand up here today, hopefully, to close out some of this argument and speak about the idea of process. Being a member of the State and Local Government Committee, beyond the philosophical idea and the plans put forth, I object to the amendment put forth and in favor of the Indefinite Postponement on the idea of process. Our committee worked with many different entities, including the Representative from South Portland, Representative Bliss, and the Representative from South Portland, Representative Glynn, to try and find something that would work for everybody. The city, with the original bill before was in favor of this. The developer was on board and our state entities were on board. I stand here today, hopefully in closing, to add in a word for the process and hope that you support the Indefinite Postponement amendment. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Windham, Representative Tobin.

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

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

Representative **TOBIN**: Mr. Speaker, Men and Women of the House. For anyone who might answer, the Representative from Cape Elizabeth, Representative McLaughlin, stated that this was under a contract zone. Could you tell me if the property is zoned under contract for affordable housing and what other limitations it might have on it?

The **SPEAKER**: The Representative from Windham, Representative Tobin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Cape Elizabeth, Representative McLaughlin.

Representative **MCLAUGHLIN**: Mr. Speaker, Men and Women of the House. I am very pleased to give at least a partial answer. I do not have a copy of the conditional zone in my possession at this moment. I would be glad to get that for the Representative at a later time, but the conditional zone does call for affordable housing, some of it in rental units and some of it in ownership units. As for the rest of the permitted uses, per that

conditional zone, I cannot iterate those for you. It is not solely for affordable housing. We have seen that there is at least one section that is for a commercial type development. I hope that answers the good Representative's questions. Thank you.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. I listened carefully to the concern that was raised by the good Representative from Cape Elizabeth a moment ago. I understood her to say that she has concerns about the language of the proposed amendment. That is fair. If she feels that the language is a problem, I also understood her to say she is supportive of the concept, it was the language that troubled her. If that is the case, then I certainly think that the sponsors of the amendment would be willing to change the language and to meet with the Representative and work on language that is acceptable. Speaking for myself only, I would support a tabling motion if the good Representative from Cape Elizabeth was to make one so that time was made to have a change to the language that troubles her.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-405) to Committee Amendment "A" (H-387). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 118

YEA - Adams, Ash, Barstow, Bennett, Bliss, Bowen, Breault, Bunker, Clark, Cowger, Craven, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Glynn, Grose, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McGlocklin, McKee, McLaughlin, Norbert, Norton, O'Neil, Paradis, Patrick, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson J, Rines, Saviello, Smith N, Sullivan, Thomas, Thompson, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Bierman, Blanchette, Bowles, Brown R, Browne W, Bruno, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Davis, Duprey B, Fletcher, Gerzofsky, Greeley, Hatch, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Kaelin, Ledwin, Lewin, Maietta, McCormick, McKenney, McNeil, Millett, Mills S, Moody, Moore, Murphy, Muse, Nutting, Peavey-Haskell, Richardson E, Richardson M, Rogers, Rosen, Sampson, Simpson, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Trahan, Twomey, Vaughan, Young.

ABSENT - Berube, Brannigan, Bryant-Deschenes, Bull, Canavan, Cummings, Daigle, Dugay, Goodwin, Joy, Marraché, McGowan, Mills J, O'Brien J, O'Brien L, Pellon, Sherman, Shields, Smith W, Suslovic, Tobin J, Treadwell.

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

67 having voted in the affirmative and 62 voted in the negative, with 22 being absent, and accordingly **House Amendment "A" (H-405) to Committee Amendment "A" (H-387) was INDEFINITELY POSTPONED.**

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Committee Amendment "A" and I wish to say a few remarks about it. The Maine Youth Center is located in my district in South Portland. I also served in the Maine Youth Center Reuse Committee. Having gone through that process, I can say for the community and the state it was a difficult process. The project that we have that has come out of it is better because of it. The amendment that was put forward by Representative Maietta I think really hits one of the highlighting

issues that we had debated during that whole process is, in fact, by doing this are we going to have affordable housing on that site? I would be remiss in letting the opportunity go by without putting on the record that we have received guarantees from both the state and the city that affordable housing will go forward on that project. If, in fact, that does not come to pass, that would absolutely be going back on that commitment. I believe that commitment must and should be honored by the State of Maine and by the city to have affordable housing for South Portland and for greater Portland on that site.

One other thing that was a contentious issue in this project was the issue dealing with the administrative building on that site. In the 120th Legislature when this enabling legislation was first passed and the reuse committee was developed, out of that committee process we went forward with the reuse effort for all of the existing landmarks that are currently located on that site. There are several cottages along with the administrative building, which are historic landmarks and on the historic register. The reuse effort that is going to take place on the Maine Youth Center property, the money that the developer is making for that in concert and in trade for the redevelopment rights of this project have been a commitment to restore and rehabilitate those buildings.

One of the buildings was the administrative building. It was at the center of the controversy in our city. The compromise solution that was arrived at was that the developer, whoever the developer is that is ultimately awarded this contract, there is one pending now with an option, but through that process the developer will have a period of seven years to make a decision to either restore, rehabilitate and reuse the Maine Youth Center Administrative Building, putting it back into its grandeur with modern uses or they will have the option to, at their own expense, to demolish and remove the administrative building. That administrative building demolition cost was estimated at over a million dollars. As we debated that going back and forth on who should be responsible for it, the commitment was made through this process and in exchange for the 90-year lease contract that the developer would assume full responsibility and full cost for the removal if in seven years the developer does not exercise the option to restore and rehabilitate that landmark.

That being said, I am in hopes that we can move forward with the project and proposal that everyone can support. 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 **ADOPT Committee Amendment "A" (H-387).**

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 Bliss.

Representative **BLISS**: Mr. Speaker, Men and Women of the House. This may or may not be appropriate, but I am going to risk it anyway. This was a long and contentious process. Things were hanging by a thread off and on for a long time. I rise today to echo the comments of my good friend from South Portland, Representative Glynn, and to thank him for the hard work that he did working on this project and persevering and always seeking a compromise. I want to make the same comments to my good friend from Cape Elizabeth, Representative McLaughlin. It was really though the efforts of both of these folks that we have reached this point where we are on the brink of having an amazing smart growth project that will be a jewel for South Portland. I rise at this point to thank both of them for their hard work. Thank you Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-387). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 119

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Bierman, Bliss, Bowen, Bowles, Breault, Brown R, Browne W, Bruno, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Curley, Davis, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marley, McCormick, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Millett, Mills S, Moody, Moore, Murphy, Muse, Norbert, Norton, Nutting, O'Neil, Paradis, Patrick, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Simpson, Smith N, Snowe-Mello, Sukeforth, Sullivan, Sykes, Tardy, Thomas, Thompson, Tobin D, Trahan, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Peavey-Haskell, Stone, Vaughan.

ABSENT - Berube, Blanchette, Brannigan, Bryant-Deschenes, Bull, Cummings, Daigle, Dugay, Duprey B, Goodwin, Joy, Lerman, Marraché, McGowan, Mills J, O'Brien J, O'Brien L, Pellon, Shields, Smith W, Suslovic, Tobin J, Treadwell.

Yes, 125; No, 3; Absent, 23; Excused, 0.

125 having voted in the affirmative and 3 voted in the negative, with 23 being absent, and accordingly **Committee Amendment "A" (H-387) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-387)** and sent for concurrence. **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 (8) **Ought to Pass as Amended by Committee Amendment "A" (H-92)** - Minority (5) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act to Ban Strikebreakers"

(H.P. 79) (L.D. 71)

TABLED - April 8, 2003 (Till Later Today) by Representative SMITH of Van Buren.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion of Representative WATSON of Bath, the Bill and all accompanying papers were **COMMITTED** to the Committee on **LABOR** and sent for concurrence.

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

Resolve, To Create the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals (EMERGENCY)

(S.P. 134) (L.D. 397)
(C. "A" S-40)

TABLED - April 30, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **FINAL PASSAGE.**

On motion of Representative RICHARDSON of Brunswick, the Resolve was placed on the Special Study Table pursuant to Joint Rule 353 pending **FINAL PASSAGE.**

Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws (EMERGENCY)

(H.P. 797) (L.D. 1079)
(C. "A" H-326)

TABLED - May 15, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **FINAL PASSAGE.**

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Mr. Speaker, Men and Women of the House. Very quickly, this is a bill that we dealt with the other day. I think without much information about what it was about, other than the title, this came out of Judiciary with 13 - 0 Ought to Pass. People who had done a study last summer on the Freedom of Information Act, they found some problems that they would like to deal with. The act itself may need some adding to or deleting. We found some exemptions on the present act that may need tweaking. There are some issues around harassment using the Freedom of Information Act for harassment of public officials. There was an issue of e-mail lists that you may have read about in the paper, what to do with the e-mail lists that go into town offices. Apparently there is some confusion on the part of public officials when it comes to producing public records, because trial lawyers said this law may be subject to some sort of confusion. There was also an issue between privacy rights and security concerns. We had some Homeland Security issues on the state level. Some of the testimony, they were talking about the Sixth Amendment rights, First Amendment rights and personal privacy, investigative records. We were told there was an ever increasing list of exemptions for freedom of information.

The Maine trial lawyers testified for this. There is no one that opposed it. There was a question of where the money was going to come from and maybe someone in this body could talk about that. There was apparently a source of money for these folks to work. They wanted such so that they could come back and report to the Legislature. This is something that we thought in Judiciary was needed. Thank you.

When the vote is taken, I would like a roll call.

Representative **SHERMAN** of Hodgdon **REQUESTED** a roll call on **FINAL PASSAGE.**

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

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

Representative **NORBERT**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Hodgdon is correct. This study would look into some very important issues. This state has long prided itself, especially by its early adoption of the Freedom of Information of Access Act of 1959 on giving members of the public information about what their government is up to. As was mentioned, this study would engage the appropriate interests, officials, members of the press,

members of the public and make recommendations back to the Judiciary Committee next year. The good Representative from Hodgdon, Representative Sherman, mentioned a study was conducted. I am sure you all read about it in your papers. All over the state, in 2002, which did reveal some evidence that citizen's access to public records is often restricted in contravention of the law. The committee felt strongly about this. We need to examine this. People who serve the public need to know what the law is and what members of the public's rights are. Now is a good time to conduct this study. There was some information that some monies might be found to finance this privately, but in any event, this will go down to the table and compete with all the other studies. We just ask for that opportunity. We just think it is a good idea. I encourage you all to support this.

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

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.

ROLL CALL NO. 120

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Bennett, Bierman, Blanchette, Bliss, Bowen, Breault, Brown R, Browne W, Bunker, Campbell, Canavan, Carr, Churchill E, Clark, Collins, Cowger, Craven, Cummings, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Goodwin, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Mailhot, Makas, Marley, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mills J, Mills S, Moody, Moore, Murphy, Norbert, Norton, O'Neil, Paradis, Patrick, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson J, Richardson M, Rines, Rogers, Rosen, Saviello, Sherman, Simpson, Smith N, Snowe-Mello, Sukeforth, Sullivan, Suslovic, Tardy, Thomas, Thompson, Tobin D, Trahan, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Berry, Bowles, Bruno, Clough, Courtney, Cressey, Crosthwaite, Curley, Fletcher, Jacobsen, Jodrey, Kaelin, Maietta, McCormick, Millett, Muse, Nutting, Peavey-Haskell, Richardson E, Stone, Sykes, Vaughan.

ABSENT - Berube, Brannigan, Bryant-Deschenes, Bull, Churchill J, Daigle, Duprey B, Joy, Marraché, O'Brien J, O'Brien L, Pellon, Sampson, Shields, Smith W, Tobin J, Treadwell.

Yes, 112; No, 22; Absent, 17; Excused, 0.

112 having voted in the affirmative and 22 voted in the negative, with 17 being absent, and accordingly and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-404)** on Bill "An Act To Allow a Worker at a Beano Game To Play the Cards of a Player Who Takes a Restroom Break"

(H.P. 775) (L.D. 1057)

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

JENNINGS of Leeds

LANDRY of Sanford

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

Signed:

Representatives:

BLANCHETTE of Bangor

CANAVAN of Waterville

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-404)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 19, 2003.

On motion of Representative CANAVAN of Waterville, the House adjourned at 11:44 a.m., until 9:00 a.m., Monday, May 19, 2003 in honor and lasting tribute to Vincent G. Doyon, of Waterville.