

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
54th Legislative Day
Monday, May 19, 2003

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

Prayer by Reverend Michael O. Ring, First Congregational Church, Mechanic Falls, and Oxford Congregational Church, Oxford.

National Anthem by Durham Elementary School Band.

Pledge of Allegiance.

Doctor of the day, Peter Goth, M.D., Bremen.

The Journal of Friday, May 16, 2003 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Increase Parental Responsibility for Restitution"

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

Majority (11) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** **READ** and **ACCEPTED** and the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in the House on May 12, 2003.

Came from the Senate with the Minority (1) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Control County Jail Health Care Expenses"

(H.P. 585) (L.D. 808)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-365) in the House on May 14, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-365) AS AMENDED BY SENATE AMENDMENT "A" (S-167)** thereto in **NON-CONCURRENCE**.

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

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

COMMUNICATIONS

The Following Communication: (S.P. 571)

**STATE OF MAINE
121ST MAINE LEGISLATURE**

May 15, 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 Governor John E. Baldacci has nominated Charles L. Johnson, III of Hallowell for reappointment; Paul Mitchell of Waterville for appointment; and Charles O'Leary of Orono for appointment to the Board of Trustees, University of Maine System.

Pursuant to P&SL 1865, c. 532, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

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.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Clarify the Employment Status of Court Reporters, Stenographers and Videographers"

(H.P. 1197) (L.D. 1618)

Sponsored by Representative WATSON of Bath.

Cosponsored by Representatives: BENNETT of Caribou, NORBERT of Portland, RICHARDSON of Brunswick, TARDY of Newport, Senator: EDMONDS of Cumberland.

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

Committee on **LABOR** suggested and ordered printed.

REFERRED to the Committee on **LABOR** and ordered printed.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Cindy Hazelton, of Buxton, recipient of the 2003 William V. Haskell Distinguished Professional Award, which is given annually by the Maine Recreation and Parks Association. Ms. Hazelton is worthy of this award for her service as Gorham's Recreation Department Director. In this role, she has exhibited a longtime commitment to park and recreation initiatives and to citizens of all ages in the town. We congratulate Ms. Hazelton on this exceptional achievement;

(HLS 583)

Presented by Representative BARSTOW of Gorham.

Cosponsored by Representative BREault of Buxton, Representative CLOUGH of Scarborough, Senator GILMAN of Cumberland, Senator PENDLETON of Cumberland, Senator NASS of York.

On **OBJECTION** of Representative BARSTOW of Gorham, was **MOVED** from the Special Sentiment Calendar.

READ.

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

Representative **BARSTOW**: Mr. Speaker, Men and Women of the House. It gives me great pride to stand here and recognize yet another fine individual in our community, Ms. Cindy Hazelton, for receiving the William V. Haskell Distinguished Professional Award. She has served as Recreation Director in the Town of Gorham for several years and has been an influence

to both the community at large and to myself personally. She has a wonderful commitment to the programs that she works with to individuals of all ages as is stated in the sentiment. The programs are very diverse. A wrote down a couple here just so I would not forget any. Besides the traditional programs, such as the baseball for youth, the farm leagues, the basketball, etc., etc., she organizes field trips for senior citizens to go and have a dinner at a local museum, a local church to help get them out and about from the community.

She has established after school programs and has worked with her staff to help middle school and high school students have something to do after school. It is not the traditional after school programs where it is just participating in games and activities. It is also community service orientated where these students will go out into the community and work on a local trail, work in a local nonprofit program and help the community at large. She also at this time is working tirelessly to establish a recreational park, Shaw Park, in Gorham which will have a swimming facility, picnic facility and ensures to be a beautiful location for all to enjoy in the town and also is working to advocate for the Gorham Community Center, which will open up more recreational space.

I am pleased to have this opportunity to recognize her before the assembled chamber. I thank her for coming today and want to congratulate her again on behalf of the Legislature and all of the citizens that truly do appreciate her work. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Clough.

Representative CLOUGH: Mr. Speaker, Ladies and Gentlemen of the House. Ms. Hazelton is a dedicated and effective public servant. She is always present at every community event to make sure that things run smoothly and they always do. I would like to offer my personal congratulations to Ms. Hazelton on being this year's recipient of the William V. Haskell Distinguished Professional Award. She certainly is entitled to that recognition. I am really pleased to see that she has received it. I look forward to working with Cindy in the future. She has always been a great help to me in the past. Thank you.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-402)** on Bill "An Act To Require Use of United States Citizens for Work with the Bureau of Parks and Lands"

(H.P. 227) (L.D. 284)

Signed:

Senators:

EDMONDS of Cumberland
STANLEY of Penobscot

Representatives:

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

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

Signed:

Senator:

BLAIS of Kennebec

Representatives:

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

READ.

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

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-403)** on Bill "An Act To Preserve the Integrity of the Voting Process"

(H.P. 334) (L.D. 426)

Signed:

Senators:

LEMONT of York
GAGNON of Kennebec
MAYO of Sagadahoc

Representatives:

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

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

Signed:

Representatives:

GLYNN of South Portland
HOTHAM of Dixfield

READ.

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

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

CONSENT CALENDAR

First Day

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

(S.P. 263) (L.D. 768) Bill "An Act To Improve the Administration of the Baxter Compensation Program" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-164)**

(S.P. 500) (L.D. 1500) Bill "An Act To Protect the Small Forest Landowners" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-162)**

(S.P. 507) (L.D. 1515) Bill "An Act To Promote and Monitor Competition in the Solid Waste Industry" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-163)**

(S.P. 527) (L.D. 1568) Bill "An Act To Protect Plaintiffs and Minor Children in Certain Civil Protection Order Cases" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-165)**

(H.P. 1082) (L.D. 1477) Bill "An Act To Amend the Laws with Regard to Legislative Reports on Children's Mental Health Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 617) (L.D. 840) Bill "An Act To Clarify the Duties of Conservators" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-418)**

(H.P. 790) (L.D. 1072) Bill "An Act Regarding Filing and Certification Fees" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-416)**

(H.P. 965) (L.D. 1311) Bill "An Act To Clarify the Filing of Municipal Personal Property Tax Liens" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-415)**

(H.P. 1062) (L.D. 1454) Bill "An Act To Clarify that the Unauthorized Sale of Public Records Is a Crime" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-417)**

(H.P. 1083) (L.D. 1478) Bill "An Act To Change the Membership of the Review Team for Aversive Behavior Modifications for Persons with Mental Retardation or Autism" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-411)**

(H.P. 1128) (L.D. 1539) Bill "An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies, Limited Liability Partnerships and Marks" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-419)**

(H.P. 1160) (L.D. 1587) Bill "An Act Regarding Distribution of Tobacco Products" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-408)**

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

There being no objection, 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.

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

**BILLS IN THE SECOND READING
House as Amended**

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)
(C. "A" H-398)

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)
(C. "A" H-370)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE**

ENGROSSED AS AMENDED and sent for concurrence.
ORDERED SENT FORTHWITH.

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)
(C. "A" H-404)

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

On motion of Representative CLOUGH of Scarborough, was **SET ASIDE**.

The same Representative **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.

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

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

(H.P. 536) (L.D. 730)
(H. "A" H-383 to C. "A" H-356)

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

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

The same Representative **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 Cornville, Representative Mills.

Representative **MILLS**: Mr. Speaker, Men and Women of the House. The House may well recall that this is the issue involving the controversial Logan Marr case. The bill as now amended and as it lies before you, it authorizes the mother to sue the State of Maine for the actions or inactions of the Department of Human Services with the stipulations that the net proceeds after payments of council fees, costs and that sort of thing, that my proceeds might be used as a scholarship of some sort for the younger sibling of Logan Marr and if she is not eligible or able to use it, then it would go to another noble purpose. I appreciate the efforts of those that are concerned to see that go forward that they have amended the bill in such detail and in so many respects in order to appeal to as many of us as possible to vote for it. May I say that relegating these people to a lawsuit is by no means a kind thing to do.

My understanding of the inquiry that was made into this matter by the Committee on Human Services is they went into it in great detail. They were able to get around the confidentiality issue in order to get a complete and thorough investigation of the issue. To let these people to go forward with a lawsuit will add nothing to the public discussion of this unfortunate event. It will tie up the Attorney General's Office and the department in a lot of needless time and litigation expense. A great deal of the proceeds, if there is a successful recovery, and there may not be, but if there were a successful recovery, a large portion of the proceeds will undoubtedly go to the legal costs and the legal expenses that are necessary to litigate such a complex and difficult matter.

It seems to me that if we, as a chamber or as an institution, feel that we want to give a scholarship to the sibling of Logan

Marr, then we should simply appropriate to that purpose and not relegate these poor folks to the court system, to continuing the public exposure of their pain and of the difficulties that they suffered. I just think that putting them into the lawsuit is the wrong thing to do. If we want to make a financial award to the sibling because we feel sorry for the sibling, then let's do that and do it directly or else authorize the University of Maine or the Community College System and take this sibling into our system tuition free when she is ready to go.

The idea of perpetuating this controversy with a lawsuit in which a substantial portion of the proceeds will be tied up in paying the legal expenses at a time when this state has so few resources of its own to treat and take care kids that are in situations parallel to the Marr children I just think is a big mistake. For that reason, I would urge that you vote red and vote no on the pending issue, which is passage to be engrossed. Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I appreciate the good Representative's words, but I would like to remind everyone what this does. A beautiful little child, for whatever reason, is no longer here. This removes the father from the lawsuit and it allows the mother to go ahead and whatever judgment would go to the sibling. Why not? When I watched that report, I had to turn the television off. It made me ill. I think the court should hear it. I don't want to debate what is right and what is wrong here. I think there is a beautiful little girl that is no longer here. It gives her sister the right to secondary education and if she chooses not to go there, then it goes to the Victim's Compensation Fund. I really would urge your support on this. 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. 121

YEA - Adams, Andrews, Annis, Ash, Barstow, Bennett, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Bunker, Canavan, Carr, Clark, Collins, Cowger, Cressey, Cummings, Dudley, Dugay, Duplessie, Duprey G, Eder, Faircloth, Finch, Fischer, Glynn, Goodwin, Hatch, Hotham, Hutton, Jackson, Joy, Kane, Koffman, Landry, Lemoine, Lerman, Lundeen, Makas, Marley, McGlocklin, McGowan, McKee, Moore, Murphy, Nutting, O'Brien J, O'Brien L, Paradis, Patrick, Pellon, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Sampson, Saviello, Snowe-Mello, Sullivan, Suslovic, Trahan, Twomey, Usher, Vaughan, Walcott, Wheeler, Wotton, Mr. Speaker.

NAY - Austin, Berry, Berube, Bierman, Browne W, Bruno, Bryant-Deschenes, Bull, Campbell, Churchill E, Churchill J, Clough, Courtney, Craven, Crosthwaite, Curley, Daigle, Davis, Dunlap, Earle, Gagne-Friel, Greeley, Grose, Heidrich, Honey, Jodrey, Kaelin, Laverriere-Boucher, Lessard, Maietta, McCormick, McKenney, McNeil, Millett, Mills J, Mills S, Moody, Muse, Norbert, Norton, Peavey-Haskell, Percy, Rector, Richardson E, Richardson M, Rogers, Rosen, Shields, Simpson, Smith N, Stone, Sukeforth, Sykes, Tardy, Thomas, Tobin D, Tobin J, Treadwell, Watson, Woodbury, Young.

ABSENT - Blanchette, Duprey B, Fletcher, Gerzofsky, Jacobsen, Jennings, Ketterer, Ledwin, Lewin, Mailhot, Marraché, McLaughlin, O'Neil, Rines, Sherman, Smith W, Thompson.

Yes, 73; No, 61; Absent, 17; Excused, 0.

73 having voted in the affirmative and 61 voted in the negative, with 17 being absent, and accordingly the House Paper

was **PASSED TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE** and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act To Encourage Agricultural Cooperative Associations To Provide Group Health Plans

(H.P. 381) (L.D. 492)
(C. "A" H-336)

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

Emergency Measure

An Act Concerning Representation of the State in Disclosure Hearings

(H.P. 1031) (L.D. 1404)

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

Emergency Measure

An Act Regarding School Bus Contracts

(H.P. 1146) (L.D. 1564)
(C. "A" H-364)

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

Emergency Measure

An Act To Make Filling Out-of-State Prescriptions for Schedule II Drugs More Convenient

(H.P. 1151) (L.D. 1578)
(C. "A" H-359)

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. 126 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**.

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

Representative GOODWIN of Pembroke assumed the Chair.
The House was called to order by the Speaker Pro Tem.

Acts

- An Act To Amend the Laws Governing Minimum Lot Size
(H.P. 512) (L.D. 695)
(C. "A" H-349)
- An Act Relating to Portable Classrooms for Certain Cases
(H.P. 619) (L.D. 842)
(C. "A" H-351)
- An Act To Allow Smelt Fishing in Long Lake in Aroostook County
(H.P. 637) (L.D. 860)
(C. "A" H-341)
- An Act To Expand the Definition of "Juvenile Crime" To Include the Offenses of Possession and Use of Drug Paraphernalia, Illegal Transportation of Alcohol by a Minor and Transportation of Illegal Drugs by a Minor
(H.P. 661) (L.D. 884)
(C. "A" H-366)
- An Act To Extend Public Record Requirements of Nongroup Health Insurance Rate Filings to All Health Insurance Rate Filings
(H.P. 776) (L.D. 1058)
(C. "A" H-334)
- An Act To Clarify Eligibility in the Maine State Retirement System Life Insurance Program
(H.P. 810) (L.D. 1107)
(C. "A" H-363)
- An Act Regarding Riverine Impoundments
(H.P. 840) (L.D. 1137)
(C. "A" H-350)
- An Act To Exclude Inclined Stairway Chairlifts from the Definition of Elevator
(H.P. 917) (L.D. 1243)
(C. "A" H-360)
- An Act Concerning Disability Retirement Benefits under the Maine State Retirement System
(H.P. 922) (L.D. 1248)
(C. "A" H-355)
- An Act To Amend the Laws Governing Agricultural Marketing and Bargaining
(S.P. 413) (L.D. 1282)
(C. "A" S-160)
- An Act To Protect Young Drivers and Passengers
(S.P. 477) (L.D. 1439)
(C. "A" S-159)
- An Act To Improve the Ability of the Public Utilities Commission To Enforce State Laws, Rules and Requirements
(H.P. 1088) (L.D. 1483)
(C. "A" H-342)
- An Act To Clarify the Appointment of Coguardians and Coconservators under the Probate Code
(H.P. 1127) (L.D. 1538)
- An Act To Ensure Equity for Active Retired Justices of the Supreme Judicial Court Who Perform Judicial Service
(H.P. 1156) (L.D. 1584)
- Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act to Control Internet "Spam"

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

On motion of Representative BLISS 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 PRO TEM: 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. 122

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Bierman, Bliss, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Cresssey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Glynn, Goodwin, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jodrey, Joy, Kaelin, Kane, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Maietta, Makas, Marley, McCormick, McGlocklin, McGowan, McKee, McKenney, McNeil, Millett, Mills J, Mills S, Moody, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, Paradis, Peavey-Haskell, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Tardy, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Sykes, Vaughan.

ABSENT - Berube, Blanchette, Bowen, Dugay, Duprey B, Fletcher, Gerzofsky, Jacobsen, Jennings, Ketterer, Ledwin, Lewin, Mailhot, Marraché, McLaughlin, Moore, O'Neil, Patrick, Sherman, Thompson.

Yes, 129; No, 2; Absent, 20; Excused, 0.

129 having voted in the affirmative and 2 voted in the negative, with 20 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act To Restrict Excessive Late Rental Fees for Self-service Storage Facilities

(H.P. 905) (L.D. 1231)
(C. "A" H-292)

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

On motion of Representative ROGERS of Brewer, 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 PRO TEM: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I stand here before the House to pose a question on the passage of LD 1231. My question is, shouldn't the Committee on Business, Research and Economic Development do all that they can not to impose more regulation

and cost to businesses? Shouldn't the market drive itself and do we not have a free market in Maine and in the United States?

The SPEAKER PRO TEM: The Representative from Poland, Representative Snowe-Mello has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative SULLIVAN: Mr. Speaker, Ladies and Gentlemen of the House. I want to thank the Representative from Poland, Representative Snowe-Mello. I am convinced that the committee did do everything that they could. They went through it. They corrected a wrong, changed the bill and we would have loved to have had you been there or to simply ask the question, but we did do that. I would suggest that every committee when they report out a bill has probably worked and done all that they can. I can't imagine any committee not doing that. Thank you.

The SPEAKER PRO TEM: 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. 123

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

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

ABSENT - Berube, Blanchette, Bowen, Duprey B, Fletcher, Gerzofsky, Jacobsen, Jennings, Ketterer, Ledwin, Lewin, Mailhot, Marraché, McLaughlin, O'Neil, Patrick, Sherman, Thompson, Watson.

Yes, 69; No, 63; Absent, 19; Excused, 0.

69 having voted in the affirmative and 63 voted in the negative, with 19 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

The Speaker resumed the Chair.
The House was called to order by the Speaker.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

**CONSENT CALENDAR
First Day**

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

(H.P. 1118) (L.D. 1527) Resolve, Regarding Legislative Review of Chapter 120: Release of Information to the Public, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1166) (L.D. 1593) Bill "An Act To Amend Laws Relating to Development of Service Plans for Persons with Mental Retardation" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 745) (L.D. 1028) Bill "An Act To Restrict Use of Auto Dealer Plates" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-429)**

(H.P. 1036) (L.D. 1414) Bill "An Act To Amend the Laws Regarding Storage of Sand and Salt and To Provide Funding for State and Municipal Storage Facilities" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-428)**

(H.P. 1052) (L.D. 1433) Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2003-04" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-427)**

(H.P. 1056) (L.D. 1444) Bill "An Act To Facilitate E-9-1-1 for Multiline Telephone Systems" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-425)**

(H.P. 1075) (L.D. 1470) Bill "An Act To Make Minor Substantive Changes to the Tax Laws" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-421)**

(H.P. 1087) (L.D. 1482) Bill "An Act To Revise Certain Provisions of Maine's Fish and Wildlife Laws" (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-422)**

(H.P. 1101) (L.D. 1508) Resolve, Regarding Legislative Review of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-423)**

(H.P. 1130) (L.D. 1541) Resolve, Conveying The State's Interest in a Parcel of Property Located in Orrington Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-431)**

(H.P. 1141) (L.D. 1558) Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-432)**

(H.P. 1182) (L.D. 1608) Bill "An Act To Amend the Charter of the Baileyville Utilities District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-424)**

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

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

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

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-414)** on Bill "An Act To Change the Personnel Employed by the Commission on Governmental Ethics and Election Practices"

(H.P. 106) (L.D. 97)

Signed:

Senators:

LEMONT of York
MAYO of Sagadahoc
GAGNON of Kennebec

Representatives:

CLARK of Millinocket
GLYNN of South Portland
BROWN of South Berwick
MOORE of Standish
PATRICK of Rumford
BLANCHETTE of Bangor
CANAVAN of Waterville
JENNINGS of Leeds
HOTHAM of Dixfield

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

Signed:

Representative:

LANDRY of Sanford

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-414)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 20, 2003.

The House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

Representative DUNLAP of Old Town assumed the Chair. The House was called to order by the Speaker Pro Tem.

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

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

HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (H-402) - Minority (5) Ought Not to Pass - Committee on LABOR on Bill "An Act To Require Use of United States Citizens for Work with the Bureau of Parks and Lands"

(H.P. 227) (L.D. 284)

Which was **TABLED** by Representative HATCH of Skowhegan pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, I would like to explain what this bill will do and ask you to please stick to your last vote because we did what should be done with the bill. If this bill passes, any business that takes advantage of the programs to encourage business expansion or new businesses to move into the State of Maine will be affected significantly by losing the ability to participate in their programs unless they have a just cause termination policy in their business. I'm sorry Mr. Speaker, I am on the wrong bill.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Oakland, Representative Nutting.

Representative **NUTTING**: Mr. Speaker, Ladies and Gentlemen of the House. The item before you, (6-1) seeks to impose restrictions on workers in Maine owned parks and other Maine lands. It has a fiscal note for one thing. The fiscal note is the result of the increase in cost to hire only Maine residents to cut the wood and the fiscal note expects that there will be a reduction in the amount of income that is gained from the sale of the lumber that is cut. In most cases NAFTA restricts what out of the country workers who come into this country and work. Through a loophole the State of Maine is able to on its own lands to restrict the labor to US citizens only. Mr. Speaker, when the vote is taken, I would ask for the yeas and nays.

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

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

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. What this bill seeks to do is save Maine jobs for Maine or United States workers. Unfortunately we all too often see cutting on the state's own public lands is performed by workers coming from Canada and while Maine workers have to travel as far as New Hampshire or Vermont to find work for themselves when they are in the logging business. This sets as state policy if there is going to be work done on state lands, it be done by people in Maine.

There is a fiscal note on this based on the assumption that Maine workers won't be available. I don't believe that. I believe that Maine people want to do the cutting and are available to do the cutting. I would ask you to vote in favor of this Majority **Ought to Pass** Report. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. I am going to rise today in support of this bill. I am going to tell you why. I am going to tell you that free trade with our friends to the north is not really free trade. The reason this bill, I believe is before you, is that our workers in the woods cannot compete with our Canadian counterparts. The reason we can't compete is that our friends from the north are subsidized by their government. They can work on our lands in this country, this state, cheaper than our loggers can work on that same land. Some of the subsidies that have been brought upon the forest products industry in Canada are subsidies on stumpage, a universal health care system that allows them to work and be in business cheaper than in this country. There are other incentives. Loggers in Canada get paid during the mud season. American loggers don't.

The reason I believe this bill is before you, beyond that, has to do with stumpage as well. In this country when I go out to bid on a piece of property, I have very little control over stumpage prices. The control is in the landowner's hands. I have to meet that price or I can't compete. Canadians can do it cheaper because it doesn't cost them as much to do the work.

This bill has been a long time coming, ladies and gentlemen. If it passes what it will do is it will force people to come to the table and discuss the issues between us and Canada. There can only be one positive result from that and that is jobs for Maine people. Thank you.

The SPEAKER PRO TEM: 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. 124

YEA - Adams, Andrews, Barstow, Bennett, Berry, Bliss, Brannigan, Breault, Brown R, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Collins, Courtney, Cowger, Craven, Cummings, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Goodwin, Grose, Hatch, Hotham, Hutton, Jackson, Jennings, Jodrey, Joy, Kaelin, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mills J, Mills S, Moore, Murphy, Norbert, Norton, O'Brien L, Paradis, Patrick, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson J, Rines, Rosen, Sampson, Saviello, Sherman, Simpson, Smith N, Smith W, Snowe-Mello, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Tobin D, Trahan, Twomey, Usher, Vaughan, Walcott, Wheeler, Wotton, Young, Mr. Speaker.

NAY - Annis, Austin, Bierman, Bowen, Bowles, Bruno, Clough, Cressey, Crosthwaite, Curley, Daigle, Davis, Heidrich, Honey, Millett, Moody, Nutting, Richardson E, Richardson M, Rogers, Shields, Stone, Sykes, Tardy, Tobin J, Treadwell, Woodbury.

ABSENT - Ash, Berube, Blanchette, Browne W, Duprey B, Greeley, Jacobsen, Lewin, Muse, O'Brien J, O'Neil, Peavey-Haskell, Pellon, Watson.

Yes, 110; No, 27; Absent, 14; Excused, 0.

110 having voted in the affirmative and 27 voted in the negative, with 14 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-402) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 20, 2003.

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

HOUSE DIVIDED REPORT - Majority (11) Ought to Pass as Amended by Committee Amendment "A" (H-403) - Minority (2) Ought Not to Pass - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Preserve the Integrity of the Voting Process"

(H.P. 334) (L.D. 426)

Which was **TABLED** by Representative CLARK of Millinocket pending his motion to **ACCEPT** the Majority Ought to Pass as Amended Report.

Representative MILLS of Cornville moved that the Bill be **TABLED** until later in today's session pending the motion of Representative CLARK of Millinocket to **ACCEPT** the Majority Ought to Pass as Amended Report.

Representative CLARK of Millinocket **REQUESTED** a roll call on the motion to **TABLE**.

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

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

ROLL CALL NO. 125

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

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

ABSENT - Ash, Berube, Blanchette, Browne W, Duprey B, Greeley, Jacobsen, Lewin, Muse, O'Brien J, O'Neil, Peavey-Haskell, Pellon, Watson.

Yes, 61; No, 76; Absent, 14; Excused, 0.

61 having voted in the affirmative and 76 voted in the negative, with 14 being absent, and accordingly the motion to **TABLE FAILED**.

Representative McKENNEY of Cumberland moved that the Bill be **TABLED** and specially assigned for Tuesday, May 20, 2003 pending the motion of Representative CLARK of Millinocket to **ACCEPT** the Majority Ought to Pass as Amended Report.

Representative DUPLESSIE of Westbrook **REQUESTED** a roll call on the motion to **TABLE**.

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

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

ROLL CALL NO. 126

YEA - Andrews, Annis, Austin, Berry, Bierman, Bowen, Bowles, Brown R, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Eder, Fletcher, Glynn, Heidrich, Honey, Hotham, Jodrey, Joy, Kaelin, Ledwin, Maietta, McCormick, McKenney, McNeil, Millett, Mills S, Moody, Moore, Murphy, Nutting, 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.

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

ABSENT - Ash, Berube, Blanchette, Brannigan, Browne W, Duprey B, Greeley, Jacobsen, Lewin, Muse, O'Brien J, O'Neil, Pellon, Watson, Mr. Speaker.

Yes, 61; No, 75; Absent, 15; Excused, 0.

61 having voted in the affirmative and 75 voted in the negative, with 15 being absent, and accordingly and accordingly the motion to **TABLE FAILED**.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending the motion of Representative CLARK of Millinocket to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

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

**CONSENT CALENDAR
First Day**

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

(H.P. 1158) (L.D. 1586) Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter 111, Section 97: Private Non-Medical Institutions and Appendices B, C, D, E and F, a Major Substantive Rule of the Department of Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1161) (L.D. 1588) Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter 11 and Chapter 111, Section 40, Home Health Services, a Major Substantive Rule of the Department of Human Services, Bureau of Medical Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 65) (L.D. 57) Bill "An Act to Extend the Long-term Care Implementation Committee" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-443)**

(H.P. 66) (L.D. 58) Resolve, to Expand the Choices of People Seeking Mental Health Therapy Under the MaineCare Program Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-444)**

(H.P. 212) (L.D. 257) Bill "An Act To Honor the Intent of Organ Donors" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-445)**

(H.P. 793) (L.D. 1075) Resolve, To Ensure Appropriate Care for Persons with Dementia Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-446)**

(H.P. 894) (L.D. 1220) Bill "An Act To Amend the Dates for Implementation of the Maine Rx Program and the Prescription Drug Price Reduction Act" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-447)**

(H.P. 902) (L.D. 1228) Bill "An Act To Regulate the Breeding and Sale of Guinea Pigs" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-448)**

(H.P. 925) (L.D. 1251) Bill "An Act To Increase Access to Information Regarding Referendum Questions" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-449)**

(H.P. 964) (L.D. 1310) Bill "An Act To Improve the Clean Election Option for Gubernatorial Candidates" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-450)**

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

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

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass** on Bill "An Act To Make Technical Changes to the Laws Concerning Tobacco Manufacturers"

(H.P. 1104) (L.D. 1511)

Signed:

Senators:

PENDLETON of Cumberland
CATHCART of Penobscot
WOODCOCK of Franklin

Representatives:

NORBERT of Portland
BULL of Freeport
SIMPSON of Auburn
RICHARDSON of Brunswick
BENNETT of Caribou
MILLS of Farmington
SHERMAN of Hodgdon
CARR of Lincoln
BRYANT-DESCHENES of Turner

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

Signed:

Representative:

DUPREY of Hampden

Representative LORING of the Penobscot Nation - of the House - supports the Majority **Ought to Pass** Report.

READ.

On motion of Representative NORBERT of Portland, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, May 20, 2003.

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-435)** on Bill "An Act To Protect Health Care Practitioners Responding to Public Health Threats"

(H.P. 623) (L.D. 846)

Signed:

Senators:

PENDLETON of Cumberland

CATHCART of Penobscot

WOODCOCK of Franklin

Representatives:

NORBERT of Portland

BULL of Freeport

RICHARDSON of Brunswick

BENNETT of Caribou

MILLS of Farmington

SHERMAN of Hodgdon

CARR of Lincoln

DUPREY of Hampden

BRYANT-DESCHENES of Turner

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

Signed:

Representative:

SIMPSON of Auburn

Representative LORING of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-435)** Report.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-435)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 20, 2003.

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Resolve, To Create the Committee To Conduct a Review of the Board of Overseers of the Bar

(H.P. 795) (L.D. 1077)

Signed:

Senators:

PENDLETON of Cumberland

CATHCART of Penobscot

WOODCOCK of Franklin

Representatives:

NORBERT of Portland

BULL of Freeport

SIMPSON of Auburn

RICHARDSON of Brunswick

BENNETT of Caribou

MILLS of Farmington

CARR of Lincoln

BRYANT-DESCHENES of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-433)** on same Resolve.

Signed:

Representatives:

SHERMAN of Hodgdon

DUPREY of Hampden

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

READ.

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

Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Preserve Public Access and Job Opportunities in the North Woods"

(H.P. 874) (L.D. 1177)

Signed:

Senators:

KNEELAND of Aroostook

YOUNGBLOOD of Penobscot

Representatives:

McKEE of Wayne

LUNDEEN of Mars Hill

PINEAU of Jay

SMITH of Monmouth

CARR of Lincoln

CHURCHILL of Orland

HONEY of Boothbay

FLETCHER of Winslow

EDER of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-439)** on same Bill.

Signed:

Senator:

BRYANT of Oxford

Representative:

PIOTTI of Unity

READ.

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (H-193) - Minority (5) Ought Not to Pass - Committee on LABOR on Bill "An Act to Require that Certain Employees Be Paid on a Weekly Basis"

(H.P. 834) (L.D. 1131)

TABLED - April 30, 2003 (Till Later Today) by Representative HATCH of Skowhegan.

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

The **SPEAKER PRO TEM:** The Chair recognizes the Representative from Oxford, Representative Heidrich.

Representative **HEIDRICH:** Mr. Speaker, Ladies and Gentlemen of the House. I would like to ask you to defeat this bill. Back in the Legislature in 1999 we voted to modernize an outdated wage system in our state. We made it flexible so that we could pay weekly, biweekly or every 15 days bringing Maine in line with many of the other states. The problem with this particular bill is there is only one change that is very minor in this is that it is only for minimum wage earners. It does several things that is going to hurt a small businessman. It increases the payroll processing costs for all companies, particularly those that are small and hire minimum wage employees. It creates an extra burden for companies that operate in Maine and other states. They will need two payroll systems. Proponents say that a minimum wage worker can't get by if paid biweekly. However, the State of Maine and the Legislature pays employees on a biweekly basis regardless of the employees' pay. In addition, temporary assistance for the needy, family's checks are paid on a monthly basis as is social security.

Please, I would ask you to think of the small businessman here. We constantly seem to be putting more and more burdens on people. Those businesses that want to pay weekly can certainly go ahead and do it. Those that have to work two payrolls, it is just additional costs.

When the sponsor of this bill was faced with the question, this is going to hurt the employer, have you given it any thought that you would have to have two payrolls, the comment back was yes, I gave that thought, but I didn't care. I'm sorry. That is not the way we can run our state business. Every one of us here is dependent upon our constituents to have jobs. We can't make the burden tougher and tougher every year. That is what we seem to be doing with this legislation. Please vote no on this bill. Thank you.

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

Representative **SMITH:** Mr. Speaker, Ladies and Gentlemen of the House. This bill does not go very far at all. All it stands for is the proposition that if you are going to pay your employee at the state minimum wage, you are going to pay them every week. There are reasons for this. People who are at the state minimum wage don't have money in the bank, don't have the lines of credit. They need their money to keep the food on the table and pay for their expenses. What we are saying here is that if an employer wants to pay minimum wage, then at least pay them every week. This is not going to affect that many people because many employers in the State of Maine pay weekly. They respond to the needs of their employees. They recognize the burdens on their

employees and they pay them every week. This puts that same thinking one step further. Thank you.

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

Representative **TWOMEY:** Mr. Speaker, Men and Women of the House. Since I was a freshman, I have introduced this legislation. I still believe today that a day's work for a day's pay is what we should do.

Being my third term, I decided to take a little bite of the apple and go for minimum wage workers because in my community and after looking at all the statistics in the State of Maine, 65 percent of the people who make minimum wage are women, women with two children, women who don't make enough money to go from one week to another. Having to wait two weeks for a small pittance just doesn't make it when they have to put food on the table.

I regret when I went before Labor and the question was posed to me about what it might do to business, but I was being truthful. I believe that if someone is paying minimum wage, then they can afford to make the payroll and pay for that person. What I really cared about was that woman who can't put food on that table. My e-mails back home reflect that and I think it is not just my area. I think it is towns throughout the State of Maine, people who can't make a living, people who have to have two jobs before they can even afford a trip to Rome or a trip to Europe. There are people who just can't even pay their insurance, people who can't put food on the table. I believe that those 35,000, 65 percent women, who just aren't making enough. It is not because they don't know how to budget, they just simply are not making enough money. My response was, I don't care. The fact is that I care about the people who are struggling. Perhaps I should have rephrased that. I apologize if that offended the Representative, but my passion is to represent those who are struggling day to day. I make no apologies for that.

This is an issue that I think the time has come. We need to move forward. I think people deserve something that they earned. This isn't charity. This is something that they have earned. They shouldn't have to wait for it. For those people who can't make it because of minimum wage, try to live on minimum wage yourself and you will see it is very difficult. I urge you to follow my light.

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

Representative **COURTNEY:** Mr. Speaker, Ladies and Gentlemen of the House. I know a lot of small business people that would love to get paid every two weeks.

The **SPEAKER PRO TEM:** The Chair recognizes the Representative from Arundel, Representative Daigle.

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

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

Representative **DAIGLE:** Mr. Speaker, Ladies and Gentlemen of the House. To anyone who may answer, is this law structured so that if an employee wishes to negotiate with the employer for a biweekly paycheck, does it prohibit that? Is there flexibility so that if an employee wishing to work with the payroll of their employer knowing it is expensive, could they say it is all right to be paid every two weeks or does it require a weekly pay regardless of how the employer and employee wish to work out their relationship?

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

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House. How many people are affected by this particular minimum wage situation?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Oakland, Representative Nutting.

Representative NUTTING: Mr. Speaker, Men and Women of the House. I rise on this issue to urge you to vote against the pending motion. I see this bill as an attempt to take a giant step backwards in time. As a matter of fact, it was 1911 when the rule about weekly pay was instituted. Some of the language in that statute talked about mercantiles. You may know what a mercantile is, but you don't hear of it much. It talked about telegraph business. I don't know if you have seen one of those lately. It talked about water and electric works. Have you heard your water company called your waterworks? Steam railroads, it has been a while since we have seen those as well. That was the language in the statute that we are sort of trying to return to. Times have changed, I think.

In my father's workshop he had a tool chest. It was about four feet wide, two feet deep and maybe three feet tall. It was the kind of chest that inside there was a slot for every size chisel. There were drawers that flopped with lids that tipped and holes. Every nook and cranny of that box was meant for something. When my father passed away he gave the box to me. The best part about the box wasn't the box or how it was constructed or anything, it was the note on an index card, 3 x 5 index card, that still to this day is in the spot where it was put with a thumb tack. That note said, I made this box in the fall of 1878. I was 18 years old and receiving 83 1/3 cents a day, a day of 11 hours, half past six in the morning and half past six in the evening, six days a week. It is signed by Roland B. Lindsey. Roland Lindsey was my great uncle. If you have done the math already, 83 1/3, its that third part that makes it hard to do in your head, 83 1/3 cents a day for six days a week is \$5 a week for which he put in 72 hours. He probably got paid weekly, but it was easy for the person who paid him to reach in the little chest and take out the \$5 bill and hand it to him. There was no federal tax, state tax, FICA, FUTA, SUTA, 401K, none of that. As an employer, I would be delighted to pay my employees on a daily basis or they can be paid twice a day if they would like to be paid. We have done this to ourselves. We have made the recordkeeping, withholdings, taxes and taxes and taxes, so burdensome that doing the payroll more than every week or two is a real injustice, a real hardship on business, particularly on small business in the state.

I ask you not to return back to the good old days of 1911 or 1878 when my great uncle made \$5 a week, but to leave the law the way it is and to do so you need to vote red when the vote is taken. If we haven't requested the yeas and nays yet, I would like to do that.

Representative NUTTING of Oakland REQUESTED a roll call on the motion to ACCEPT the Majority Ought to Pass as Amended Report.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative HUTTON: Mr. Speaker, Ladies and Gentlemen of the House. I was just thinking back to one of my

first jobs where I worked in the mail order department of a corset factory where we had time clocks and we paid FICA and we had social security and we had all those things and our employer, because we were making very low wages, paid us weekly with a pay envelope with not a check, but with cash. Over the years I have seen businesses complain that they can't meet the payroll this time, we need to have that extra time so we can save money and we can get the interest and everything else. I think about those women who are making minimum wage and I worry about then, because I know they are not going to be able to make their weekly payments. This is for those women who need to do that. I didn't have a family. Luckily I didn't because I was able to make my bills, but I just ask you to consider that. This is something that happened recently. I am not that old. I just ask you to consider that and those women and vote yes. Thank you.

The SPEAKER PRO TEM: 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. 127

YEA - Adams, Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Clark, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Gerzofsky, Goodwin, Grose, Hatch, Hotham, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGlocklin, McKee, McLaughlin, Norbert, Norton, O'Brien L, Paradis, Patrick, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Suslovic, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Wotton, Mr. Speaker.

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

ABSENT - Ash, Berube, Browne W, Duprey B, Greeley, Jacobsen, Lemoine, Lewin, O'Neil, Pellon, Sullivan, Thomas.

Yes, 70; No, 69; Absent, 12; Excused, 0.

70 having voted in the affirmative and 69 voted in the negative, with 12 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-193) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Tuesday, May 20, 2003.

BILLS RECALLED FROM GOVERNOR

(Pursuant to Joint Order 2003 - House Paper 1196)

An Act To Assist Regional Transportation Providers To Comply with the Booster Seat Law (EMERGENCY)

(H.P. 474) (L.D. 644)

(C. "A" H-161)

- In House, PASSED TO BE ENACTED on May 1, 2003.

- In Senate, PASSED TO BE ENACTED on May 5, 2003.

On motion of Representative USHER of Westbrook, 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 ENACTED**.

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-161)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-401)** to **Committee Amendment "A" (H-161)** which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Westbrook, Representative Usher.

Representative **USHER**: Mr. Speaker, Ladies and Gentlemen of the House. This is a technical amendment that was found when it was on the Governor's desk and we had to turn this back and put an amendment on it. Thank you.

Subsequently, **House Amendment "A" (H-401)** to **Committee Amendment "A" (H-161)** was **ADOPTED**.

Committee Amendment "A" (H-161) as Amended by **House Amendment "A" (H-401)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-161)** as Amended by **House Amendment "A" (H-401)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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

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.

An Act To Eliminate the Social Security Offset for Unemployment Benefits

(H.P. 657) (L.D. 880)
(C. "A" H-146)

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

PENDING - PASSAGE TO BE ENACTED. (Roll Call Ordered)

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. We have already debated this bill once. I will be very brief. The result of passage of this bill would be in the next fiscal year approximately \$2.7 million increase in the assessment or the taxes that are levied upon the employers in the State of Maine. I remind you again that all of the Unemployment Trust Fund money is employer money. The employees do not contribute to that fund.

The result in the year 2006 if this passes could be as much as \$12.9 million. I know it is very difficult to say that we don't want to

see our seniors get more money or people who are retired to get more money, but the question that you have to ask yourself is, can the businesses of the State of Maine afford to pay that additional money. I would urge you to vote against the pending motion.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. The data that the good Representative from Carmel is referring to is based on the fiscal note that was dated April 11, 2003. That addresses the fact that the \$2.7 million in benefits would change the contribution schedule from B to C and result in the collection of another \$12.2 million. However, the more recent information that we have, which was by a memorandum from Laura Boyette, dated April 17, says differently. We are going to change into the different schedule anyway. There is not going to be any increase to the employers that would not otherwise happen. She says, "Initially we projected that costs would cause an increase in the tax rate schedules from B to C in 2005, however, our economic assumptions for the rate schedules for that year show numbers so close to the threshold between schedules B and C that we couldn't guarantee the rate schedule will remain at B." In fact, the labor market division has rerun the numbers using a more current economic figures and the unemployment, which changes our earlier projections, they now project the tax rates in 2005 will go to C anyway.

This will not change the rate schedules. The basis of this law is still there. We have our elderly population receiving social security. They should not be deprived of their unemployment simply because they are receiving social security. I ask you to vote in favor of this.

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

Representative **CAMPBELL**: Mr. Speaker, Ladies and Gentlemen of the House. Fourteen years ago I was fortunate to retire at age 56, but there are a lot of senior citizens that cannot do that. If they are willing to work after age 65 and they have their health and they are willing to work, I see no reason in the world that they have to get laid off. They should be treated like everybody else in their twilight years and be able to collect social security. Thank you.

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

ROLL CALL NO. 128

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

NAY - Annis, Austin, Berry, Bierman, Bowen, Bowles, Bruno, Bryant-Deschenes, Churchill E, Clough, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Glynn, Heidrich, Honey, Jodrey, Joy, Ledwin, Maietta, McKenney, McNeil, Millett, Mills S, Moody, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell,

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

ABSENT - Ash, Berube, Browne W, Churchill J, Dugay, Duprey B, Finch, Fletcher, Greeley, Jacobsen, Lerman, Lewin, O'Neil, Pellon.

Yes, 86; No, 51; Absent, 14; Excused, 0.

86 having voted in the affirmative and 51 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-367)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve the Procedure for Locating Runaway Children"

(H.P. 713) (L.D. 956)

TABLED - May 15, 2003 (Till Later Today) by Representative BLANCHETTE of Bangor.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-367)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 20, 2003.

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

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

- In Senate, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - May 16, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **PASSAGE TO BE ENGROSSED.**

The SPEAKER PRO TEM: The Chair recognizes the Representative from Union, Representative Sukeforth.

Representative **SUKEFORTH**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak against the pending motion before the House. This bill came before the State and Local Government Committee, on which I serve. There seems to be some confusion on exactly what this bill does. I hope to clarify that. Obviously my position also seems to be the position of Maine Municipal Association.

Under existing statutes firearm shooting ranges that exist prior to the enactment of a municipal noise control ordinance are exempt from adhering to the limits in the noise ordinance. That is, pre-existing shooting ranges and gun clubs are already grandfathered from adhering to newly adopted noise ordinances. However, I am opposed to this legislation because as LD 719 is written, it expands the grandfathered exemption to an outright exemption for all existing and future shooting ranges. Let me explain, if a shooting range was in place in a municipality and there was no noise ordinance, then obviously there is no problem. If a shooting range is in place in a municipality and then after that shooting range was established, a municipality established a noise ordinance, there would still be no problem for that shooting range. They would be grandfathered. However,

what this legislation does is if a municipality had a noise ordinance in place, already existing and then a gun range wanted to come into that municipality, LD 719 disallows the municipality of applying the noise ordinance conditions to that gun range. In other words, a gun range, yes, it would still have to go before the planning board and get approval, but the planning board or the municipality could not just allow that gun range based on a noise ordinance already in place. In my opinion, having been a selectman and involved in town government, I just think that this goes too far. I don't have a problem with gun ranges that are grandfathered. If they were already there, I do believe they should be protected. However, if a municipality has a noise ordinance in place, I do believe that any new development, whether it is a gun range or a motor cross dirt track bike facility or anything should have to meet that noise ordinance. Keep in mind that if they can't meet that noise ordinance, they still can apply for a variance through the normal channels within a municipality. I urge you to vote no against the pending motion. Thank you.

Representative **SUKEFORTH** of Union **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 PRO TEM**: 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. 129

YEA - Annis, Barstow, Bennett, Bierman, Campbell, Carr, Clough, Cressey, Crosthwaite, Curley, Davis, Dunlap, Duplessie, Duprey G, Earle, Fischer, Glynn, Hatch, Jennings, Joy, Kaelin, Kane, Ketterer, Lessard, Lundeen, Mailhot, McGlocklin, Mills J, Moore, Muse, Nutting, Patrick, Perry J, Pineau, Richardson E, Richardson J, Rines, Rogers, Thomas, Tobin J, Trahan, Usher, Watson, Wheeler, Wotton.

NAY - Adams, Andrews, Austin, Berry, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Bruno, Bryant-Deschenes, Bull, Bunker, Canavan, Churchill E, Churchill J, Clark, Collins, Courtney, Cowger, Craven, Cummings, Daigle, Dudley, Eder, Faircloth, Fletcher, Gagne-Friel, Gerzofsky, Goodwin, Grose, Heidrich, Honey, Hotham, Hutton, Jackson, Jodrey, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Maietta, Makas, Marley, Marraché, McCormick, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills S, Moody, Murphy, Norbert, Norton, O'Brien J, O'Brien L, Paradis, Peavey-Haskell, Percy, Perry A, Pingree, Piotti, Rector, Richardson M, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Tardy, Thompson, Tobin D, Treadwell, Twomey, Vaughan, Walcott, Woodbury, Young.

ABSENT - Ash, Berube, Browne W, Dugay, Duprey B, Finch, Greeley, Jacobsen, Lewin, O'Neil, Pellon, Mr. Speaker.

Yes, 45; No, 94; Absent, 12; Excused, 0.

45 having voted in the affirmative and 94 voted in the negative, with 12 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENGROSSED** in concurrence.

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

HOUSE DIVIDED REPORT - Majority (11) Ought to Pass as Amended by Committee Amendment "A" (H-403) - Minority (2) Ought Not to Pass - Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act To Preserve the Integrity of the Voting Process"

(H.P. 334) (L.D. 426)

Which was **TABLED** by Representative RICHARDSON of Brunswick pending the motion of Representative CLARK of Millinocket to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-403)** was **READ** by the Clerk.

Representative MILLS of Cornville **PRESENTED** House **Amendment "A" (H-478)** to **Committee Amendment "A" (H-403)**, which was **READ** by the Clerk.

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

Representative MILLS: Mr. Speaker, Men and Women of the House. In reviewing this bill with some people that are familiar with the election process, it was brought to my attention and to others that this bill will introduce, I believe, another piece of paper, a signed affidavit to be used by anybody who is challenging the status of someone who presents himself or herself as a voter at the polling place. We noticed that there wasn't explicit direction on what to do with this piece of paper in the event that a ballot is challenged. It is the purpose of this House Amendment to make it clear that the signed affidavit was put in with the special certificate into a special envelope and it must be kept and preserved along with the other ballot material so that we have a coherent history of the voter's efforts on Election Day. It is just to make sure that the affidavit doesn't get mislaid. I think it is a good idea that the election laws contain very explicit directions about procedures to be followed by the wardens and by the clerks. It is often times very confusing. I offer the amendment as a friendly amendment to the bill with the hopes of improving it a little bit. Thank you Mr. Speaker.

Subsequently, **House Amendment "A" (H-478)** to **Committee Amendment "A" (H-403)** was **ADOPTED**.

Committee Amendment "A" (H-403) as Amended by House Amendment "A" (H-478) 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-403) as Amended by House Amendment "A" (H-478)** thereto 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:

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Reduce Legislative Salaries and Allowances"

Signed:

Senators:

ROTUNDO of Androscoggin

LaFOUNTAIN of York

GILMAN of Cumberland

Representatives:

McLAUGHLIN of Cape Elizabeth

PEAVEY-HASKELL of Greenbush

STONE of Berwick

KETTERER of Madison

BARSTOW of Gorham

BOWEN of Rockport

SUSLOVIC of Portland

BUNKER of Kossuth Township

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-413)** on same Bill.

Signed:

Representatives:

CROSTHWAITE of Ellsworth

SUKEFORTH of Union

READ.

On motion of Representative McLAUGHLIN of Cape Elizabeth, the Majority **Ought Not to Pass Report** was **ACCEPTED**.

On motion of Representative GLYNN of South Portland, the House **RECONSIDERED** its action whereby the Majority **Ought Not to Pass Report** was **ACCEPTED**.

The same Representative **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.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending the motion of Representative McLAUGHLIN of Cape Elizabeth to **ACCEPT** the Majority **Ought Not to Pass Report** and later today assigned. (Roll Call Ordered)

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-412)** on Bill "An Act To Establish a Municipal Affordable Housing Development District Tax Increment Financing Program" (H.P. 635) (L.D. 858)

Signed:

Senators:

STANLEY of Penobscot

STRIMLING of Cumberland

Representatives:

LEMOINE of Old Orchard Beach

McGOWAN of Pittsfield

SUSLOVIC of Portland

McCORMICK of West Gardiner

SIMPSON of Auburn

PERRY of Bangor

LERMAN of Augusta

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

Signed:

Senator:

NASS of York

Representatives:

CLOUGH of Scarborough

COURTNEY of Sanford
READ.

On motion of Representative LEMOINE of Old Orchard Beach, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-412)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, May 20, 2003.

Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-420)** on Bill "An Act To Amend the Sex Offender Registration and Notification Laws" (H.P. 1107) (L.D. 1514)

Signed:

Senators:

HATCH of Somerset
CARPENTER of York

Representatives:

BUNKER of Kossuth Township
BLANCHETTE of Bangor
GERZOFISKY of Brunswick
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

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-420)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, May 20, 2003.

Divided Report

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-410)** on Bill "An Act To Authorize a Pilot Project To Allow Commercial Vehicles at Canadian Weight Limits Access to the Woodland Commercial Park in Baileyville" (H.P. 1147) (L.D. 1565)

Signed:

Senators:

HATCH of Somerset
DAMON of Hancock
SAVAGE of Knox

Representatives:

USHER of Westbrook
PARADIS of Frenchville
MARRACHÉ of Waterville
SAMPSON of Auburn
McKENNEY of Cumberland
COLLINS of Wells

McNEIL of Rockland
BROWNE of Vassalboro
MARLEY of Portland

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

Signed:

Representative:

JODREY of Bethel

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-410)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, May 20, 2003.

Divided Report

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-409)** on Bill "An Act To Allow Women Recovering from Childbirth To Be Issued Temporary Handicapped Parking Permits" (H.P. 766) (L.D. 1049)

Signed:

Senators:

HATCH of Somerset
SAVAGE of Knox
DAMON of Hancock

Representatives:

SAMPSON of Auburn
JODREY of Bethel
MARLEY of Portland
McNEIL of Rockland
COLLINS of Wells
USHER of Westbrook
MARRACHÉ of Waterville
PARADIS of Frenchville

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

Signed:

Representatives:

McKENNEY of Cumberland
BROWNE of Vassalboro

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-409)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, May 20, 2003.

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

UNFINISHED BUSINESS

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

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

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

TABLED - May 16, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.
PENDING - PASSAGE TO BE ENACTED.

On motion of Representative JACKSON of Fort Kent, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-144)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-384)** to **Committee Amendment "A" (S-144)** which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Fort Kent, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House. What this amendment is going to do is in areas of the state where they don't allow doe permits, but what they do allow is a junior hunting program one day of the month, they allow kids under 16 to hunt does. It is going to allow disabled people, with non-ambulatory injuries to also hunt that day for doe deer. I think that it is something that we really should consider. I would bet that there are very, very few people in these areas that will even probably go out and hunt. The ones that do, I would bet that very few of them will actually get a doe deer. I think it is something that will give them a little bit more of a chance to enjoy hunting. I am very supportive of the youth program. I have no thoughts of harming that in any way. I think that the people that have been injured in this way should have every opportunity to be able to enjoy life. This could help them do that. I really wish you would consider this. Mr. Speaker, I would ask for a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-384)** to **Committee Amendment "A" (S-144)**.

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

Representative **TRAHAN** of Waldoboro moved that **House Amendment "A" (H-384)** to **Committee Amendment "A" (S-144)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-384)** to **Committee Amendment "A" (S-144)**.

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

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

Representative TRAHAN: Mr. Speaker, Ladies and Gentlemen of the House. I would like to tell you why I made that motion. Our committee has taken this issue up several years. We have done all that we can through our commissioner to allow them to make opportunities available to those that have disabilities. Just this last year we had a bill that allowed the transfer of doe permits from one individual to a disabled person. Our committee is working diligently to address this concern of the Representative from Fort Kent. I do appreciate his effort, but our committee is very respectable of the situation and doing all that we can to address it. Thank you Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Fort Kent, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House. I would like to say thank you to the

Representative from Waldoboro. I would also like to say that it is a very, very few number of people. I was there the day the bill was heard. I thought it was a great idea except some areas of the state they don't allow any doe permits. What they do allow is this youth program, even in these areas that supposedly don't have very many deer. If we are going to do that for young children, which I support wholeheartedly, I think we could do it for a couple more people that had the use of their legs taken away from them. They still have to point their pickup in the right way. I don't even see this probably helping them any, but I think it is something that just maybe could increase their odds a little bit. I just can't see any reason why this can't happen. Thank you Mr. Speaker.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-384) to Committee Amendment "A" (S-144). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 130

YEA - Andrews, Austin, Barstow, Berry, Bierman, Bliss, Brannigan, Breault, Brown R, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Churchill J, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Cummings, Curley, Davis, Dudley, Dunlap, Duplessie, Duprey G, Earle, Faircloth, Fischer, Gerzofsky, Glynn, Goodwin, Grose, Heidrich, Honey, Hotham, Hutton, Jennings, Jodrey, Joy, Kaelin, Kane, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Maietta, Makas, McCormick, McGowan, McKee, McKenney, McLaughlin, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, Peavey-Haskell, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Shields, Simpson, Smith N, Snowe-Mello, Stone, Sullivan, Suslovic, Sykes, Thomas, Thompson, Trahan, Treadwell, Twomey, Usher, Vaughan, Watson, Wheeler, Woodbury, Young.

NAY - Adams, Annis, Bennett, Blanchette, Carr, Clark, Clough, Eder, Fletcher, Gagne-Friel, Hatch, Jackson, Ketterer, Landry, Lessard, Lundeen, Mailhot, Marley, Marraché, McGlocklin, Millett, Mills J, Moody, O'Brien L, Paradis, Patrick, Percy, Perry A, Smith W, Sukeforth, Tardy, Tobin D, Tobin J, Walcott, Wotton.

ABSENT - Ash, Berube, Bowen, Bowles, Browne W, Churchill E, Daigle, Dugay, Duprey B, Finch, Greeley, Jacobsen, Lerman, Lewin, McNeil, Mills S, Moore, O'Neil, Pellon, Sherman, Mr. Speaker.

Yes, 95; No, 35; Absent, 21; Excused, 0.

95 having voted in the affirmative and 35 voted in the negative, with 21 being absent, and accordingly **House Amendment "A" (H-384)** to **Committee Amendment "A" (S-144)** was **INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (S-144)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-144)**.

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

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

The Speaker resumed the Chair.
The House was called to order by the Speaker.

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

On motion of Representative BROWN of South Berwick, the House adjourned at 4:13 p.m., until 9:00 a.m., Tuesday, May 20, 2003 in honor and lasting tribute to Walter Anthony Borkowski, of South Berwick.