

MAINE STATE LEGISLATURE

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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
57th Legislative Day
Thursday, May 22, 2003

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

Prayer by The Reverend Jacob Fles, Christ Episcopal Church, Gardiner.

National Anthem by Tyler and Victoria Rowe, Houlton High School Students.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 223)

STATE OF MAINE

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

May 20, 2003

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

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

L.D. 1606 An Act To Amend the Adult Protective Services Act

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

Sincerely,

S/Sen. Peggy A. Pendleton

Senate Chair

S/Rep. William S. Norbert

House Chair

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Authorize the Deorganization of the Town of Centerville"

(H.P. 1201) (L.D. 1624)

Sponsored by Representative BUNKER of Kossuth Township.

Cosponsored by Senator SHOREY of Washington and Representatives: CROSTHWAITE of Ellsworth, KETTERER of Madison, McLAUGHLIN of Cape Elizabeth, PEAVEY-HASKELL of Greenbush, STONE of Berwick, SUKEFORTH of Union, Senators: GILMAN of Cumberland, LaFOUNTAIN of York.

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

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

On motion of Representative McLAUGHLIN of Cape Elizabeth, **TABLED** pending **REFERENCE** and later today assigned.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Baxter Memorial Library's Expansion Project Steering Committee in Gorham, who have recently completed an expansion of the Town of Gorham's library facility. The library was built in 1908 and was given as a gift to the town by the Honorable James Phinney Baxter, a former Mayor of Portland. The library has served as a landmark of the town's past and is a primary component of the community. After many years of hard work and great effort, these individuals have achieved their goal of improving the library and fulfilling its mission by enhancing the library's role as a center of cultural and educational enrichment. The committee's endeavors will serve as a treasure to the citizens of Gorham and the community at large for many years to come;

(HLS 584)

Presented by Representative BARSTOW of Gorham.

Cosponsored by Senator GILMAN of Cumberland, Representative CLOUGH of Scarborough, Representative ADAMS of Portland.

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

READ.

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

Representative **BARSTOW**: Mr. Speaker, Ladies and Gentlemen of the House. I thank my colleagues for allowing me the opportunity to divert from our busy legislative schedule and recognize a very hard working and committed group in my community. The Baxter Memorial Library was built and given as a gift to the town by James Phinney Baxter who many may know is the father of the former Chief Executive of this state, Percival Baxter, who also was a supporter of this institution in his years on this earth.

This library has served as an educational center, a cultural center and a historical landmark. It recently received an historical award from the Maine Historical Preservation Commission for the work of expanding onto the existing building and preserving what is currently there. Our former Secretary of State and a member of this body, Rodney Quinn, spoke of it highly in a book that he wrote about the history of Gorham during the great depression how it was a center for him for learning. I can say that from my great grandparents on and hopefully for my children and grand children in the future will be there for them to use. The group has been very compassionate, very committed and has worked to ensure that there will be a learning center and a pillar in our community to carry this mission forward. I thank you all for the opportunity to recognize them here in this hallowed chamber. Thank you Mr. Speaker.

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

In Memory of:

Anthony P. "Tony" Notis, of South Portland, beloved husband of Vasso Notis and the owner of Bridgeway Restaurant for more than 47 years. He immigrated to America from Politsani, Greece, after World War II. Always a proud American who cherished the freedoms of his adopted country, he also remained close to his Greek roots. Mr. Notis was an active participant in his church and community. He was a past president of the Holy Trinity Greek Orthodox Church, a founding member of AHEPA and a past president of the local Politsani Society. Mr. Notis was also actively involved in numerous fraternal and service organizations, including the Masons, the Kora Temple Shrine, the Elks Club, the Kiwanis Club and the Eagles Club of South Portland. He was a very active member of the South Portland Lions Club and served as the chair for the Lions Club Camp Sunshine fundraisers. Due to his efforts, Governor King proclaimed April 1996 Camp Sunshine month. He enjoyed music, especially jazz, and made the Bridgeway Restaurant weekly "jazz jams" a 30-year tradition that continues on with his spirit. The life of Tony Notis was full and rewarding and will be long remembered by all who knew him; (HLS 585)

Presented by Representative PERCY of Phippsburg. Cosponsored by Representative MAIETTA of South Portland, Representative BLISS of South Portland, Representative GLYNN of South Portland, Senator BROMLEY of Cumberland.

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

READ.

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

Representative PERCY: Mr. Speaker, Ladies and Gentlemen of the House. If you could use the word heartbeat of a community, that word would describe Tony Notis. My personal connection with Tony is because he loved jazz. He made the Bridgeway Restaurant a haven for the family of jazz musicians from all over New England, people in their 90s right on down to people who are 10 years old. It is a great loss to the jazz community. We are eternally grateful that he continually opened up the Bridgeway Restaurant to our weekly jazz jams. I would encourage you to go to those jazz jams every Tuesday night for Tony's son, Alex, has continued that tradition. Mr. Notis will be greatly missed by all of us musicians and we want to thank the family for coming up today to share this moment with us.

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

Representative BLISS: Mr. Speaker, Men and Women of the House. I rise today to send my sympathy to Tony's family. The Bridgeway is truly an institution in the music scene. It is not only an amazing restaurant, but an amazing jazz joint. Tony worked very hard to make the Bridgeway an institution in South Portland and in Southern Maine, but maybe more importantly Tony's leadership made him a star. His community activity, his participation in an amazing array of organizations and activities really made him as much of an institution in South Portland and in southern Maine as his restaurant and jazz joint. I am very pleased today to extend my sympathy to his family and to let them know how strongly I feel that he will be sorely missed in our community. Thank you Mr. Speaker.

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

Representative GLYNN: Mr. Speaker, Colleagues of the House. I rise to echo many of the statements that have been made. Tony Notis was truly a fixture and original South Portland merchandise and will be truly missed by all who knew him. He

was very much a family man. He was a community man and he was one of those rare individuals who truly gave back more to the community than he took. I echo many of the statements about his community service and the fine reputation he had with his restaurant and with the jazz. He will be sorely missed. Thank you.

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

Representative MAIETTA: Mr. Speaker, Men and Women of the House. It is hard going last to say everything that has already been said. Tony Notis and the entire Notis family is one of those well-known families in South Portland as every community has. One of my favorite things at the Bridgeway Restaurant are the fried clams. I wasn't alone because there were quite a few times that I went in there that I had to wait quite a while for them to come out because they had to go get more. It is very popular in the restaurant business. The family is very well known, very active in the community. Tony's love for the Lions Club, which everybody is well aware of does so much for all of the communities in the state. It is really going to be sad to see Tony gone, but I know his family is dedicated to the City of South Portland as well as the community. These organizations that he belonged to, they will continue on with this. I, too, would like to add my condolences. Thank you.

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

Representative LANDRY: Mr. Speaker, Ladies and Gentlemen of the House. I did not know Mr. Notis, but I knew of him. For many years I have been a volunteer each summer at Camp Sunshine. I can tell you that his name was mentioned just about every year for the work that he did at the Lions Club to raise money for these very important effort that are done up at Camp Sunshine. On behalf of the volunteers at Camp Sunshine, may I offer our heartfelt condolences to the family and we too feel the grief of your loss. Thank you.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative BUNKER for the **Joint Standing Committee on Criminal Justice and Public Safety** on Bill "An Act To Amend the Laws Regarding Prisoner Participation in Public Works Projects"

(H.P. 1200) (L.D. 1622)

Reporting **Ought to Pass** pursuant to Joint Order 2003, H.P. 1111.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and was assigned for **SECOND READING** Friday, May 23, 2003.

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Approve Public Charter Schools in Maine"

(S.P. 461) (L.D. 1391)

Signed:

Senators:

DOUGLASS of Androscoggin

BRENNAN of Cumberland

MITCHELL of Penobscot

Representatives:

CUMMINGS of Portland

GAGNE-FRIEL of Buckfield

FINCH of Fairfield

NORTON of Bangor
 THOMAS of Orono
 FISCHER of Presque Isle
 DAVIS of Falmouth
 LEDWIN of Holden

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

Signed:

Representatives:

MURPHY of Kennebunk
 ANDREWS of York

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

READ.

Representative CUMMINGS of Portland moved the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. The first thing should be to tell you to relax, you are not going to have to vote. I think it is important to convey a little bit of the background of this bill to you. As you have learned in your committees, as every bill comes to the committee, as an individual member you begin a learning experience. When this charter bill came to our committee, I really knew very little about charter schools, mainly about what I had read from other states, their successes and the enthusiastic comments about parents who had been involved in the charter school experience in other states.

I think our committee had the opportunity to meet a really dynamic educational leader, Marilyn Wentworth from Arundel, who had started in Kennebunk, a secondary alternative school called the New School. It really had no risk connected with it because for 30 years she had run a similar program on the elementary level and had sent many youngsters successfully out into life and many youngsters off to Bowdoin, Yale and Harvard.

During the last few months that we had worked on this bill, we found that surprisingly there is a large number of alternative schools, some elementary, some at the high school level that are out there operating very successfully. Some would like to become charter schools and some would like to remain exactly as they are. The concerns that I have are that with this GPA budget that is going into effect on July 1st, we have had as a goal in this state to try to reduce the number of dropouts and we have been very successful. The reason for that is within our public school systems we have set up alternative programs or even alternative schools that with smaller class size, more individual staff attention, we have been able to dramatically reduce that dropout rate.

Looking at flat funding in the first year and a 1 percent drop in the second year, I think that because of the cost of those programs and because of their class size, we are going to see that that is going to be one of the first places on the local school level that the cuts are going to occur. I think what has been successful is going to be at risk. We have parallel to that schools that are able, by their proven track record, to be able to deal with the gifted and talented who, ironically, often fail in the schools and then those youngsters who are at risk who drop out and never achieve the American dream or the Maine dream.

At the hearing the Portland Superintendent of Schools had indicated that she was very much interested in the charter school program, because there is a tremendous amount of federal dollars that are out there for building innovation and renovation.

There is a tremendous amount of money that is out there for curriculum development, overhead and staff costs. Right now there is a pool of federal dollars dedicated to education that can't enter the State of Maine and can't be utilized by Maine families, Maine school children and Maine public schools.

I am very pleased that the State Board of Education listening to the debate in committee on this and the possibilities for Maine public school systems being able to create, requires a change in statutes, but to be able to create charter schools within our public schools that this issue is coming back. It will come back with the review from the state board. What I would ask you to do is that between now and then, in this two-year period before it returns, take a little closer look in the region in which you live because these alternative schools are some of the best kept secrets in the State of Maine. Thank you Mr. Speaker.

Subsequently the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-502)** on Resolve, Amending the Commissioner of Administrative and Financial Services' Authorization To Convey a Portion of the Kennebec Arsenal in Augusta Pursuant to Resolve 1999, Chapter 56 and To Direct Proceeds from the Sale of the Maine State Prison Property in Thomaston

(H.P. 1069) (L.D. 1464)

Signed:

Senators:

ROTUNDO of Androscoggin
 LaFOUNTAIN of York

Representatives:

McLAUGHLIN of Cape Elizabeth
 KETTERER of Madison
 BARSTOW of Gorham
 BOWEN of Rockport
 SUSLOVIC of Portland
 SUKEFORTH of Union
 BUNKER of Kossuth Township

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

Signed:

Senator:

GILMAN of Cumberland

Representatives:

PEAVEY-HASKELL of Greenbush
 STONE of Berwick
 CROSTHWAITE of Ellsworth

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-502)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Friday, May 23, 2003.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Require the Payment of Certain Costs Incurred by a Prevailing Party in Court Proceedings by or against Maine Revenue Services"
(H.P. 581) (L.D. 782)

Signed:

Senators:

PENDLETON of Cumberland
CATHCART of Penobscot
WOODCOCK of Franklin

Representatives:

NORBERT of Portland
BULL of Freeport
SIMPSON of Auburn
GERZOFSKY of Brunswick
BENNETT of Caribou
MILLS of Farmington
BRYANT-DESCHENES of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-498) on same Bill.

Signed:

Representatives:

SHERMAN of Hodgdon
CARR of Lincoln
DUPREY of Hampden

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

READ.

Representative BULL of Freeport moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

BILLS IN THE SECOND READING

Senate as Amended

Bill "An Act To Strengthen the Energy Resources Council"

(S.P. 233) (L.D. 669)

(C. "A" S-200)

Bill "An Act To Clarify the Definition of Independent Expenditures Under the Election Laws"

(S.P. 402) (L.D. 1196)

(C. "A" S-205)

Bill "An Act Regarding the State Police Command Staff"

(S.P. 481) (L.D. 1449)

(C. "A" S-211)

Bill "An Act To Amend and Improve the Education Laws"

(S.P. 538) (L.D. 1577)

(C. "A" S-201)

House as Amended

Bill "An Act To Create a Uniform Approach to the Termination of Child Support When Parents Provide Substantially Equal Care for Children"

(H.P. 189) (L.D. 234)

(C. "A" H-499)

Bill "An Act To Ensure the Safety of Children Touring Hazardous Facilities"

(H.P. 510) (L.D. 693)

(C. "A" H-492)

Bill "An Act To Amend the Laws Relating to Medical Certification of the Cause of Death and the Medical Examiner Act"

(H.P. 885) (L.D. 1211)

(C. "A" H-493)

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

Bill "An Act Concerning Retirement Benefits for State Employees"

(H.P. 730) (L.D. 1009)

(C. "A" H-441)

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

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

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

Bill "An Act To Protect Public Health by Reducing Human Exposure to Arsenic"

(H.P. 963) (L.D. 1309)

(C. "A" H-490)

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

On motion of Representative DAIGLE of Arundel, was **SET ASIDE.**

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. First, my apologies as a third timer for not remembering the parliamentary procedures as well as I should. Item 9-9, Bill "An Act To Protect Public Health by Reducing Human Exposure to Arsenic" contains three basic provisions. First, is a notification about real estate transfer, which I think is an excellent idea. The final one is related to drinking water, which is a fine idea. In the middle it creates a unique to Maine ban on the sale of arsenic treated wood. It is important to understand that there have been no studies and no trials or other type of formal procedures that have determined that arsenic treated wood has, in fact, resulted in harm to people. However, because there is concern by it, industry has voluntarily agreed to stop the production and sale on arsenic treated wood for certain residential applications beginning next year. What this bill does, both Minority and Majority Reports, is to put that in Maine law so that those restrictions can be enforced by Maine authorities. However, the majority report goes further to specifically ban the purchase of arsenic treated wood upon effectiveness of this bill, which would be sometime in October of this year.

I have some serious concerns about this, because by banning arsenic treated woods, we would be the first state in the nation to do so. We would be banning it while it was still legal to sell. We would be banning it for Hancock Lumber, Home Depot and other lumber yards being able to purchase this material and thereby creating a liability issue for them because the reality is there will still be pressure treated wood for sale. It will be a material called ACQ. I apologize for the technical details of this, but, frankly, there is no other way around it.

An alternative pressure treating technology is available. However, this technology is specifically prohibited for use in marine environments because the copper it contains is extremely toxic to aquatic life. My concern is with the passage of the

Majority Report, the effect will be that to avoid the liability of selling the wrong wood to the wrong people, Maine people will fail to stock any of the arsenic treated wood that we now sell today, which is what we will continue to recommend for commercial and marine applications. When it is no longer available, two things will happen. First of all, our wood products industry will suffer from this. This is a critical product. It just won't be sold anymore. You have to expect it won't be made anymore and that will cost Maine jobs. Secondly, those who require this wood for the repair of marine structures and other commercial applications will go to the lumberyard and the only things will be the absolute wrong material to use. Without the competition from having to explain why one is good for an application and one is not good for another, people will be buying the wrong material, using it in an inappropriate way and the net result will be further environmental damage.

I am asking you to reject the Majority Report so that we might keep the real estate transfer notification so we may keep the drinking water program, so we may keep the restrictions on sale for next year for residential applications, but we do not become a state banning material this year and causing great difficulty in the wood products industry and ultimately, I believe, causing further environmental damage from a misinformed public. Mr. Speaker, I request the yeas and nays.

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.

Representative **BULL** of Freeport **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. The good Representative from Arundel asks that you support the Minority Report and not the Majority Report. Given the fact that we are now considering passage to be engrossed, we do not have an opportunity to accept the Minority Report. Your vote right now is whether to accept the bill as presented, which is the Majority Report or nothing at all. I would contend that we have some significant issues in the State of Maine given arsenic and our groundwater. We need some legislation to move forward and encourage testing of our wells at the time of property transactions. There are no mandates in this bill. There are just some encouragement and some studies. There is also, as you have heard, a ban on the sale of pressure treated wood. This is a product that will no longer be made in this country after December of this year. After that, it won't even be available. I think it is appropriate that we have a ban on this product. There is also some very important language in this bill dealing with the disposal of pressure treated or arsenic treated wood. It is asking the Department of Environmental Protection to develop some rules over time.

If you vote against the passage to be engrossed, we will have nothing dealing with arsenic in our environment. I encourage you to support the pending motion.

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

Representative **JOY**: Mr. Speaker, Ladies and Gentlemen of the House. Since the bill left our committee there has been a lot of other information that has been made available to us. I will be changing my vote. I will be voting against passage of this bill. The biggest problem that we ran into, we had many bills that came in front of our committee, and one of the big issues that came in front of us was the issue of the sand dunes and houses

that were destroyed by wave action along our coast. In order to rebuild these and put the underpinning back under them, they are going to require wood that is treated with arsenic. That is the type that we have today as pressure treated lumber. Consequently if this is banned from any uses in Maine, we are going to wind up with a substance that is going to be used in the under structure of those homes that is going to wind up polluting the oceans and killing our fish. I urge you to defeat the pending motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Dover-Foxcroft, Representative Annis.

Representative **ANNIS**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to concur with the Representative from Crystal, Representative Joy, I am going to change my vote too. I agree with the amendment that Representative Daigle has come up with. I would like to go along with that. Thank you.

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. The EPA on the national level has taken care of this problem. If we pass this bill, Maine will be the only state in the nation that does so. This is the first, and only time, that I can remember that I have been wrong in my vote in committee. Representative Daigle has been right. I am going to go with Representative Daigle.

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

Bill "An Act To Fund Municipal Collection of Household Hazardous Waste"

(H.P. 1135) (L.D. 1549)
(C. "A" H-494)

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

On motion of Representative **DAIGLE** of Arundel, was **SET ASIDE**.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. Yesterday when we explained about this bill, I explained how it was going to raise 80 percent of the revenue from non-hazardous material, latex paint, and using that revenue to create a brand new state program funded by a brand new state tax, the first one of the 121st Legislature. Apparently by its success yesterday there are many in this body who believe that this is the most important thing to raise new taxes for.

Today I want to tell you a little bit more about this bill and instead of paint, let's talk about pesticides. This bill would raise a new tax of 20 cents on each container of pesticides. It is important to understand that that is on each container regardless of size. When you go to your local sporting good store, convenience store or elsewhere and you buy a small container of fly dope to keep away the black flies this spring, understand that next year when you do that, you will be paying 20 cents more in tax, that is regardless of size. You can buy a gallon of pesticides to spray in your yard or you can buy an ounce to rub on your children. That will cost you 20 cents per container in a brand new tax for this brand new program. As was correctly pointed out by others in this body, that money will go to the State Planning Office, a department renowned for its efficiency and clarity of purpose, and that money may end up in your communities where it may be used for household hazardous waste disposal. I am

not a betting man, but I wouldn't put much money on that being the outcome years from now.

What I do expect to be a likely outcome is the outrage from our citizens when they learn that despite of all the other things that were pressuring us in the budget, we chose to form a new program and a new tax on this.

I would further like to point out a feature of this particular bill which prohibits a retailer from absorbing the cost. Section 4872, Paragraph 2, it is unlawful for any retailer to advertise or hold out or state to the public or any consumer, directly or indirectly, that the fee imposed by this section will be assumed or absorbed by the retailer or that it will not be added or included in the selling price or the coding or any other part thereof. You can't even pay for this yourself. If a retailer, WalMart or a convenience store says we will just absorb this cost, it is not possible. On that sales receipt will be the price, the sales tax and a new special 20-cent tax. I challenge any member supporting this amendment to stand up and tell you why it is important to particularly require that tax be past on directly to that consumer instead of being absorbed by somebody who even wants to. I challenge them to stand up and say, why is this the next thing to fund with a new tax? I further challenge you to put your name on the line if you believe that it is. For that reason Mr. Speaker, I request another roll call.

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)

ENACTORS
Emergency Measure

An Act To Establish the Long-term Care Oversight Committee
(H.P. 65) (L.D. 57)
(C. "A" H-443)

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. 122 voted in favor of the same and 10 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 Assist Regional Transportation Providers To Comply with the Booster Seat Law
(H.P. 474) (L.D. 644)
(H. "A" H-407 to C. "A" H-161)

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

The **SPEAKER**: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

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

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

Representative **MURPHY**: Thank you Mr. Speaker. This bill addresses two specific groups, the general public, private citizens and then quasi-governmental transportation organizations. It includes in it extensions addressing the booster seat law. My question to a committee member, if they could respond, are private citizens and quasi-governmental organizations given the same extension?

The **SPEAKER**: The Representative from Kennebunk, Representative Murphy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Mr. Speaker, Ladies and Gentlemen of the House. The short answer is no, they are not. There is a reason for that. This bill came forward from the good Representative from Baldwin, Representative Cressey, but it had a fiscal note. If you read the title, "An Act to Assist Low-Income Families to Comply with the Booster Seat Law." There are a number of programs that help low-income families. The mechanism that was used originally would have added a significant fiscal note. It wouldn't have passed. This was a compromise that I suggested. The committee actually rolled in a bill that I also had that helped regional transportation providers and other municipal non-profits. Original transportation providers, in particular, if you keep in mind, I assume we have all heard from them. This is the group that this legislative body, the other end of the hall and the Executive, we cut hundreds of thousands of dollars out of their budgets. They are losing close to \$1.5 million in matching funds. They are having severe financial pressures. They did not ask to be exempt from this law. What they asked was to comply with this law, but to have more time to comply with this law, to do education with their volunteer drivers. That is why there is the two separate time lines. I would like to remind this body as well that this had strong bipartisan support last session. We have actually already passed this exact bill as an emergency measure. It was recalled from the Governor's desk because there was one sentence that needed to be added to clarify the law. I hope people will treat this as a quorum call, vote green. You have passed it before and I appreciate your support. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I agree with the comments of the good Representative from Portland about those transportation organizations struggling. That is one of many reasons why I voted against the budget knowing the impact that that would have. What we have here in this bill, which fortunately has been returned to us, says if you are a private citizen, you have an extension to September 2003. If you are a quasi-governmental transportation organization, you have until January 2005. For the group that has the short extension and I think as you return back home, you are going to find many families like the family I have talked with. They live west of the turnpike. It is a distance to the grocery store. It is a distance to school. It is a distance to athletic events. Contrary to what the statistics tell us, we still have families in this state that want to have children and are having a lot of children. Because they live in the rural area and because they have listened to the taped messages on TV about car pooling in those neighborhoods they really attempt to come together in terms of Little League, getting kids to school in the morning, all those things that make a community.

This constituent went to the local police station, brought her children along and said, here is what the law says, I can't meet the law because of the number of my children, plus it is complicated by neighbor trying to help neighbor. The response was, you better get yourself a new vehicle. That is the kind of positive response she got. It is kind of hard to go into a new car cycle in a three or four month period. What I am asking is that if we are going to change the rules for one set of people, they are being extended rather lengthily for a quasi-governmental organization, then the private citizens, those citizens that have large families and tried to be good neighbors, ought to be given

the same consideration. What I am asking you today is this requires an emergency vote. This may be an attention getter that if you are going to change the rules, there shouldn't be different rules for different folks. I would urge you to vote no on enactment.

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

Representative **GAGNE-FRIEL**: Mr. Speaker, Ladies and Gentlemen of the House. I tend to agree very much with Representative Murphy. I had a person in my district as well, she runs a day care and finds it very difficult to get those booster seats into her van. She was told that she had to go and get refitted so that she could do that for the children. It was very hard to get all of those in there and very expensive to change that. I didn't realize that this other group was going to get special attention because the manufacturers would have charged her to get this done. They would have perhaps been given benefits, but here the regular person doesn't. I tend to agree very much that we should look at this again and perhaps not vote for enactment.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Annis.

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

The SPEAKER: The Representative may pose his question.

Representative **ANNIS**: Thank you Mr. Speaker. Looking at the exemptions for booster seats, the operator shall ensure that the child is properly secured in a seat belt. Is this in regards to school buses too?

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Kaelin.

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. I appreciate my good friend from Kennebunk taking the opportunity to raise this issue today. It gives me an opportunity to support him in his asking us to defeat this emergency action this morning by explaining that I also have a constituent in my town who was told the same thing. She has three kids, a small compact car. She can't get three booster seats in that car. It is physically impossible to do it. She was told to buy a new car. That is unacceptable and this gives us all an opportunity to vote against that type of wrong-headed public policy, in my view. Thank you Mr. Speaker.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. Having the great pleasure to serve on Transportation a few years ago, I don't know if the body is really understanding on what we are voting on here. The seat belt law that everybody is complaining about that their vehicle isn't in the right shape and doesn't have enough room and doesn't have enough people to put it in properly and the police telling them to go find a new vehicle has nothing to do with this bill. This bill simply gives extensions for people to comply. If anybody in this body has any concern about any of the people that all the other good Representatives have just spoke about wants to vote no on this bill, you are going to make them comply tomorrow. I don't think that is a very smart move. This bill has nothing to do with new regulations, new enforcement, new restrictions or anything. This is simply allowing those that are struggling to comply to have a little more time to come into compliance. Please vote green, move forward and maybe in the emergency session some of those issues that some folks have brought up can be addressed if they really truly need to be addressed. Thank you.

Representative **RICHARDSON** of Brunswick **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

ROLL CALL NO. 152

YEA - Adams, Ash, Barstow, Bennett, Bierman, Blanchette, Bliss, Brannigan, Breault, Browne W, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cressey, Cummings, Dudley, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Glynn, Grose, Hatch, Hutton, Jackson, Jennings, Kane, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGowan, McKee, McLaughlin, McNeil, Mills J, Mills S, Moody, Moore, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Trahan, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bowen, Bowles, Brown R, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Crosthwaite, Curley, Daigle, Davis, Duprey B, Duprey G, Fletcher, Gagne-Friel, Goodwin, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Landry, Ledwin, Lewin, Maietta, McCormick, McKenney, Millett, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sykes, Tardy, Tobin D, Tobin J, Treadwell, Vaughan, Young.

ABSENT - Dugay, Gerzofsky, Greeley, Ketterer, Koffman, McGlocklin, Perry J.

Yes, 84; No, 60; Absent, 7; Excused, 0.

84 having voted in the affirmative and 60 voted in the negative, with 7 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

Emergency Measure

An Act To Address Concerns Regarding the Breeding and Sale of Certain Small Mammals

(H.P. 902) (L.D. 1228)
(C. "A" H-448)

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. 110 voted in favor of the same and 15 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Emergency Measure

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2003-04

(H.P. 1052) (L.D. 1433)
(C. "A" H-427)

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. 130 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 Revise Certain Provisions of Maine's Fish and Wildlife Laws

(H.P. 1087) (L.D. 1482)
(C. "A" H-422)

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. 122 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Emergency Measure

Resolve, Directing the State Tax Assessor to Adjust the State Valuation for the Town of Ashland

(S.P. 61) (L.D. 138)
(C. "A" S-170)

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. 114 voted in favor of the same and 4 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 120: Release of Information to the Public, a Major Substantive Rule of the Maine Health Data Organization

(H.P. 1118) (L.D. 1527)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Emergency Mandate

An Act To Ensure Timely Responses to Requests for School Administrative District Reapportionments

(S.P. 181) (L.D. 541)
(C. "A" S-174)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 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.

Acts

An Act To Honor the Intent of Organ Donors

(H.P. 212) (L.D. 257)
(C. "A" H-445)

An Act To Clarify the Duties of Conservators

(H.P. 617) (L.D. 840)
(C. "A" H-418)

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)

An Act To Restrict Use of Auto Dealer Plates

(H.P. 745) (L.D. 1028)
(C. "A" H-429)

An Act Regarding Filing and Certification Fees

(H.P. 790) (L.D. 1072)
(C. "A" H-416)

An Act To Improve the Clean Election Option for Gubernatorial Candidates

(H.P. 964) (L.D. 1310)
(C. "A" H-450)

An Act To Clarify the Filing of Municipal Personal Property Tax Liens

(H.P. 965) (L.D. 1311)
(C. "A" H-415)

An Act To Amend the Laws Regarding Storage of Sand and Salt and To Provide Funding for State and Municipal Storage Facilities

(H.P. 1036) (L.D. 1414)
(C. "A" H-428)

An Act To Facilitate E-9-1-1 for Multiline Telephone Systems

(H.P. 1056) (L.D. 1444)
(C. "A" H-425)

An Act To Provide Incentives for Development and To Amend Traffic Movement Permit Standards

(S.P. 484) (L.D. 1452)
(C. "A" S-169)

An Act To Clarify that the Unauthorized Sale of Public Records Is a Crime

(H.P. 1062) (L.D. 1454)
(C. "A" H-417)

An Act To Amend the Laws with Regard to Legislative Reports on Children's Mental Health Services

(H.P. 1082) (L.D. 1477)

An Act To Change the Membership of the Review Team for Aversive Behavior Modifications and Safety Devices for Persons with Mental Retardation or Autism

(H.P. 1083) (L.D. 1478)
(C. "A" H-411)

An Act To Delay the Repeal of Laws Governing the State's Response to an Extreme Public Health Emergency

(S.P. 497) (L.D. 1491)

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

Resolves

Resolve, to Expand the Choices of People Seeking Mental Health Therapy Under the MaineCare Program

(H.P. 66) (L.D. 58)
(C. "A" H-444)

Resolve, To Ensure Appropriate Care for Older Persons with Dementia and Certain Other Diseases

(H.P. 793) (L.D. 1075)
(C. "A" H-446)

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

An Act To Amend the Dates for Implementation of the Maine Rx Program and the Prescription Drug Price Reduction Act

(H.P. 894) (L.D. 1220)
(C. "A" H-447)

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

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

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

The 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.

Bill "An Act To Control County Jail Health Care Expenses" (H.P. 585) (L.D. 808)

TABLED - May 21, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.
PENDING - ADOPTION OF SENATE AMENDMENT "A" (S-167).

of Representative BUNKER of Kossuth Township moved that **Senate Amendment "A" (S-167)** be **INDEFINITELY POSTPONED**.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. We had some issues within the committee of jurisdiction where we move forward with the bill as written. At one point we added in all of the state correctional facilities. That seemed like a good idea at the time, but unfortunately one of the constituencies involved asked us to look at it again and we did. We reconsidered and decided to pull out the state facilities because of the unknown impact on some of the hospitals on the inmate population of our state correctional facilities. We did that out of respect and requesting further information to see if maybe next time that would be an appropriate move. The real important part of this bill was the initial one of the 15 county jails that we have all in our districts to allow a very stable and very known fixed rate system like Maine Care for services outside of our county jail at our local hospitals. They are not in opposition to that. Somehow along the lines some misinformation came about that the hospital association was all set with putting the state back in. I guess they were not. In all deference to my friends on both sides of the aisle, I would ask you to allow this Indefinite Postponement so that we can maintain the most important part of this bill, which is a mandate, by the way, do to a technicality. This is a cost saving bill for all of your counties, but there may be one county out there that if they go through all of the paperwork

and they do all of this, then they may lose one penny so the guy downstairs decided it had to be a mandate. It is the strangest mandate I have ever seen from out of the floor downstairs, but it is. We will deal with that. I would ask you to support the Indefinite Postponement and move on to passing this as we do roll calls. Thank you.

Subsequently, **Senate Amendment "A" (S-167)** was **INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (H-365)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-365)** in **NON-CONCURRENCE** and sent for concurrence.

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

The House recessed until 2:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

SENATE PAPERS

Bill "An Act To Implement School Funding Based on Essential Programs and Services"

(S.P. 575) (L.D. 1623)

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

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

CONSENT CALENDAR

First Day

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

(S.P. 424) (L.D. 1293) Bill "An Act To Improve the Fairness of the Health Care Provider Tax and To Ensure Fair Implementation of Health Care Reimbursement Reforms" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-220)**

(S.P. 551) (L.D. 1597) Bill "An Act To Implement Federal Requirements in Child Protection Matters" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-221)**

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. **ORDERED SENT FORTHWITH**.

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

UNFINISHED BUSINESS

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-456) - Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act To Improve Enforcement of the State's Natural Resource Protection, Timber Theft and Trespass Laws"

(H.P. 1059) (L.D. 1447)

TABLED - May 20, 2003 (Till Later Today) by Representative MCKEE of Wayne.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-456) was READ** by the Clerk.

Representative MCKEE of Wayne **PRESENTED House Amendment "A" (H-511) to Committee Amendment "A" (H-456)** which was **READ** by the Clerk.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. What this amendment does is it strips out everything from the Committee Amendment that produced the fiscal note. If you read that, you can see that it amends those sections, but it also does something else. It is very important and thanks to the good Representative Trahan and other foresters and loggers in the body, we are in agreement that these words should be added in the new section. Inserting after the word ranger, in any log yard or mill site. We wanted to make sure ranger was in there and that was the intention of the committee that the ranger was not stopping a logger simply to check the trip ticket. Upon request, at the log yard or the mill site, the ranger could ask for that trip ticket. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Medway, Representative Duprey.

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

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

Representative **DUPREY**: Thank you Mr. Speaker. Are there any exemptions to this in regards to the size of the landowner?

The **SPEAKER**: The Representative from Medway, Representative Duprey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE**: Thank you Mr. Speaker. There are no exemptions.

Subsequently, **House Amendment "A" (H-511) to Committee Amendment "A" (H-456) was ADOPTED**.

Committee Amendment "A" (H-456) as Amended by House Amendment "A" (H-511) thereto was ADOPTED.

The Bill was assigned for **SECOND READING** Friday, May 23, 2003.

Resolve, To Protect High and Moderate Value Waterfowl and Wading Bird Habitats

(H.P. 908) (L.D. 1234)

(C. "A" H-372)

TABLED - May 20, 2003 (Till Later Today) by Representative DUNLAP of Old Town.

PENDING - FINAL PASSAGE.

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve 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-372) was ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-506) to Committee Amendment "A" (H-372)** which was **READ** by the Clerk.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. This is a fairly simple amendment which would direct the Department of Inland Fisheries and Wildlife when it prepares its report for the Committee on Natural Resources to also forward that same report to the Joint Standing Committee on Inland Fisheries and Wildlife. I would urge the body to adopt the House Amendment.

Subsequently, **House Amendment "A" (H-506) to Committee Amendment "A" (H-372) was ADOPTED**.

Committee Amendment "A" (H-372) as Amended by House Amendment "A" (H-506) thereto was ADOPTED.

The Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-372) as Amended by House Amendment "A" (H-506) thereto in NON-CONCURRENCE** and sent for concurrence.

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-454) - Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To Change Certain Educational Requirements and Make Title Changes for Licensed Social Workers"

(H.P. 1162) (L.D. 1589)

TABLED - May 20, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-454) was READ** by the Clerk.

Representative **LAVERRIERE-BOUCHER** of Biddeford **PRESENTED House Amendment "A" (H-486) to Committee Amendment "A" (H-454)**, which was **READ** by the Clerk.

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

Representative **LAVERRIERE-BOUCHER**: Mr. Speaker, Men and Women of the House. In basic English my amendment makes DHS like all other agencies when it comes to the requirement of consultation and licensed social workers. My floor amendment removes all exemptions in the area of professional social work consultation for licensed social workers working for DHS. Let me define the word consultation. It is the weekly hour of professional guidance a social worker is required to receive to maintain their license according to the State of Maine Social Work Licensure Board. It is different than supervision given by a

supervisor. It is professional guidance. The amended LD 1589, as is, allows DHS to give their licensed social workers consultation that may not have a bachelor's degree in social work. However, all other Maine private agencies are required to provide consultation for their licensed social workers with the person who has a bachelor's in social work with two years experience.

I don't know about you, but I am tired of making special allowances for DHS to cut corners. Let us put a stop to these exceptions and let us require the same quality of professional consultation for DHS social work licensure as we do for all other licensed social workers in the State of Maine working at other agencies. Thank you.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. One of the difficult things about being a leader in any place or chair of a committee is when you have to speak against something that the person offering it is a good friend and a good colleague. Representative Laverriere-Boucher of Biddeford has put forth something that has come before our committee. This is a unanimous report out of the committee. We even formed a subcommittee because we felt it was so important to listen to all the sides. You have the social workers. You have the department. You have a shortage to look at. You have the employees so we actually formed a committee and a subcommittee. I was not on that subcommittee, but five people worked and came up with a compromise that at the time everybody was happy with. It appears it has sort of fallen through like many compromises do. I am asking you to support a unanimous committee report and not support this amendment. Thank you.

Representative **CLARK** of Millinocket moved that **House Amendment "A" (H-486) to Committee Amendment "A" (H-454) be INDEFINITELY POSTPONED.**

Representative **LAVERRIERE-BOUCHER** of Biddeford **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-486) to Committee Amendment "A" (H-454).**

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 Gray, Representative Austin.

Representative **AUSTIN**: Mr. Speaker, Colleagues of the House. In the early days of our Business, Research and Economic Development Committee as we were hearing several social worker bills, I made a very simple statement. I would like to see more client patient needs met on the front lines. If you address this amendment, then that, in fact, will not happen. As the good Representative from Biddeford has explained, our chair, it was a collaborative effort worked out among the many stakeholders to allow more social workers to work, to help our people and not less. At this time I feel confident that allowing these credentials and the ultimate licensing to go forward and that that will serve more of our people and the needs that they have. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-486) to Committee Amendment "A" (H-454). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 153

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Blanchette, Bliss, Bowen, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Carr, Churchill E, Clark, Clough, Collins, Courtney, Cowger,

Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dunlap, Duplessie, Duprey B, Duprey G, Finch, Fletcher, Glynn, Greeley, Heidrich, Hotham, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Landry, Ledwin, Lemoine, Lewin, Maietta, Makas, Marley, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Moore, Murphy, Muse, Norbert, Norton, O'Brien L, O'Neil, Pellon, Pineau, Rector, Richardson E, Richardson J, Richardson M, Rogers, Rosen, Sherman, Shields, Smith N, Snowe-Mello, Stone, Sullivan, Suslovic, Sykes, Thomas, Thompson, Tobin D, Trahan, Treadwell, Usher, Vaughan, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Bierman, Bowles, Brannigan, Breault, Canavan, Churchill J, Craven, Dudley, Earle, Eder, Faircloth, Fischer, Gagne-Friel, Grose, Hatch, Honey, Hutton, Jackson, Kane, Laverriere-Boucher, Lerman, Lessard, Lundeen, Mailhot, Marraché, McCormick, Moody, Nutting, Paradis, Patrick, Peavey-Haskell, Percy, Perry A, Pingree, Piotti, Sampson, Saviello, Simpson, Smith W, Sukeforth, Tobin J, Twomey, Walcott, Watson, Wheeler.

ABSENT - Dugay, Gerzofsky, Goodwin, Ketterer, Mills S, O'Brien J, Perry J, Rines, Tardy.

Yes, 97; No, 45; Absent, 9; Excused, 0.

97 having voted in the affirmative and 45 voted in the negative, with 9 being absent, and accordingly **House Amendment "A" (H-486) to Committee Amendment "A" (H-454) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (H-454) 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-454)** and sent for concurrence.

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

Bill "An Act to Amend the Membership of the Propane and Natural Gas Board"

(S.P. 49) (L.D. 126)

- In House, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-20) AS AMENDED BY HOUSE AMENDMENT "B" (H-120)** thereto on April 29, 2003.

- In Senate, Reports **READ** and the Bill **SUBSTITUTED** for the Reports and **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE.**

TABLED - May 21, 2003 (Till Later Today) by Representative **DUPLESSIE** of Westbrook.

PENDING - FURTHER CONSIDERATION.

On motion of Representative **SULLIVAN** of Biddeford, the House voted to **RECEDE.**

On further motion of the same Representative, **House Amendment "B" (H-120) to Committee Amendment "A" (S-20) was INDEFINITELY POSTPONED.**

On further motion of the same Representative, **Committee Amendment "A" (S-20) was INDEFINITELY POSTPONED.**

The same Representative **PRESENTED House Amendment "A" (H-503)** which was **READ** by the Clerk.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. This LD, LD 126, has more legislative mileage on it than probably all of our bills put together. It originally came to us in the form that I am going to ask you to accept tonight, but it is has had a subcommittee and we had a compromise. The compromise didn't work. It fell apart. The department didn't want something.

Let me tell you what this bill now does. At one time we were asked by organized labor to put a certified worker in propane type work on the regulating board. Because the department did not want to enlarge any boards, nor did the committee, quite frankly, we decided to pass it, but when the natural vacancy becomes open, it would be replaced with organized labor. That came out of committee and it came back here and to the Senate and somewhere along the line lots of people began to talk. The board regulates itself and raises its own fees and the propane industry and organized labor asked us to go back to the original place, the bill and to add the member without taking off the industry's member, propane.

The department agreed because they pay fees to cover their expenses. Both sides want to cover their expenses by this bill. What we have is a compromise of the interested parties that have asked us to now okay this bill with what they would like to see happen. My amendment puts an original fiscal note on it, not from the general fund, but from the fees that the regulating boards collect themselves. It is the request of propane. It is the request of organized labor that we accept this bill with the fiscal note we have now put on. They see it as being important. I would ask you to agree with what industry and organized labor have asked for us to work with them on. Thank you very much.

Subsequently, **House Amendment "A" (H-503)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-503)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

HOUSE DIVIDED REPORT - Majority (9) Ought Not to Pass - Minority (4) Ought to Pass - Committee on JUDICIARY on Bill "An Act To Amend the Abortion Reporting Laws To Eliminate Immunity for a Physician Who Reports Data on an Abortion"

(H.P. 242) (L.D. 299)

TABLED - May 20, 2003 (Till Later Today) by Representative **NORBERT** of Portland.

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

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

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 154

YEA - Annis, Ash, Barstow, Bennett, Blanchette, Bliss, Bowen, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Bunker, Campbell, Canavan, Churchill E, Churchill J, Collins, Cowger, Craven, Cummings, Daigle, Dudley, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Greeley, Grose, Hotham, Jacobsen, Jodrey, Kaelin, Kane,

Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Brien L, Pellon, Percy, Perry A, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rosen, Sampson, Saviello, Shields, Simpson, Smith N, Sukeforth, Sullivan, Suslovic, Sykes, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Austin, Berry, Berube, Bierman, Bowles, Bryant-Deschenes, Carr, Clark, Clough, Courtney, Cressey, Crosthwaite, Curley, Davis, Duprey B, Duprey G, Fletcher, Glynn, Heidrich, Honey, Jackson, Joy, Landry, Lundeen, Paradis, Patrick, Peavey-Haskell, Rogers, Snowe-Mello, Stone, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

ABSENT - Adams, Dugay, Goodwin, Hatch, Hutton, Jennings, Ketterer, Norton, O'Neil, Perry J, Pineau, Sherman, Smith W, Tardy, Wheeler.

Yes, 99; No, 37; Absent, 15; Excused, 0.

99 having voted in the affirmative and 37 voted in the negative, with 15 being absent, and accordingly the Majority **Ought Not to Pass Report was ACCEPTED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (9) Ought Not to Pass - Minority (4) Ought to Pass as Amended by Committee Amendment "A" (H-434) - Committee on JUDICIARY on Bill "An Act To Establish and Enforce Abortion Facility Safety Requirements"

(H.P. 804) (L.D. 1101)

TABLED - May 20, 2003 (Till Later Today) by Representative **NORBERT** of Portland.

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

The **SPEAKER**: The Chair recognizes the Representative from Baldwin, Representative **CRESSEY**.

Representative **CRESSEY**: Mr. Speaker, Ladies and Gentlemen of the House. I ask for a roll call. This bill is actually from my wife. It was my understanding when I submitted the bill last year that this had been brought up before so we pretty much adopted the language that was in there before. The perspective that we are coming from is, just a little background here, my wife is a former employee of Maine Medical Center. She is actually contemplating going back to work there. She worked in the surgery room. During surgery she would be present to deal with various things that needed to be cleaned up, removed or whatever the case may be. When my wife gave notification that she would be terminating employment with our newborn son to be able to take care of him, they offered her a lot of pretty good incentives, like a much larger pay. That was very encouraging for her. She did very good work. It was very rare that one of the patients that would be operated on, or whatever the case may be, would get any type of infection. In fact, as recent as last week, they had called back to ask her when is she coming back to resume her duties there? She is one of the few people that have a strong enough stomach, I certainly don't, to be able to be in an operating room, to clean up the mess that is left there and to ensure that the mandates that we probably have in place for a clean surgical room be maintained. They never had to reprimand

my wife, correct her or follow up on her when it came to cleaning such a room.

In the past, I think probably six years, my wife had two miscarriages. Both times she had gone to the same gynecologist that we have always had. The gynecologist is such a nice guy that I wish I could marry him myself. The second time that she miscarried, I was there both times with her dealing with what needed to be taken care of, there was a non-surgical room, a room that does not need to have the same type of cleanliness status as a surgical hospital room. That should not be the case. The second time my wife received a serious infection. I am certainly not an expert when it comes to cleaning. I am sure if she was here right now she would say, amen to that and rib me in the side for not being as clean as she is. Even I could tell that that room she was in to deal with the results of the miscarriage was not clean. You could see bodily fluids in certain areas that were not properly cleaned up. A janitor when cleaning the restroom or the hallway should not be able to use the same mop to clean those rooms as he would in a day surgery or a minor surgery room or a doctor's office. There certainly should be a much higher standard. This bill certainly seeks to do that.

Finally, Mr. Speaker, I would encourage you to vote against the pending motion of Ought Not to Pass and to go on and support this bill. Thank you.

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

Representative **BULL**: Mr. Speaker, Men and Women of the House. I urge you to support the bipartisan Ought Not to Pass Report on this bill. What we have before us is an excessive regulation. This bill would place undo burdens and standards upon facilities that provide abortions that are inconsistent with the risk of the procedures that are being performed there.

I want to read to you some highlights from the testimony from Dr. Dora Ann Mills. She is the director of the Bureau of Health in the Department of Human Services. She says, "This bill would place an undo burden on offices where abortions are performed. A burden that is not placed upon offices where medical procedures with similar risks are performed, for instance, doctor's offices that perform vasectomies, biopsies, circumcisions, oral surgeries, cataract surgeries or lens correction surgeries. None of these facilities have been required to meet these standards. The risks on those procedures are all very similar. If this bill passed, these facilities that provide these abortions would be required to get a certificate of need from the state. They would have to provide a full operating room, which would include cardiac defibrillation equipment. They would need to provide a separate recovery room and waiting area. It would be nearly impossible for the confidentiality of the abortion providers to be protected. The regulatory burdens required by this bill are unnecessary and appeared to only serve the purpose of inhibiting physicians from offering abortions to their patients."

I would ask you, ladies and gentlemen, to again join the majority members of this committee who saw this as an unnecessary regulation, unnecessary burden, placed upon these facilities. These facilities already have to meet certain health standards and these health standards are consistent and appropriate for the procedures being provided. Thank you Mr. Speaker.

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

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

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought

Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 155

YEA - Adams, Ash, Barstow, Bennett, Bierman, Blanchette, Bliss, Bowen, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Bunker, Campbell, Canavan, Churchill E, Churchill J, Collins, Courtney, Cowger, Craven, Cummings, Daigle, Dudley, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Greeley, Grose, Jacobsen, Jodrey, Kaelin, Kane, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Brien L, Pellon, Percy, Perry A, Pingree, Piotti, Rector, Richardson J, Rines, Rosen, Sampson, Saviello, Shields, Simpson, Smith N, Sukeforth, Sullivan, Suslovic, Sykes, Thomas, Thompson, Tobin D, Trahan, Twomey, Usher, Walcott, Watson, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bowles, Bryant-Deschenes, Carr, Clark, Clough, Cressey, Crosthwaite, Curley, Davis, Duprey B, Duprey G, Fletcher, Glynn, Heidrich, Honey, Hotham, Jackson, Joy, Landry, Lundeen, Paradis, Peavey-Haskell, Richardson E, Richardson M, Rogers, Sherman, Snowe-Mello, Stone, Tobin J, Treadwell, Vaughan, Young.

ABSENT - Dugay, Goodwin, Hatch, Hutton, Jennings, Ketterer, McGowan, Norton, O'Neil, Patrick, Perry J, Pineau, Smith W, Tardy, Wheeler.

Yes, 99; No, 37; Absent, 15; Excused, 0.

99 having voted in the affirmative and 37 voted in the negative, with 15 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass** - Committee on **JUDICIARY** on Bill "An Act To Protect the Mental Health of Women and Girls"

(H.P. 805) (L.D. 1102)

TABLED - May 20, 2003 (Till Later Today) by Representative NORBERT of Portland.

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

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

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

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 156

YEA - Adams, Ash, Barstow, Bennett, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Campbell, Canavan, Churchill E, Churchill J, Collins, Cowger, Craven, Cummings, Curley, Daigle, Dudley, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Greeley, Grose, Jacobsen, Jodrey, Kaelin, Kane, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McKenney,

McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Brien L, Pellon, Percy, Perry A, Pingree, Piotti, Rector, Richardson J, Richardson M, Rines, Rosen, Sampson, Saviello, Shields, Simpson, Smith N, Sukeforth, Sullivan, Suslovic, Sykes, Thomas, Thompson, Tobin D, Trahan, Twomey, Usher, Walcott, Watson, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bryant-Deschenes, Carr, Clark, Clough, Courtney, Cressey, Crosthwaite, Davis, Duprey B, Duprey G, Fletcher, Glynn, Heidrich, Honey, Hotham, Jackson, Joy, Lundeen, Paradis, Peavey-Haskell, Richardson E, Rogers, Sherman, Snowe-Mello, Stone, Tobin J, Treadwell, Vaughan, Young.

ABSENT - Bunker, Dugay, Goodwin, Hatch, Hutton, Jennings, Ketterer, Norton, O'Neil, Patrick, Perry J, Pineau, Smith W, Tardy, Wheeler.

Yes, 101; No, 35; Absent, 15; Excused, 0.

101 having voted in the affirmative and 35 voted in the negative, with 15 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-436)** - Committee on **JUDICIARY** on Bill "An Act To Amend the Laws Governing Abortion Reporting"

(H.P. 832) (L.D. 1129)

TABLED - May 20, 2003 (Till Later Today) by Representative NORBERT of Portland.

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

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative **DAVIS**: Mr. Speaker, Ladies and Gentlemen of the House. This is my bill, LD 1129. It is a fairly straightforward bill. What it does is this? It requires the full completion of abortion reports that are required for the Department of Human Services. It provides for the reporting by the department to the Board of Licensure in Medicine for every violation. It specifies certain information that must be completed on the form. I have done quite a bit of research on this and it is interesting. I spent almost an hour with the Revisor and it keeps doctor's immunity in tact. It also will not publish their names in the paper. There is a fine connected with it, but simply stated it asks if the abortion is in the first month, second month, third month, fourth month, fifth month and what procedure was used? Was it partial birth abortion or some other procedure?

It is interesting as I did this research to find out exactly what the state does and does not do. No physician, nurse or other person who refuses to perform or assist in the performance of an abortion shall be, because of their refusal, dismissed, suspended, demoted or otherwise prejudiced or damaged by the hospital health care facility. We already regulate abortion to a higher degree. Whenever an abortion procedure is a live birth, failure to take all responsible steps in keeping with good medical practice to preserve the life and health of the live born person should be subject to responsible party or parties to the Maine law governing homicide, manslaughter and civil liability for wrongful death and malpractice.

I could go on, but I am not going to read all this. It is very, very interesting reading. I invite you to go to the library and look it up. My bill only asks that they obey what is in state law to begin with, to report what happened, when it happened and how it happened. There is a fine connected with this if the physician does not do this. His or her names will not be in the paper, but, yes, eventually somebody could find out if you commit a crime. I urge you to really look at this and enforce what the state law is to begin with. State law says you must report this. Let's obey what we already have. Thank you very much.

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

Representative **NORBERT**: Mr. Speaker, Ladies and Gentlemen of the House. This bill is unnecessary. It would alter the current reporting laws regarding abortion statistics. We found that the rates of adequately completing these forms are excellent in this state. It is already being done. Ninety-five percent of the information requires that it be completed on time and submitted to the department. There is an even higher rate of return for these procedures. What you can find in this bill, despite the good Representative from Falmouth's efforts, is that if any mistake is made on a form by a doctor, the most common spaces that aren't filled out tend to be the patients marital status, their ancestry or the last grade they completed in school. If there is any mistake like that, then indeed as the Representative conceded, the physician's name can become public. That is what we are concerned about, danger to these physicians who already have been put at risk as we have seen from around the country. The rates of completing these forms are very good. The bill would place unnecessary penalties on physicians. We think adequate penalties already exist and current Maine law requires the department to ensure the confidentiality of the names of the abortion providers. We think this is very important. I do urge you to resist this bill and join with the majority of the committee in voting Ought Not to Pass. Thank you.

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

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

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

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 157

YEA - Adams, Ash, Barstow, Bennett, Blanchette, Bliss, Bowen, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Churchill J, Cowger, Craven, Cummings, Daigle, Dudley, Dunlap, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Greeley, Grose, Jodrey, Kaelin, Kane, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Brien L, Pellon, Percy, Perry A, Pingree, Piotti, Rector, Richardson E, Richardson J, Rines, Rosen, Sampson, Saviello, Shields, Simpson, Smith N, Smith W, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Tobin D, Treadwell, Twomey, Usher, Walcott, Watson, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowles, Carr, Churchill E, Clark, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Davis, Duprey B, Duprey G,

Fletcher, Glynn, Heidrich, Honey, Hotham, Jacobsen, Joy, Landry, Lundeen, Moody, Paradis, Peavey-Haskell, Richardson M, Rogers, Sherman, Snowe-Mello, Stone, Sykes, Tobin J, Trahan, Vaughan, Young.

ABSENT - Dugay, Duplessie, Gerzofsky, Goodwin, Hatch, Hutton, Jackson, Jennings, Ketterer, Norton, O'Neil, Patrick, Perry J, Pineau, Tardy, Wheeler.

Yes, 94; No, 41; Absent, 16; Excused, 0.

94 having voted in the affirmative and 41 voted in the negative, with 16 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-498)** - Committee on **JUDICIARY** on Bill "An Act To Require the Payment of Certain Costs Incurred by a Prevailing Party in Court Proceedings by or against Maine Revenue Services"

(H.P. 581) (L.D. 782)

Which was **TABLED** by Representative BULL of Freeport pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

REPORTS OF COMMITTEE

Divided Report

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

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

Signed:

Senator:

SHOREY of Washington

Representatives:

O'BRIEN of Lewiston

AUSTIN of Gray

BERUBE of Lisbon

JACOBSEN of Waterboro

RECTOR of Thomaston

ROGERS of Brewer

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

Signed:

Senators:

BROMLEY of Cumberland

HALL of Lincoln

Representatives:

SULLIVAN of Biddeford

DUPREY of Medway

PELLON of Machias

SMITH of Monmouth

READ.

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

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. This seems to be my day to talk about changes in things that have happened in the committee. We really do have a terrific committee. Because we have such a terrific committee, we continue to talk about things after. This was one that the Representative from Wayne, Representative McKee, had brought to us and at first in the hope that we would meet our deadlines that the presiding officers had given us, we rushed it more than we wanted to. Representative McKee is concerned about the giving of the social security number to anybody that asks for it to do business, be it a cell phone or going into to register for newspapers. After we put this report together, many of my members came to me and said that they had rethought about it and they would have been happy to come onto the other report. I think some of them will testify to that today or speak to that today.

I am asking that you pass what appears to be a Minority Report right now. It probably will make more sense to you as people speak. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Austin.

Representative AUSTIN: Mr. Speaker, Colleagues of the House. I rise on this issue to share that I had been part of the Ought Not to Pass vote, but due to information that has come across my desk since the committee voted, I, along with, I believe, some of the other committee members will be voting for the Ought to Pass as Amended. Thank you.

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

Representative O'BRIEN: Mr. Speaker, Men and Women of the House. I rise today to confess. I confess I had a senior moment, only one, and therefore, I would like to change my vote from Ought Not to Pass to Ought to Pass. Thank you very much.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. This is an important consumer protection bill. I am very pleased that the committee did give some additional serious consideration to the bill. As you have heard earlier this year, identity theft across the country is rampant. The federal trade commission reported that 43 percent of the complaints that it had received last year were due to identity theft problems. That amounted to 700,000 complaints. This is something we heard about even a few years ago. If, like me, you are being asked for social security number now in places where you never dreamed you would be asked for your social security number, you have a good reason to be alarmed.

First of all, 1974 we pass the National Privacy Act. In that act it said that your social security number was not to be used as an identification number and you weren't required to disclose it. There have been some amendments to that act and there have been some exemptions. That is why this bill says, except as otherwise stated in federal or state law, a business or entity may not deny you goods or services if you fail to disclose your social security number. We all know there are places where we have to. Financial institutions, if you are opening an account that is an

interest bearing account, you are going to have to give your social security number. You don't necessarily have to do it for a safe deposit box because there is no interest involved there, credit institutions, health insurance. Maine actually has a law that says that your social security number can't be posted on a credit card or a debit card, but it actually can be on a medical health card. I have some problems with that. You are walking around with your social security number on your Anthem card in some cases. That is kind of disturbing to me because someone could pick that up very easily. That is not what we are here to talk about.

We are here to talk about you as a consumer and I as a consumer going in to buy a cell phone and not being able to buy it unless we disclose our social security number. You can certainly do as I did, which is ask the cell phone company, what is the federal law or state law under which you are asking me that because that is what you are allowed to do and no one gets back to you. I say that I can take my business elsewhere, but that is not always the case if you live in rural Maine. As one constituent called and said, I wanted to buy oil. I couldn't buy oil without giving my social security number. It was the only game in town.

No business is prohibited from asking you for your social security number. Any business can do that. You and I are not required by state law or federal law to give it to anyone except those who have those exemptions. Those are some of the ones that I have said to you. Certainly there are state agencies, federal agencies, when you go for your driver's license or if you have a baby. The birth certificate will ask for your social security number. Obviously these are places where we have to give our social security number. Many people all across the country are concerned about this growing number of organizations who are now asking us for our social security numbers, even Weight Watchers, where do you go if you can't go to Weight Watchers? I guess you could go to Jenny Craig and maybe they ask for it too. Isn't that going too far?

Consumers are certainly right to worry and we certainly need better protection. This bill is a good beginning. There are 17 states across the country that have on the books laws regarding disclosure of social security numbers. Rhode Island in 1993 was the first state to do what I am hoping that we will do today, which is to set into statutes some protection of our privacy as consumers as we go to purchase goods. I think that is about all I need to say. I would encourage you to vote for the Minority Ought to Pass Report. Once again, thanks to the committee, they really had a tough schedule this session and register with me a strong vote for consumer protection and consumer privacy. Mr. Speaker, when the vote is taken, I would like to request a roll call. Thank you.

Representative McKEE of Wayne **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

ROLL CALL NO. 158

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Bierman, Blanchette, 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, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dudley, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Eder, Faircloth,

Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Goodwin, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Kane, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Maietta, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Stone, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Usher, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - NONE.

ABSENT - Bowen, Dugay, Ketterer, Lewin, Mailhot, McNeil, O'Neil, Perry J, Rector, Sukeforth.

Yes, 141; No, 0; Absent, 10; Excused, 0.

141 having voted in the affirmative and 0 voted in the negative, with 10 being absent, and accordingly the **Minority Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-218)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Friday, May 23, 2003.

CONSENT CALENDAR

First Day

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

(H.P. 1194) (L.D. 1616) Bill "An Act To Promote Stewardship of Forest Resources" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-512)**

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

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

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 Not to Pass** on Bill "An Act To Prohibit a Maine Clean Election Act Candidate from Running for More than One Office"

(H.P. 818) (L.D. 1115)

Signed:

Senators:

LEMONT of York
MAYO of Sagadahoc
GAGNON of Kennebec

Representatives:

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

CANAVAN of Waterville
 JENNINGS of Leeds

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

Signed:

Representative:

LANDRY of Sanford

READ.

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

REPORTS OF COMMITTEE

Ought to Pass

Report of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce the Health Risks Associated with Latex Gloves"

(S.P. 262) (L.D. 767)

Reporting **Ought to Pass.**

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-177) AS AMENDED BY SENATE AMENDMENT "A" (S-225)** thereto.

Report was **READ** and **ACCEPTED.** The Bill **READ ONCE. COMMITTEE AMENDMENT "A" (S-177) READ** by the Clerk. **SENATE AMENDMENT "A" (S-225) TO COMMITTEE AMENDMENT "A" (S-177) READ** by the Clerk and **ADOPTED. COMMITTEE AMENDMENT "A" (S-177) AS AMENDED BY SENATE AMENDMENT** thereto **ADOPTED.**

The Bill was assigned for **SECOND READING** Friday, May 23, 2003.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Amend the Abortion Consent Laws"

(S.P. 277) (L.D. 798)

Signed:

Senators:

PENDLETON of Cumberland
 CATHCART of Penobscot

Representatives:

NORBERT of Portland
 BULL of Freeport
 SIMPSON of Auburn
 RICHARDSON of Brunswick
 MILLS of Farmington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-194)** on same Bill.

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

BENNETT of Caribou
 SHERMAN of Hodgdon
 CARR of Lincoln
 DUPREY of Hampden
 BRYANT-DESCHENES of Turner

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

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

Representative NORBERT of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **SNOWE-MELLO:** Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition to the Ought Not to Pass motion on LD 798. LD 798 proposes to amend existing law. I have distributed copies of the current law to each one of you today and it should be on your desk.

This bill simply amends the law to add information regarding the risks associated with abortion that presently women are not getting. It allows for the woman to be given a brochure of the risks of abortion, to take the brochure home and reflect on the important decision and come back in 24 hours. This follows similar legislation that was enacted recently in regards to the dentist giving us a brochure of the risks of having a tooth filled and possible allergic reactions.

Hopefully everyone has received this handout. The brochure is given to the woman by a social worker, a nurse or a physician's assistant. All this is is trusting woman with the information they need to make an educated decision about what is the right choice for them. This amendment does not remove choice.

The amendment also allows for the woman to be provided with the name of the doctor who will be performing the procedure. Some would claim that this bill is unnecessary because current law provides that woman receive some information about the procedure. However, eight women testified at the public hearing that the information they were given before their abortion was very, very limited. There were numbers from seven OB/GYN RN's from the Maine Medical Center that related to this fact. These nurses stated that they are very concerned that women are not being adequately informed.

There are 21 states that already have this legislation in place with others soon to follow. The good Senator from the other body has a volume of these many laws on her desk. At the hearing we had an actress, Charnette Messe, and her husband is a medical doctor, Tom Messe, who came all the way from Connecticut to testify of Charnette's personal struggle after having an abortion. She had an abortion at age 20, breast cancer at age 30. The day after she was diagnosed with cancer, she discovered she was pregnant. She gave birth prematurely to a beautiful son who is now six-months old. Charnette has been on Oprah, on the cover of leading medical magazines and has a full-page photo in Rosie Magazine. I guess she did well for herself. She and her husband have definitively found a proven link of the abortion, breast cancer and her premature birth. They submitted the prestigious document called "The Elliot Report" that was compiled by the leading OB/GYNs, psychiatrists and psychologists in this country. There are at least 25 births recorded in this document. Among them are, breast cancer, premature birth, sterility, compromised cervix, death, deep depression, grieving and suicide.

The hearing law professor, Dwight Duncan, a graduate of Harvard University testified of the constitutionality of the amendment LD 798.

Also, a very convincing group came forward and testified at the hearing. Feminists for Life gave their very compelling testimony of their stand on the effects of abortion on women.

This issue crosses party lines. People on both sides of the aisle stand together in a concerted effort to see that women of Maine receive the necessary information needed to make an educated, informed decision.

If we truly care about women, why would we not choose to give them all the information needed to help them with this important decision?

This legislation has been brought forward because women have decided to be silent no more. Maine women deserve better. Once again, I urge you to please vote against the pending motion so that we can go on to the Ought to Pass report. Thank you very much.

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

Representative **PARADIS**: Mr. Speaker, Men and Women of the House. I feel I must first establish a few facts and dispel a few myths. The first misconception, no pun intended, is that all Democrats are all pro choice or pro abortion and that all Republicans are pro life. As my good friend has just said, it crosses party lines. Right now, oddly enough, the only pro life member in our Congressional Delegation is Mike Michaud, a Democrat. The second fallacy is that pro choice means pro abortion. That is false. When I was teaching English at Madawaska High School not too long ago, invariably a debate would arise on this very personal issue. The boys tended to stay out of this one. Many girls started off stating firmly that they were pro choice. However, the more they talked, the more it became clear that they were, in fact, very pro life. They were committed to life from conception to the grave. Fellow legislators, there is a large middle group between the polarized factions of pro life and pro choice. It is a group that strongly believes in making the choice for life. Right now in Massachusetts both sides have come together and are discussing common grounds and making considerable progress. Right here in Maine in the last Legislature the referendum on end of life policies, both sides got together and arrived at a very reasonable and workable compromise.

Men and women of the House, LD 798 speaks to this middle group working through the legal framework of Roe v. Wade and subsequent court rulings to achieve the real goal of the large majority of women and men and that is to reduce the number of abortions and to promote life. Life, what a beautiful choice. Life, the first and most important of our inalienable rights. I strongly believe that LD 798 would help pregnant women very often scared teenagers avert making a bad decision that would haunt them for the rest of their lives. Many years ago the Aroostook County Democrats, yes, Democrats, sponsored a pro life booth at the Northern Maine Fair at Presque Isle. My wife and I had the opportunity to man this informational booth. I will never forget the many young people that broke up into tears when they realized what they had done to their unborn child. I refuse to use the word fetus. A child in waiting is a much more appropriate name. It is one that accepts the fact that this little breathing, eating, reacting being is crying out for recognition and respect, anticipating the day when he or she will be born into the hands of loving parents.

Our present laws are fraught with contradictions as evidence with the Scott Pederson case. He is charged with double murder, that of his wife Lacy and that of his unborn son. Sorry, we cannot have it both ways. LD 798 is a sensible bill that can prevent unforeseen consequences both physical and psychological. The testimony referred to by the previous speaker at the Civic Center was most compelling.

The great American playwright, Thornton Wilder, in his play, "Our Town" characterized, and I paraphrase here, "Pregnancy is nature's attempt to improve the human race. Often we attempt to forget that basic tenant, too caught up in a legalistic morass to think straight and to make the best decision." LD 798 is one bill

that Wilder would support. Informal consent is not too much to ask for the most important, the most mysterious, the most awesome first stage of human life and personhood and pregnancy. There very well might be a future researcher, a future doctor who will make a dramatic breakthrough that will benefit all of human kind. This bill takes the probability of this to a very distant possibility. I truly believe that a meditation period and full information within the framework of existing law. This is not out to ban or overturn Roe v. Wade. This will achieve a common goal, reduction of abortions. We can make history here today by agreeing in true bipartisanship that mutual respect, to promote life and to give those babies in waiting the opportunity to join this human race and help us better it, just as our own parents did for us. It is by giving life that we truly live to the fullest. Vote in opposition, please, to the pending motion. Thank you.

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

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. Some in this chamber and in the halls have expressed to me their surprise that I am a cosponsor of this bill entitled informed consent for abortion. This will be the first of today's abortion bills that I will have supported. I don't see this as a choice bill or a pro life bill. I do appreciate the information given to me by supporters or non-supporters of this bill and lobbyists in the hall. I have listened to them and I have taken their information and I appreciate it, but I keep coming back to my own original thoughts.

I don't understand. Why is this bill so onerous? I really don't understand that. I do not follow the argument through that this will ultimately outlaw abortion. I feel that at the expense of the unrealistic, in my view, fear that we are chipping away at women's rights, we are forgetting the women of today. We have held in this chamber and in the other chamber and in committee rooms lengthy, sometimes contentious, discussions in the four terms that I have served here on whether mental health is on par with physical health. I believe we have finally realized that, of course, it is. This view has come about through the tireless efforts of advocates such as Representative Dudley and others in this chamber. I can say without question, had I had an abortion in my younger days without the measures afforded in this bill, my mental health for many, many years to come be in question.

If I may quickly list some components of the bill, some have been listed earlier. There have been many, many pieces of paper coming on our desks fast and furiously. I would just like to maybe pose rhetorical questions about what this bill does and does not do. One of the components requires a brochure developed by the Bureau of Health that lists the risks of abortion and childbirth. In one of the Maine Choice Coalition's handout it calls this biased counseling and endangers women. I seriously don't make that connection. It also talks about the fact that the written brochure must be given and the woman must have 24 hours after having in hand the information on the risks involved, childbirth and abortion, the gestational age and development of a fetus. The woman goes away and in 24 hours later she comes back if she decides to go along with this. I don't understand how that endangers or is in any way jeopardizing the lives, physical and mental, of our women.

We all have strong personal opinions regarding abortion. However, this to me is simple, it is moderate and it does protect the physical and mental health of our women and girls. I urge you to defeat the Majority Ought Not to Pass Report so that we can go on to accept the bill. Thank you.

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

Representative NORBERT: Mr. Speaker, Ladies and Gentlemen of the House. The majority of the committee felt this was unnecessary and that the pamphlet that would flow from it would be ill advised or inaccurate. This will be the fifth time in the past 10 years that the Maine Legislature has been asked to consider waiting periods. We have rejected them all of the previous times. I hope we will tonight. I am sure the majority of this chamber has its mind made up already. For those of you who may think that this is an innocuous piece of legislation, I am speaking tonight to try and persuade you that it is not.

I oppose the bill for several reasons. The first, it is unnecessary. In effect, given the rural nature of our state and the lack of services in many areas and the fact that appointments must be made well in advance for doctors, there is already, in effect, a 24-hour waiting period. Most people have to make appointments well in advance. Also, we have a very good informed consent law on the books that we can be proud of. We have been a model state. It was the result of a bipartisan interest from both sides of the issue that we came up with an informed consent law that requires our doctors to review risks with women considering this procedure, to review the medical risks, to go over it in writing and to provide, when requested, options for counseling, clergy or consultation.

The pamphlet that would be produced by the Bureau of Health is problematic, mostly because it overstates the risks associated with this procedure, which, surprisingly, is one of the safest of all surgical procedures. The fact that, unlike other procedures where waiting might not be a problem, when you put off waiting for a procedure such as this, complications can arise. It can endanger the health of women.

The pamphlet that would be distributed that would cost \$20,000 or so would list a variety of risks either are not truly related to this procedure or are overstated. It also talks about psychological risks, alienation and anger, which haven't been medically linked to this procedure, ladies and gentlemen, and maybe that is why the medical community is in such opposition to this. I think the other main reason the medical community is in opposition to this is because the bill doesn't trust our doctors. I believe we should put our trust in our Maine women to make the right decisions and in our Maine doctors who are ethical, who have sworn to take oaths, who have cannons which govern their behavior and who are regulated by this informed consent law. We need not interfere with the patient/doctor relationship. We should trust it. These conversations are occurring. This pamphlet is unnecessary. As I said, it overstates the risks of the procedure.

Waiting for women can be expensive and unnecessary and also demeaning. I think what upsets me most about this bill is it assumes that our women are not intelligent enough to make these decisions in their own time and in their own way. As I said, it does not trust our doctors, I believe, to do the right thing. Waiting periods can put women's health at risk. They certainly can have a negative affect on low-income women. They would have to make a couple of trips or stay over for such a procedure. As I said, they can be dangerous.

Counseling that could occur from this pamphlet, if you don't consider it biased, it certainly is not necessarily accurate or medically proven. I urge you to join with the majority of the committee to put our trust in Maine women and the medical professionals of this state and reject this bill.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House. I attended the hearings, LD 798, and I will speak

very briefly. I will never forget one woman who came up. She was 40 years old. She was one of the most beautiful women I have ever seen. She came up and said that she had had an abortion at 15 years old. She had never married and never had another child. If you could see the tragic look on her face as she walked out of the hearing, I think the damage and the risk was psychological to her heart and to her soul. I just feel like, what is the harm of waiting 24 hours. I disagree with my friend from Portland, Representative Norbert. This is the damage to them, the internal damage to their heart, their soul and to their future.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative DUPREY: Mr. Speaker, Men and Women of the House. I rise today to oppose the current motion and to support the bipartisan, 7 to 6 Minority Ought to Pass Report. I would like to take a couple minutes today to tell you why I think this bill deserves passage. I have learned a lot in the last three years I have been here. In the last term I wasn't very effective. I gave floor speeches that were a little too passionate and emotional. I am sure nobody listened to them. I am sure everybody agrees with me. Over the last year something has changed in me. As I have watched people, I have grown to respect this chamber while giving passionate floor speeches on gun control and domestic violence and environmental issues and labor issues. I have come to the realization that we all have issues which we are passionate about and we can have open and honest debates. People do listen. That is what we are here for, to listen. Hearts do change, minds to change. I have changed my mind on some things. I was speaking to a Democrat friend of mine one day last session and we started talking about the abortion issue. He told me that he personally opposed abortion, but does support a woman's right to choose. He told me something that made me rethink the way I think about you on the other side of this issue. He told me pro-choice does not mean pro-abortion. That has resonated with me over the past year. Pro-choice does not mean pro-abortion. There are many of you who I am sure feel the same way, that pro-choice does not mean pro-abortion. If we are truly pro-choice and not abortion, let me give you a few reasons why you should support LD 798 as amended.

The goal of any pro-choice person should be a reduced amount of abortions. That should be our goal, to reduce as many as you can while still keeping access to abortion available. If you are pro-choice and not pro-abortion, you should be pleased with the number of abortions that have gone down quite a bit over the last few years. The only people upset that the numbers of abortions are sharply down are the industries that profit from abortions, many of whom have paid lobbyists roaming these halls. These people are pro-abortion, not pro-choice.

I want to make sure that a woman has every choice available to her to make sure that she is fully informed prior to making that decision, which is permanent and cannot be undone. I would like to do everything legally in my power to help her choose an alternative to abortion and make sure that if she does choose to abort, she knows exactly what she is doing and the consequences to that action.

The bill does a few things, first it enacts a 24-hour waiting period prior to an abortion. I have heard for years that we should enact a 24-hour waiting period before you purchase a handgun. I have heard a cooling off period. It was a cooling off period to prevent somebody from buying a handgun and just going out and killing someone. I have heard debate that if it would only save one life, it would be worth it. I am not here to debate gun control, but what is the harm of making sure that during the 24-hour waiting period the woman has the chance to reaffirm that

decision that cannot be changed. If she does change her mind and chooses not to abort, ask yourself this question, is it a good thing or a bad thing?

Lastly, this bill mandates that DHS prepare a brochure to be given to a woman 24 hours prior to the procedure, describes the procedure and the risk, but also the risk of carrying the baby to term. Most people don't realize that there is a ten times greater risk of dying if you deliver the baby and go to full term than if you have an abortion. Woman should know that fact. Also, to talk about some of the information that the Representative from Portland, Representative Norbert, talked about. He was talking about this brochure being inadequate. It hasn't been developed yet. Since the Bureau of Health opposes this bill, I am sure that the Bureau of Health would make sure that it would be medically accurate if they were the ones tasked with developing it. I am almost positive that they would make sure it was medically accurate.

This session I saw something remarkable. Normally most people on gun control issues dig their heels in and refuse to budge on gun issues, even in such matters as domestic violence. This session the AG's Office got together with NRA, SAM and other pro and anti-gun groups and hammered out a reasonable compromise on a domestic violence gun control bill. That compromise I was proud to vote for in committee to help get a unanimous report. It shows you that opposing sides can work together to pass good legislation. If both sides on the abortion issue were to get together to hammer out a good piece of legislation, then LD 798 would be it. It keeps abortion perfectly legal and accessible, but on the other hand it empowers women to make informed choices. Knowledge is power. Why should we be afraid of women having knowledge?

One final thought and I will sit down. If this bill were to pass, and there were a couple of women to reconsider their decisions to abort and they gave birth to a beautiful boy or a girl, would these women be upset with us for giving us time to rethink their decision. Thank you Mr. Speaker. I request the yeas and nays.

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

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

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

Representative **SIMPSON**: Mr. Speaker, Men and Women of the House. I just want to answer one small point on whether or not this is good. The good Representative from Hampden said there could be bills that would do some good around abortion. We do have statistics from other states that have these mandatory waiting periods. The State of Mississippi is very similar to Maine. It is very rural and not very well off. When they adopted mandatory 24 hour waiting periods there was no decrease in the number of abortions, but there was a 17 percent increase in second trimester abortions, which are much more dangerous to women. I would urge you to please consider that before voting and follow the Majority Ought Not to Pass Report. Thank you.

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

Representative **MILLS**: Mr. Speaker, Men and Women of the House. Please allow me to put a little footnote to this interesting discussion. Fourteen years ago this issue was far more contentious than it is today. It resembles, in some respects, some of the other policy issues that have burdened legislative chambers in years past, slavery in the mid part of the 19th Century, prohibition in Maine was debated year after year after

year at great length. It seems to have died down in due course. This issue, however, in my own memory, reached its peak of contention around 1989 and the Judiciary Committee of that year focused down hard on it and decided to prepare a bill, a piece of legislation, that would put the issue as best they could to rest for a long time. They managed to craft an 8,000-word piece of legislation that is currently state law. It came out of the Judiciary Committee with a 12 to 1 vote. I well remember when I was here in my first term in 1995 when these issues were presented over in the Civic Center to the Judiciary Committee, the chairs of that committee came down together in tandem. They took the microphone together and told us the story of all the work that they put into crafting this bill that we now have as part of our Maine law. The committee report was 12 to 1 in favor and Representative Pat Paradis had been the one who held out and voted against it. He wanted to say in 1995 that he had changed his mind and he was coming down six years late in order to generate a unanimous report behind the fine work of that committee that they so fondly remembered in 1989. It resembled in some respect the work that was just described by the good Representative from Hampden, Representative Duprey, on the issue of gun control in this Legislature. The issue then was, I believe, bigger. The bill was far more comprehensive and it is a law that you can read for yourself. It is about 8,000 words. It occupies 10 or 15 pages of our current statutes. It deals with immunities, employment protection, discrimination for refusal, the sale or use of fetuses, parental notification and informed consent and many, many other issues that surround this contentious discussion.

This statute has worked well. The number of abortions has gone down steadily year after year for a host of reasons, not the least of which is the statute that we have in place. I think we should leave the statute in its current form and give honor and recognition to the fine work of that Judiciary Committee 14 years ago.

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

Representative **MARRACHE**: Mr. Speaker, Men and Women of the House. I stand before you as a physician and legislator, but I have wanted to ask anybody here, have you ever talked to a woman contemplating abortion? I have. It doesn't happen like that. They think long and hard. They agonize and they come to you with a decision usually made in their mind and they are asking you for information and help. I am a physician, actually, that doesn't believe in abortion, although I believe in choice. I have had to deal with my own ethical issues around this. Talking with women who have to deal with this decision, which is one of the biggest decisions of their life, if they say they still want to go through with it and I have given them all the information they need, you know what, we don't need to be making them wait another 24 hours and agonizing on whether this decision was the right one. They have gone through it. They have agonized long enough. We don't need to be putting them through it any longer. Besides, they are not going to have a midnight abortion. They are going to have to schedule an appointment and get it settled. Please do not change what is currently in operation right now. It appears to be working well. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 159

YEA - Adams, Barstow, Blanchette, Bliss, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Campbell, Canavan, Churchill J, Cowger, Craven, Cummings, Daigle, Dudley,

Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Greeley, Grose, Hatch, Hutton, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McKenney, McLaughlin, Mills J, Mills S, Moore, Murphy, Muse, Norbert, Norton, Nutting, O'Brien L, Pellon, Percy, Perry A, Pingree, Piotti, Richardson J, Rines, Rogers, Rosen, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Tobin D, Twomey, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Andrews, Annis, Austin, Bennett, Berry, Berube, Bowles, Bryant-Deschenes, Bunker, Carr, Churchill E, Clark, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Davis, Dunlap, Duprey B, Duprey G, Fletcher, Glynn, Heidrich, Honey, Hotham, Jackson, Joy, Landry, Lundeen, Millett, Moody, O'Brien J, Paradis, Patrick, Peavey-Haskell, Pineau, Richardson E, Richardson M, Sampson, Sherman, Shields, Snowe-Mello, Stone, Sykes, Tardy, Tobin J, Trahan, Treadwell, Usher, Vaughan, Wotton, Young.

ABSENT - Ash, Bierman, Bowen, Dugay, Goodwin, Ketterer, McNeil, O'Neil, Perry J, Rector, Sukeforth.

Yes, 86; No, 54; Absent, 11; Excused, 0.

86 having voted in the affirmative and 54 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

On motion of Representative PERCY of Phippsburg, the House adjourned at 5:46 p.m., until 9:00 a.m., Friday, May 23, 2003 in honor and lasting tribute to Anthony P. "Tony" Notis, of South Portland.