

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-First Legislature
State of Maine

Volume I

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ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
FIRST REGULAR SESSION
58th Legislative Day
Friday, May 23, 2003

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

Prayer by Reverend Richard A. Bamforth, Augusta (retired).
Pledge of Allegiance.

At this point, the Members of the House stood and joined in a moment of silence in honor and lasting tribute to the Honorable Joseph W. Mayo, of Augusta.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (S.P. 573)

**STATE OF MAINE
121ST MAINE LEGISLATURE**

May 21, 2003

Sen. Peggy A. Pendleton
Senate Chair, Joint Standing Committee on
Judiciary

Rep. William S. Norbert
House Chair, Joint Standing Committee on
Judiciary

121st Legislature
Augusta, ME 04333

Dear Senator Pendleton and Representative Norbert:

Please be advised that Governor John E. Baldacci has nominated Charles C. LaVerdiere of Wilton for appointment as a District Court Judge.

Pursuant to Title 4, M.R.S.A. §157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett
President of the Senate
S/Patrick Colwell
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **JUDICIARY**.

READ and **REFERRED** to the Committee on **JUDICIARY** in concurrence.

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 30)

ORDERED, that Representative Joseph C. Brannigan of Portland be excused Thursday, May 15th and Friday, May 16th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas D. Bull of Freeport be excused Thursday, May 15th and Friday, May 16th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Brian M. Duprey of Hampden be excused Monday, May 19th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Lawrence E. Jacobsen of Waterboro be excused Monday, May 19th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Henry L. Joy of Crystal be excused Thursday, May 15th and Friday, May 16th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Louis B. Maietta, Jr. of South Portland be excused Thursday, May 15th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lisa T. Marraché of Waterville be excused Monday, May 5th, Tuesday, May 6th, Wednesday, May 7th, Thursday, May 8th and Friday, May 9th for personal reasons and Wednesday, May 14th, Thursday, May 15th and Friday, May 16th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Julie Ann O'Brien of Augusta be excused Thursday, May 15th and Friday, May 16th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lillian LaFontaine O'Brien of Lewiston be excused Friday, May 16th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Edward Pellon of Machias be excused Thursday, May 15th and Friday, May 16th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas F. Shields of Auburn be excused Friday, May 16th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative James H. Tobin, Jr. of Dexter be excused Friday, May 16th for health reasons.

READ and **PASSED**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Margaret Merrill, of Dayton, who is the recipient of the 2002 Presidential Award for Excellence in Mathematics and Science Teaching. Ms. Merrill teaches at the Plummer-Motz Elementary School in Falmouth. We extend our congratulations to Ms. Merrill on her receiving this recognition;

(HLS 615)

Presented by Representative LORING of the Penobscot Nation. Cosponsored by Senator PENDLETON of Cumberland, Representative O'NEIL of Saco, Representative DAVIS of Falmouth, Senator BRENNAN of Cumberland.

On **OBJECTION** of Representative LORING of the Penobscot Nation, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative LORING: Mr. Speaker, Men and Women of the House. It is my honor to rise in recognition of Margaret Merrill, who is Maine's recipient of the 2002 Presidential Award for Excellence in Math and Science Teaching. Margaret is a teacher at Plummer Motz Elementary School in Falmouth. She has taught there for the past five years. Margaret is a volunteer at Marine Animal Life in Westbrook and a board member of the Gulf of Maine. She has an interest in marine mammal life and science and combined that interest into a two-year teaching unit for her class. She received the presidential award for her two-year unit of study on marine ecology in the Gulf of Maine. She taught third grade and taught the same students through the fourth grade. Part of the two-year teaching unit was focused on fund raising to support one seal pup from rescue to rehab. This was a very expensive process. In two years time the students,

with the guidance and direction of their teacher, raised approximately \$4,400 to support the seal pup. They also learned about science and ecology relevant to the gulf of Maine.

The State of Maine is fortunate to have such an intelligent and imaginative teacher. I would like to add that Margaret is a personal friend of mine. She is also one of 28 teachers who will participate in the first Wabanaki history summer institute for teachers at the University of Maine at Orono. They will help create and define curriculum for teaching Maine history in 2004/2005. Margaret, the State of Maine and the Penobscot Nation thank you for your innovation and dedication to educating Maine students. It is teachers like you who make the difference.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-195)** on Bill "An Act To Amend the Animal Welfare Laws"

(S.P. 520) (L.D. 1545)

Signed:

Senators:

BRYANT of Oxford
KNEELAND of Aroostook
YOUNGBLOOD of Penobscot

Representatives:

McKEE of Wayne
LUNDEEN of Mars Hill
PINEAU of Jay
PIOTTI of Unity
SMITH of Monmouth
CARR of Lincoln
CHURCHILL of Orland
FLETCHER of Winslow
EDER of Portland

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

Signed:

Representative:

HONEY of Boothbay

Came from the Senate with the Minority **OUCHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

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

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

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-157)** on Bill "An Act To Amend the Membership of the Plumbers' Examining Board"

(S.P. 248) (L.D. 710)

Signed:

Senators:

BROMLEY of Cumberland
HALL of Lincoln

Representatives:

SULLIVAN of Biddeford
O'BRIEN of Lewiston

DUPREY of Medway
PELLON of Machias
SMITH of Monmouth
JACOBSEN of Waterboro

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

Signed:

Senator:

SHOREY of Washington

Representatives:

AUSTIN of Gray
BERUBE of Lisbon
RECTOR of Thomaston
ROGERS of Brewer

Came from the Senate with the Majority **OUCHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-157) AND SENATE AMENDMENT "A" (S-222).**

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (S-157)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 27, 2003.

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Provide Self-regulation for Registered Dental Hygienists"

(S.P. 460) (L.D. 1390)

Signed:

Senators:

HALL of Lincoln
SHOREY of Washington

Representatives:

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" (S-130)** on same Bill.

Signed:

Senator:

BROMLEY of Cumberland

Representatives:

SULLIVAN of Biddeford
O'BRIEN of Lewiston
DUPREY of Medway
PELLON of Machias
SMITH of Monmouth

Came from the Senate with the Minority **OUCHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-130).**

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (S-130)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 27, 2003.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-168)** on Bill "An Act To Require a Toll-free Telephone Number To Be Maintained by the Bureau of Unemployment Compensation" (EMERGENCY)

(S.P. 39) (L.D. 116)

Signed:

Senators:

EDMONDS of Cumberland

STANLEY of Penobscot

Representatives:

SMITH of Van Buren

CRESSEY of Baldwin

HUTTON of Bowdoinham

HATCH of Skowhegan

PATRICK of Rumford

JACKSON of Fort Kent

WATSON of Bath

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

Signed:

Senator:

BLAIS of Kennebec

Representatives:

TREADWELL of Carmel

HEIDRICH of Oxford

NUTTING of Oakland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-168)**.

READ.

Representative SMITH of Van Buren moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I think the body deserves an explanation of why we have a divided report on this bill. We have another item today, unfinished business number 13 on our calendar, LD 1552, which does exactly the same thing as this bill does. When we took the vote in committee, we voted this bill prior to LD 1552. The feeling of my caucus was the two bills do exactly the same thing and we didn't need it so we voted in opposition to this bill.

The 800 number that this will do is already included in LD 1552 and I assume this bill will actually serve no purpose if LD 1552, which was a unanimous report, I believe, out of the committee. That is the explanation that I had for the body.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. What this bill does is provide that there is a toll free telephone number available to persons who wish to claim unemployment benefits. This is an improvement that is much needed. It may be covered in other legislation to be considered later, but I think we need to pass this. If, in turn, it does become duplicated by the legislation, that can be taken care of at appropriations. I ask you to vote in favor of the pending motion.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

A vote of the House was taken. 68 voted in favor of the same and 56 against, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (S-168) was **READ** by the Clerk.

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **ADOPTION** of Committee Amendment "A" (S-168) and later today assigned.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-161)** on Bill "An Act To Prohibit the Use of Workers' Compensation Trust Funds for Political Contributions"

(S.P. 315) (L.D. 974)

Signed:

Senators:

EDMONDS of Cumberland

STANLEY of Penobscot

Representatives:

SMITH of Van Buren

HUTTON of Bowdoinham

HATCH of Skowhegan

PATRICK of Rumford

JACKSON of Fort Kent

WATSON of Bath

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

Signed:

Senator:

BLAIS of Kennebec

Representatives:

CRESSEY of Baldwin

HEIDRICH of Oxford

NUTTING of Oakland

TREADWELL of Carmel

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-161) AS AMENDED BY SENATE AMENDMENT "A" (S-213)** thereto.

READ.

Representative SMITH of Van Buren moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit Present-home Property Taxes

(H.P. 673) (L.D. 916)

Signed:

Senators:

STANLEY of Penobscot

STRIMLING of Cumberland

NASS of York

Representatives:

LEMOINE of Old Orchard Beach

McGOWAN of Pittsfield

SUSLOVIC of Portland

TARDY of Newport

McCORMICK of West Gardiner

SIMPSON of Auburn
CLOUGH of Scarborough
LERMAN of Augusta

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-516)** on same RESOLUTION.

Signed:
Representative:
COURTNEY of Sanford

READ.

On motion of Representative LEMOINE of Old Orchard Beach, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

**CONSENT CALENDAR
First Day**

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

(S.P. 558) (L.D. 1604) Bill "An Act To Expedite the Drilling of Private Drinking Water Wells" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-224)**

(H.P. 1100) (L.D. 1507) Bill "An Act To Clarify and Update the Laws Related to Health Insurance" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-515)**

(H.P. 1153) (L.D. 1580) Resolve, Regarding Legislative Review of Chapter 113: Rules and Regulations Governing the Licensing and Functioning of Assisted House Programs, a Major Substantive Rule of the Department of Human Services, Bureau of Elder and Adult Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-514)**

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

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

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

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

Bill "An Act To Reduce the Health Risks Associated with Latex Gloves"

(S.P. 262) (L.D. 767)
(S. "A" S-225 to C. "A" S-177)

House as Amended

Bill "An Act To Protect Consumer Privacy Rights"
(H.P. 509) (L.D. 692)
(C. "A" H-218)

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)
(C. "A" H-502)

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

Bill "An Act To Improve Enforcement of the State's Natural Resource Protection, Timber Theft and Trespass Laws"

(H.P. 1059) (L.D. 1447)
(H. "A" H-511 to C. "A" H-456)

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.**

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

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

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

ROLL CALL NO. 160

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Berry, Berube, Bierman, Blanchette, Bliss, Bowles, Brannigan, 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, Dudley, Dugay, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Kane, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills S, Moody, Moore, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Saviello, Sherman, Simpson, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Usher, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - NONE.

ABSENT - Bennett, Bowen, Breault, Davis, Gerzofsky, Goodwin, Hotham, Ketterer, Laverriere-Boucher, McGlocklin, Mills J, Perry J, Sampson, Shields, Sykes, Tardy.

Yes, 135; No, 0; Absent, 16; Excused, 0.

135 having voted in the affirmative and 0 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Bill "An Act To Amend the Laws Regarding Prisoner Participation in Public Works Projects"

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

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

On motion of Representative DUNLAP of Old Town, was **SET ASIDE**.

Representative BUNKER of Kossuth Township **PRESENTED House Amendment "A" (H-513)**, which was **READ** by the Clerk.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. As many of you know, this bill originally was an extension of a good works project that started with a sunset. We continued to sunset because it has proven great results across the state for all your sheriffs in keeping those folks that are incarcerated in doing good things for our public needs. The judiciary noticed that there was some income being generated here and felt rightfully so that if this certain income is being received by these prisoners, then some of it or all of it should be used to pay fines and restitution and all those other great things that these prisoners typically fail to pay for. That is what this amendment does. I would ask you to support this amendment.

House Amendment "A" (H-513) was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-513)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

UNFINISHED BUSINESS

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

Bill "An Act To Provide Collective Bargaining Rights to Certain Forest Products Workers"

(H.P. 972) (L.D. 1318)
(C. "A" H-440)

TABLED - May 21, 2003 by Representative BRUNO of Raymond. PENDING - PASSAGE TO BE ENGROSSED.

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

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

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. This bill we have already had a full debate on it. I just would like to emphasize the potential impact that this bill will have on the forest products industry in the State of Maine. Right now we have a mill in Millinocket that has gone through a change of ownership, bankruptcy. They laid off the entire work force. Some of them will be returning to work. We have another mill in Old Town that has laid off 300 workers. We have heard about the mill in Bucksport that is downsizing or has a major layoff pending. We have lost wood turning mills in North Anson, the Madison area. We can't afford to increase the cost of forest products any further. If we do, we may as well forget about those good paying jobs that everybody talks about here in Maine. This bill will increase the cost of the raw material that goes into those mills. There is no way to escape that. If the bill passes, that is going to be the result. I would ask you all to vote against the pending motion.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, what this bill does is give to the small

businesses, these wood harvesters and truckers who have made substantial investments in equipment, the right to be heard on the rates that they are going to be paid. There is nothing in here more than giving them the right to be heard. This is something these Maine citizens are entitled to have. Thank you and I hope you will vote for this.

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

Representative **FISCHER**: Mr. Speaker, Ladies and Gentlemen of the House. John Kennedy once said, "A journey of a thousand miles begins with a single step." Two days ago, 89 members of this body voted for this bill. Ladies and gentlemen of the House, I want to ask you, has the problem changed in the last 48 hours? I submit to you that it hasn't. I ask you, have the opponents of this bill offered one single solution, an alternative for us to vote for? I submit to you that they haven't. Ladies and gentlemen of the House, we admit that we are faced with a problem. I think everyone can admit that, even the folks in the hall today, can admit we are facing a serious problem. I ask you, let's continue on with the solution. We haven't been given anything else to do. Let's begin this journey and reaffirm our commitment to a solution that we have before us and let's let history record that at this time and in this place we dared to take this step, we dared to solve this problem and we dared to help these folks in the woods. Thank you Mr. Speaker.

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

Representative **CRESSEY**: Mr. Speaker, Ladies and Gentlemen of the House. The fundamental underlying problem that is before us has to do with NAFTA. Unfortunately there is nothing we can do concerning that unfair trade agreement that Congress had passed several years ago. Certainly we want to help and do what we can to benefit or assist those involved in the forest products business. However, if we pass this bill, it is not going to help these folks. All it is going to do is give the Canadians more money, more of our jobs. The mills will be bought out by more Canadians. We will lose more business. This will harm our forest products business people here in the State of Maine, our independent contractors and our independent loggers. It will not help them. It will harm them. If this bill passes, I can guarantee you will see more of these jobs go to the Canadians. They want us to pass this. Please vote no.

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

Representative **JACKSON**: Mr. Speaker, Men and Women of the House. I am a logger. I want this bill. We already had debate on this earlier on Tuesday. We had a vote of 89 to 51 on this. The day before we had a similar issue that was voted 110 to 27 not to allow the state to use Canadian loggers on their land. This is a similar issue, but not only is it Maine loggers, but it is landowners that have used the Canadians to drive wages down for over 40 years. If you can vote overwhelmingly to not allow the state to do that, how come you can't turn around and have these huge landowners do the same thing? We have had two extra days for you to be lobbied on this. Many of you have come up to me and said, I don't think I can support this now. How many of the pink messages have you gotten over these last two days?

You remember my friend, Ryan? Who lobbies for him? I had a friend that got struck in the back by a tree, laid there in the snow and decided that he was going to do whatever he could to live, because he had three sons. He will never walk again, but he decided right there that day that he was going to do whatever he could. Because of what some of the landowners did to him, the amount that he is going to get for the rest of his life was so low that he really couldn't even live. There are stories like that

everywhere. I could sit here and bore you to death with stories like this. Everyone knows there is a problem. You go out in the hall and hear, we know there is a problem, but it is going to affect to many things, it is too wide open. That doesn't make any sense at all. The potato farmers have almost this exact same thing. There isn't a farmer that got rich off this, but what he did get was a chance to at least make his case. We don't have that right now. It is a joke.

I would just like to tell you that a friend of mine told me when I got involved in this, they were here in the '80s arguing over some of these same issues. He said, "Troy, don't bother. If you are going to do this, it is going to make you old and frustrated." I want you to know that I felt that this week. This is not the end of the world like they are telling you out there. When you are out there, who lobbies for the logger? Who lobbies for the little man? I can tell you that I do. I think the rest of you were sent here for that same reason. I am not going to sit here and worry about my votes because of a handful of people that got a whole bunch of money to crucify and sit here scared to death because I won't vote for what they want. Please, find the intestinal fortitude to vote for something that will help a few people. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative **PATRICK**: Mr. Speaker, Men and Women of the House. I am just going to talk for a short time. The day of the committee hearing I kind of had a rare opportunity. I got to cast my vote in front of my employer. My employer is Mead Paper Company who I have sat with many times and talked about he costs of wood, raw materials and everything and they have explained to me many times how financially strapped aspects are of our industry. I ended up casting my vote against them. I believe in this bill and what it does. This bill gives companies, truckers, an opportunity to have one say per year at having an adjustment. I was chastised and my company brought forth many good points. I asked my company representative, how does my company treat its loggers, independent contractors, truckers, skidders and cutters? Like other paper industries in the state, Mead says, we treat them well. We really don't want to give them an opportunity to have one chance at maybe getting a small adjustment. This doesn't guarantee they will get an adjustment. It guarantees that once a year they will be heard. I am not scared to my company even though it has depressed times because my company has assured me that they treat their loggers well. Those that don't, landowners that have 170 percent profitability over the last 10 years, I think they should part with a little bit to just help these people instead of survive, to have a little bit extra for their families. I will support this bill. Like the good Representative from Presque Isle says, I don't think things have changed in the last two days. I will agree with him on this issue. Please continue to support this motion. Thank you.

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

Representative **PARADIS**: Mr. Speaker, Members of the House. In 1865, President Lincoln emancipated the slaves in this country. Presently we have another form of slavery and exploitation in northern Maine. A large company instead of a government, but same affect, total degradation and abuse. Please vote for the emancipation of our loggers in northern Maine. Thank you.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I am confused. I thought in America one of the laws that had been put into place was the right of people to

organize and collective bargain. We just put our men and women in harm's way in Iraq and this is a group of people that are asking for the permission to collective bargain. Most of you sitting here that have other lives, your organizations do one of two things. They either treat you really well so that no one needs a union organized or they have the right to petition and try to get 50 percent of their people to join a union. It is the workers way to be protected. This is America, people. They have the right to organize. Again and again and again they have fought for those rights, the rights of people. It starts out with the right to life, liberty and the pursuit of happiness. Those are reasons we come here, to give everyone an equal say. All this is asking is for the right of collective bargaining.

I am disappointed that we even have to debate this in 2003, the right to organize. I thought that was done by the federal government many years before. Thank you.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. The right to collectively bargain is usually given to employees. These are not employees. These are independent contractors and business people. They have the right to form an association and bargain for an association, not collectively bargain like a union.

The other factor here is, I may agree with the Representative from Fort Kent in his emotional argument about the problems they are having in a certain region in the state. The problem we are going to have is if we pass this bill, we are affecting the entire state. We are affecting an industry that employs thousands in this state and we are not sure exactly what the consequences will be. By helping a few people, you will hurt many and that is the problem with this bill. Thank you.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. This bill was designed specifically so that groups of your independent contractors, when I say independent contractors, that is just a term that is used. These people are totally dependent. Giving these dependent contractors the right to be able to be heard with regard to the rates that are being paid. It is specific as to landowner and it is specific as to region. A rate set for one group of workers in one area will not affect others. It doesn't affect those landowners that treat their contractors fairly from continuing with that practice. This is something that we need. It is going to bring help and better economic survival for those small businesses in Maine. I ask you to vote in favor of this.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. This is a bill, I believe, two days ago before the lobbyists invaded the hallways and started putting undo pressure on members, that we had taken the right vote. This is the people that are involved and their livelihood a chance to collectively bargain for a living wage. I guess I am a little bit of a disillusioned politician because Maine has a very, very active and very much used clean election campaign. I thought with the clean election campaigns that the unjust and overbearing lobbying would come to somewhat of a screeching halt out there. Believe me, it is not the lobbyists that are in the hallway nor is it the owner of the large lumber companies that elected you to represent the people in Maine. It is the every day voter that goes to the polls that depends on their livelihoods in woods in Maine. If you have to depend on the support of the lobbyists that are in our hall and you have to depend on the support of the money

from the big business people, then by all means continue to vote for them. Believe me, they are not the ones that walk into your polling place and say that I want you to represent me in Augusta. Clean election has taken this trump card away from them. Have the courage to say it. Say no thank you and I am going to vote for the people who sent me down here and that is little Jackie Smith that lives down the street that works in the woods and his family is eligible for food stamps. Thank you Mr. Speaker.

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

Representative MILLS: Mr. Speaker, Men and Women of the House. I personally don't think any of the lobbying on this issue has been unfair. I do think that the industry has raised some legitimate issues about the bill. I think it is a cumbersome bill. It is an awkward bill. It is an awkward remedy. I must confess that I don't know of an alternative remedy. I do want to say, however, that I am deeply sensitive to the problem and to the issue. I have lived in Maine almost all my life. I am almost 60 years old. I remember vividly people in the '40s and '50s cutting trees with crosscut saws and pulling it out with horses, cutting it into four foot lengths and peeling every piece and putting it in the back of a one-ton truck and driving it down to the mill where it was scaled by eye and paid for by the cord.

We have emerged through the development of the chainsaw, the two-man skidder crews that dominated the scene in the '50s, '60s and '70s. It had a major transformation in the '80s when, with the encouragement of the large landowners and the paper companies, they began to discharge people from direct employment and from union employment and began to encourage the development of independent contractors who were encouraged to go to banks and borrow not \$80,000 or \$100,000 for a skidder, but \$200,000 and \$300,000 for a forwarder and all of the very heavy machinery that is now necessary in order to remain competitive in the woods business.

Many of these people got over their heads and were encouraged to go over their heads. They took on loan payments. They were operating out of an area where all the lands surrounding them were owned by one or two owners. As they began working in the woods and there was price pressure put on the landowners for stumpage rates, that pressure was transmitted into these folks that had gotten themselves over extended on heavy machinery and they began to lose money. Many of them have failed and many of them are constantly in a recycling affair because of the dominance of a few landowners that own virtually all the land in the surrounding region where these folks live. When they have loan payments to make, they have to go out and cut wood at whatever price is dictated to them. They have that choice or they can go out of the business, go bankrupt and turn the machinery back into the bank. I have seen this cycle operate over and over. There are some very, very good landowners. I think Plum Creek and Mead are two that have a very solid reputation. They seem to pay a decent rate for stumpage. They bargain fairly with the people that cut their wood. There are others, however, very large owners, I will leave them unnamed for the purposes of this discussion, who have incurred a dreadful reputation in the north woods. They have squeezed every nickel they can out of small contractors and put people out of business and run them into the ground.

This bill, as I see it, is a fairly crude effort to rebalance that inequity in these large and vast forest lands that are now increasingly owned by fewer and fewer interests. I don't know if it will work. I think the major impact, in my belief, it will not raise the price that the paper companies will be paying for stumpage, because they simply won't raise the price. They are in an international, competitive market. The price that they will pay at

the scale is the same whether you have this bill or not. The issue will be, how much is the stumpage worth on the ground for these large landowners. I think that this bill, the overall economic impact of the bill will be to create a drop in the value, perhaps, of the land of some of these very large landowners, because it will mean that they can't remove wood from those lands without paying somewhat more for those who perform those services.

I think that the impact would be relatively well confined to the landowners who are targeted. My regret about this bill and the part that I don't like about it is that it will target some of the very good landowners that are in this 100,000-acre category along with those who have treated the state so dreadfully. I am deeply conflicted about whether to vote for this bill, but on balance and having slept on it, my inclination at present is to vote for it. Thank you.

Representative TRAHAN of Waldoboro asked leave of the House to be excused from voting on L.D. 1318 pursuant to House Rule 401.12.

The Chair granted the request.

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

Representative KAELIN: Mr. Speaker, Ladies and Gentlemen of the House. I feel the need to stand up today in opposition to the motion that is on the floor here, passage of this bill. It is not because I don't have tremendous respect for the Representative from Fort Kent and what he has attempted to do for the people that he works with in the region, the St. John Valley where he comes from. I have been an independent contractor in the seafood business as a commercial fisherman for many years. In my way of looking at things, there is no difference between the operation of those of us who run both as independent contractors and sell to buyers based on our own ability to negotiate prices as individual contractors. To me it is an absolute corollary between the two things. In terms of who we are going to stand up for on the floor of this House on this issue, I am standing up for the hundreds of people who work in Waldo County over in that mill in Bucksport and for the many people who cut wood in Waldo County and as far as pink slips go, I have not received one pink slip from one wood cutter in Waldo County, Maine, who is in support of this pending motion. It is because as independent contractors, they have successfully negotiated a fair wage for them to go into the woods and cut wood around the stumpage issues that Representative Mills just spoke about. I am going to stand up right now for all the people who work in that mill in Bucksport because I am convinced that the last thing that we should be doing here in this House is raising the costs of the raw material to our mills, sawmills and paper mills, in this state. As we all know, they are dangerously close to leaving this state. It is happening all over the State of Maine. These margins are razor thin. Just because they are a big company doesn't mean they are rich. They have deep pockets and we need them to bring the capital to this state so that we can operate. Individuals can't afford to run a paper mill. There is nothing wrong with being a big company. What is wrong is to come here and do things that will raise the costs to these businesses and these mills in this way. For that reason, I am standing up for my constituents in my county and vote for people who cut wood and who work in the mills who have not indicated to me that they support this bill. I will not today and I appreciate your vote against this too. Thank you very much Mr. Speaker.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House. I want to thank this body for its patience in listening to all these debates. There is one misconception that I

do want to clear up very, very quickly. This bill does provide in Section 1360 that this chapter does not prohibit the negotiation and execution of a contract between a forest landowner and an individual harvester that provides for payment of compensation rates other than those determined under this chapter, as long as there is no board determined rate. This does not stop those responsible companies who are treating their contractors fairly from continuing to do so.

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

Representative **RICHARDSON**: Mr. Speaker, Ladies and Gentlemen of the House. In my district we have paper companies. They provide 800 jobs, high paying, very desirable jobs. The name of that company is SAPPI. That stands for South African Paper Products Industry. They have a business to run that they want to make a profit on. They will pay the prices that they have to pay until it reaches the point where they can't make a profit. If this new bargaining group gets together, their objective is to raise the prices because they want to get more money themselves, obviously. However, there is an old saying, "Be careful what you wish for, because you may get it." If you get this type of thing going and the price of the product that goes into these mills is raised beyond the point where they can make a profit, those mills will leave. There is no question about it. Eight hundred people in my district might not be too darn happy to see that happen. In fact, I am sure they wouldn't be. You can be as down on big companies as you want to be. I hope there are a few people who work for that company that will vote for me. They won't vote for me if they are not there and they won't for us. They provide a lot of tax money. They pay 70 percent of the taxes in the Town of Skowhegan. I darn sure do not want to see them out of business just because we want a few people to be able to have a bargaining arrangement. I am pretty sure that if they want to get together as a logging association in their area, they can accomplish the same thing, but they might do themselves as much damage. Don't shoot yourself in the foot.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Mr. Speaker, Men and Women of the House. I am speaking in favor of this bill. I have mentioned before that before I was a farmer I was a forester and worked for a major landowner in this state. I use that perspective when considering what to do with this bill. It was said earlier in this conversation and this debate that we can't afford to increase the price of wood products. What we also can't afford is to lose this workforce as they continue to struggle to survive financially as has been mentioned earlier with hundreds of thousands of dollars of debt.

I wonder if those who are lobbying against this bill have truly studied it. The ones I have spoken to, most of them, won't even acknowledge that there is a problem. That doesn't seem to part of the debate here on this floor. There seems to be a sense that there is a problem. What we are debating is whether or not this is the mechanism to deal with that. I find that very assuring.

The good Representative from Cornville, Representative Mills, brings out a good point to the debate that I haven't heard prior. The cost of services that we are discussing, is not the only cost for the wood products delivered to the mills. Along with that is the value of the trees standing on the land of these major landowners. That is reflected in the cost and there is flexibility there to deal with this issue. This bill does not give money to the loggers and the truckers. What it does is offer a legitimate mechanism to balance the needs of the many loggers and truckers with the needs of the few large landowners, owners of 100,000 acres or more. This is about balance of power in

negotiations. It is similar to what we have worked with the potato farmers in northern Maine where you have many farmers and very few sources for selling the potatoes. We need balance and that is what this does. Thank you.

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

ROLL CALL NO. 161

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

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowles, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Duprey B, Fletcher, Glynn, Greeley, Heidrich, Honey, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lewin, Maietta, McCormick, McGowan, McKenney, McNeil, Millett, Moody, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Perry J, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Snowe-Mello, Stone, Tardy, Tobin D, Tobin J, Treadwell, Vaughan, Woodbury, Young.

ABSENT - Bowen, Breault, Davis, Hotham, Ketterer, Laverriere-Boucher, Mills J, Sampson, Shields, Sykes.

Yes, 80; No, 60; Absent, 10; Excused, 1.

80 having voted in the affirmative and 60 voted in the negative, with 10 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

ENACTORS

Emergency Measure

An Act Authorizing the Operation of Low-speed Vehicles on Certain Roads

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

(S. "A" S-173 to C. "A" H-357)

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. 119 voted in favor of the same and 4 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 Comply with Federal Election Laws Including the Help America Vote Act of 2002

(S.P. 492) (L.D. 1486)

(C. "A" S-178)

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 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 Create the Maine National Guard Education Assistance Program

(H.P. 1126) (L.D. 1533)
(C. "A" H-455)

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

Representative CLARK of Millinocket **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. 162

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

NAY - NONE.

ABSENT - Berry, Bowen, Breault, Bunker, Courtney, Daigle, Davis, Goodwin, Hotham, Jennings, Ketterer, Landry, Laverriere-Boucher, Lewin, Mailhot, Mills J, Sampson, Shields, Sykes, Watson.

Yes, 131; No, 0; Absent, 20; Excused, 0.

131 having voted in the affirmative and 0 voted in the negative, with 20 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Emergency Measure

An Act Regarding the Maine Military Authority and the Sale of the Fort Fairfield Armory

(S.P. 516) (L.D. 1537)
(C. "A" S-181)

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

ENACTED, signed by the Speaker and sent to the Senate.
ORDERED SENT FORTHWITH.

Emergency Measure

An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies, Limited Liability Partnerships and Marks

(H.P. 1128) (L.D. 1539)
(C. "A" H-419)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 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 Amend the Law Relating to Multiple-employer Welfare Arrangements

(S.P. 559) (L.D. 1605)

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 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 Amend the Charter of the Baileyville Utilities District

(H.P. 1182) (L.D. 1608)
(C. "A" H-424)

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. 125 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, To Study the Needs of Deaf and Hard-of-hearing Children and Adolescents

(S.P. 193) (L.D. 553)
(C. "A" S-182)

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

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

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health

(H.P. 1101) (L.D. 1508)
(C. "A" H-423)

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

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

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education

(H.P. 1122) (L.D. 1530)
(C. "A" H-453)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate. **ORDERED SENT FORTHWITH.**

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

Emergency Measure

Resolve, Regarding Legislative Review of Rules for the Audio Recording of Planned Interviews of Children, a Major Substantive Rule of the Department of Human Services

(H.P. 1157) (L.D. 1585)
(C. "A" H-477)

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. 117 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter 111, Section 97: Private Non-Medical Institutions and Appendices B, C, D, E and F, a Major Substantive Rule of the Department of Human Services

(H.P. 1158) (L.D. 1586)

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. 119 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter 11 and Chapter 111, Section 40, Home Health Services, a Major Substantive Rule of the Department of Human Services, Bureau of Medical Services

(H.P. 1161) (L.D. 1588)

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. 112 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Mandate

An Act To Ensure Basic Standards for Death Investigations by Law Enforcement Agencies

(H.P. 1053) (L.D. 1434)
(C. "A" H-474)

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. 113 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Mandate

An Act To Amend the Sex Offender Registration and Notification Laws

(H.P. 1107) (L.D. 1514)
(C. "A" H-420)

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. 121 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Mandate

An Act To Make Minor Changes to the Required Law Enforcement Policies

(S.P. 532) (L.D. 1573)
(C. "A" S-203)

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. 120 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

**Resolve Pursuant to the Constitution
Public Land**

Resolve, Conveying The State's Interest in a Parcel of Property Located in Orrington

(H.P. 1130) (L.D. 1541)
(C. "A" H-431)

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

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

**Resolve Pursuant to the Constitution
Public Land**

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands
(H.P. 1141) (L.D. 1558)
(C. "A" H-432)

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

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Acts

An Act to Keep Foster Children Safe and Healthy
(H.P. 63) (L.D. 55)
(H. "B" H-240 to C. "A" H-170)

An Act Regarding the Duties of a Personal Representative
(H.P. 102) (L.D. 93)
(C. "A" H-469)

An Act To Require That Disciplinary, Attendance and Health Records Be Included in the Records That Follow a Student Who Transfers to Another School
(S.P. 96) (L.D. 262)
(C. "A" S-189)

An Act To Require Use of United States Citizens for Work with the Bureau of Parks and Lands
(H.P. 227) (L.D. 284)
(C. "A" H-402)

An Act to Increase Courthouse Security
(S.P. 110) (L.D. 328)
(C. "A" S-215)

An Act to Encourage the Use of Generic Drugs
(S.P. 111) (L.D. 329)
(C. "A" S-191)

An Act to Expand Payment Options on Sales of Alcoholic Beverages by Licensees
(S.P. 151) (L.D. 433)
(C. "A" S-188)

An Act To Protect Health Care Practitioners Responding to Public Health Threats
(H.P. 623) (L.D. 846)
(C. "A" H-435)

An Act To Facilitate Communication between Prescribers and Dispensers of Prescription Medication
(H.P. 702) (L.D. 945)
(C. "A" H-457)

An Act To Provide the Office of the State Fire Marshal with Adequate Funding for Construction Plans Review
(H.P. 1028) (L.D. 1401)
(C. "A" H-472)

An Act To Facilitate the Implementation, Maintenance and Operation of the E-9-1-1 Emergency System
(H.P. 1042) (L.D. 1423)
(C. "A" H-451)

An Act To Clarify Immunity and Workers' Compensation for Search and Rescue Volunteers
(H.P. 1054) (L.D. 1435)
(C. "A" H-452)

An Act To Make Minor Substantive Changes to the Tax Laws
(H.P. 1075) (L.D. 1470)
(C. "A" H-421)

An Act To Extend Licensing Periods for Agencies Providing Mental Health Services
(S.P. 494) (L.D. 1488)
(C. "A" S-198)

An Act To Amend the Laws Relating to the Maine State Retirement System
(S.P. 501) (L.D. 1501)
(C. "A" S-179)

An Act To Make Technical Changes to the Laws Concerning Tobacco Manufacturers
(H.P. 1104) (L.D. 1511)

An Act To Update the Department of Defense, Veterans and Emergency Management Laws
(H.P. 1106) (L.D. 1513)
(C. "A" H-468)

An Act To Clarify the InforME Public Information Access Act
(S.P. 524) (L.D. 1561)
(C. "A" S-172)

An Act To Authorize a Pilot Project To Allow Commercial Vehicles at Canadian Weight Limits Access to the Woodland Commercial Park in Baileyville
(H.P. 1147) (L.D. 1565)
(C. "A" H-410)

An Act Concerning Technical Changes to the Tax Laws
(S.P. 530) (L.D. 1571)
(C. "A" S-175)

An Act To Protect Critical Homeland Security Information and Information Technology Infrastructure and Systems
(S.P. 541) (L.D. 1582)
(C. "A" S-190)

An Act Concerning the Animal Health and Disease Control Laws
(S.P. 542) (L.D. 1583)
(C. "A" S-187)

An Act Regarding Distribution of Tobacco Products
(H.P. 1160) (L.D. 1587)
(C. "A" H-408)

An Act Repealing the Charter of the Brewer Water District
(S.P. 547) (L.D. 1594)
(C. "A" S-176)

An Act To Enhance Electric Utility Consumer Protections
(H.P. 1169) (L.D. 1595)
(C. "A" H-426)

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

Resolves

Resolve, Regarding Consumer Information for Medicare Beneficiaries
(S.P. 299) (L.D. 903)
(C. "A" S-199)

Resolve, To Increase Public Access to the Prior Authorization Process
(S.P. 419) (L.D. 1288)
(C. "A" S-197)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act to Amend the Laws Governing Wage and Benefit Records of Persons Working on Public Works Projects

(H.P. 281) (L.D. 361)
(C. "A" H-93)

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

On motion of Representative BRUNO of Raymond, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 163

YEA - Adams, Ash, Barstow, Bennett, Blanchette, Bliss, Brannigan, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Gagne-Friel, Gerzofsky, Grose, Hatch, Hutton, Jackson, Jennings, Kane, Koffman, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGlocklin, McLaughlin, Norbert, Norton, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Wheeler, Wotton, Mr. Speaker.

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

ABSENT - Berube, Bowen, Breault, Browne W, Davis, Fischer, Fletcher, Goodwin, Hotham, Ketterer, Landry, Laverriere-Boucher, McGowan, McKee, Mills J, Muse, O'Brien L, Sampson, Shields, Sykes, Watson, Young.

Yes, 69; No, 60; Absent, 22; Excused, 0.

69 having voted in the affirmative and 60 voted in the negative, with 22 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act To Protect Public Safety Using DNA Data of Juvenile Violent Offenders

(H.P. 300) (L.D. 380)
(C. "A" H-313)

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

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

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

An Act To Ensure Equity in Mortgage Volume Fees

(S.P. 310) (L.D. 969)
(C. "A" S-186)

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, the Bill was placed on the Special Study Table pursuant to Joint Rule 353 pending **PASSAGE TO BE ENACTED**.

An Act To Increase Access to Information Regarding Referendum Questions

(H.P. 925) (L.D. 1251)
(C. "A" H-449)

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.

On motion of Representative GERZOFKY of Brunswick, the House **RECONSIDERED** its action whereby An Act To Protect Public Safety Using DNA Data of Juvenile Violent Offenders

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

(C. "A" H-313)

Was **PASSED TO BE ENACTED**.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Gerzofsky.

Representative **GERZOFKY**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to talk some history of this bill before we finally enact it. I think it is an important bill. We are going to be taking juveniles and treating them as adults. In the past we have always taken juveniles and treated them differently. This bill came to us two or three sessions ago with adults being asked to give DNA samples after being convicted of serious crimes. We passed that in committee, a session later we brought back the juveniles and took them out of the bill because we have always treated our juveniles differently. Just because we have a new method of identification, we thought we should still treat our juveniles differently. We took the juveniles out of this bill. This year it has been brought back to our committee. At that time, I was ill and not at committee and not able to challenge it. Not having the opportunity then, having just got here this morning, I thought I should today. I had to bring the history of the bill forward so that people could know that this bill has been in front of us several times over the years. We have decided in the past to take children out of it. We are trying to deal with juveniles as adults and they are not. We have never treated them as such. I think that this is a step in the wrong direction for us. I do think that that we could, in good faith, having seen no problems in the past several years, challenge this bill and vote it down, save the state some money. The courts don't need this. They have plenty of tools to work with juveniles. I think we should relook at this. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative **FAIRCLOTH**: Mr. Speaker, Men and Women of the House. I rise in the support of the 11 to 2 majority report of the committee. I think very much of my good friend, Representative Gerzofsky, but I want to respectfully clarify some points with regard to this piece of legislation and, again, support the 11 to 2 report of the committee. It is my birthday today so I am going to be ambitious and I am going to try to bring together

people like my good friend from Raymond, Representative Bruno and Representative Gerzofsky together in support of this legislation, which I consider a progressive and liberal piece of legislation. You can see how ambitious I am today. I want to explain why I think it is progressive and a liberal piece of legislation.

At the 1904 St. Louis World's Fair they brought two great new innovations, ice cream cones and fingerprinting. When they brought forward that fingerprinting it did a positive thing for all the citizens of this country. Fingerprinting doesn't care about race or class. Fingerprinting is something that says whether someone was at a crime scene or not. It became from that first introduction used as criminal justice for the last 99 years to the benefit of all the citizens of this country. Let me note that upon arrest, as you will see on your yellow sheet, for 80 or 90 years, juveniles have had their fingerprints taken for a whole range of crimes, not upon conviction, but upon arrest.

What LD 380 proposes is that upon conviction, what we call adjudication in the Juvenile Corrections System, you have a cotton swab, a DNA sample taken for certain major offenses. It is much milder than what has currently been the case for fingerprinting for decades upon decades. It is a good thing.

The Criminal Law Advisory Commission, which is composed of prosecutors and defense attorneys, supported this legislation. I would quote to you from Michaela Murphy, a member of the Criminal Law Advisory Commission, who dedicates her life to civil liberties and who dedicates herself to protecting the rights of the accused. She specifically wrote about this legislation in support of it. She says, "It will help exonerate those wrongly accused and find those who are actual perpetrators of significant offenses."

Representative Gerzofsky made the allegation that this legislation will treat children differently. It will not. If you are convicted as a juvenile, you will receive the treatment as a juvenile that you now receive under the law. LD 380 changes that not one bit. If you are an adult, you will be treated as an adult and it will not change that one bit. All it will do is retain a record if you have been convicted of a significant and major offense. These are positive steps.

I think we need to temper some of our rhetoric. I heard another body, I will not name, comparing this legislation to a police state. If you have in the USA Patriot Act where people are retained without right to council, that is a valid concern, a very valid concern about civil liberties. In this case, doing something in a much milder version than what we have been doing for fingerprinting for 99 years is a positive and moderate step. There is no constitutional right that is being infringed upon. What we are doing, if you look at the yellow sheet and look at the reverse side of it, you will see that without DNA evidence from juvenile adjudications, several significant crimes that would not have been solved at all, but for this, robbery, burglary and up to and including rape at Bates College not too long ago. In each and every one of those four cases, the only evidence that brought the perpetrator to justice was the juvenile DNA evidence. Also, as far as cost is concerned, this legislation saves money. It switches from what had been the law of taking a blood draw to a cotton swab to all cases, adult and juvenile and will save our corrections system money while helping to exonerate those who are wrongly accused and helping to bring to justice those who are correctly accused. Thank you.

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

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. I would urge your opposition to enactment. I would urge you not to pass this legislation.

I would like a roll call.

Representative O'BRIEN of Augusta **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Makas.

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

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

Representative MAKAS: Thank you Mr. Speaker. Could somebody clarify please, if LD 380 allows the taking of DNA cotton swabs? Some of the evidence supports the taking is the fact that we had DNA from earlier juvenile crimes. I was wondering what this LD allows that wasn't already allowed?

The SPEAKER PRO TEM: The Representative from Lewiston, Representative Makas has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Men and Women of the House. In response to the question from the good Representative, when we first put the DNA database, I was part of the Criminal Justice Committee when we set up the new DNA database and the technology at the crime lab. When we did that, obviously, these samples were taken from all serious offenders. There was no deference between whether you are a murderer as a juvenile or if you are a murderer as an adult. These samples were taken for a period of time. I think last session, for some reason, there was some other bill, a related bill, and these juveniles were taken out the mix. I am not sure why, but I know it passed muster and it was removed. I think it was in a compromise situation. This bill just asks to put them back in with other cost savings and other pieces of the bill that are very valuable to the state in as far as the method of drawing these things and saving the state a considerable amount of money.

The short answer to your question is that it was in place and you can see on the back of the yellow sheet that the good Representative put out, it is a very effective tool. We all know that these young offenders, when and if they turn 18 or 21 and leave the Youth Center, they may reoffend. If they do, we definitely need to protect our citizens across the state and be able to catch these individuals when they reoffend.

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

Representative GREELEY: Mr. Speaker, Ladies and Gentlemen of the House. I have learned a few things in my time here in the State House, which, of course, is fairly new. People throw terms around like my good friend from this or my very good friend from that. I consider Representative Gerzofsky from Brunswick to be a good friend of mine, but I do have to disagree with him in regard to this bill. Let me tell you why. I spent 11 years, roughly, as a police officer. I am a former police detective. Sometimes people come up to me and say, why, Chris, after 11 years would you stop being a police officer? Why would you leave that career? One of the reasons I decided to leave police work is because of having to deal with victim after victim after victim. As a police detective you deal primarily with serious offenses, people who have been maimed, murdered, killed, raped, even small children. They are completely innocent people who have been victimized by crime. Sometimes these offenses are committed by other children, frankly. Often times they are committed by adults.

This is a good bill. What we are talking about with regard to this bill is what is called in police work and in other circles, a

bugle swab. We take a bugle swab from the inside of their mouth. There is not pain involved. It is very quick. We have that on record. When a person commits a serious crime as a juvenile, if they commit a serious crime as an adult, we are better able to locate who committed or did not commit the crime. In fact, this has the potential to clear innocent victims of offenses who might be accused of something that they did not commit. It is not just a one-sided thing. We are talking about helping find people who victimize people who are predatory and clearing people who may have been accused falsely of committing a serious crime. It is a good tool.

On one occasion as a police officer, just before I became a police detective, I was called to a rape with another police officer in the city that I worked in. We went to this rape scene and there was an older woman. We came to the door and the woman said that she had been raped. She was in her 70s. The officer and I said, do you know who did it? The woman pointed to the door next door in the apartment next and says the guy who lives in that apartment. We asked if she knew him? She said yes, and she gave us his name. We went inside and spoke with her briefly and saw blood and broken glass and we saw the bed sheets where this person had been raped by this man who was in his 20s. The other officer, my former partner, Detective Sergeant Perry Antoine, now Captain Antoine and I knocked on the door. A man came to the door and we asked if he was so and so? He said yes and we placed him under arrest. He was a large man. He was very quiet and very somber. I will never forget, because I thought we were going to get into a fight as we sometimes would do with people. We placed him under arrest and I drove him to the Penobscot County Jail in Bangor.

We then went back with detectives and processed the crime scene. At some point somebody said that we should take a DNA sample. This was some years ago and this was a bit newer to us at the time. We took a DNA sample and this man who had just committed this violent rape where the woman was able to get away by asking for a drink of water in the kitchen. When she went to get the drink of water she pulled the knife out of the kitchen and came out and cut the guy on the arm and he ran away to the next apartment. That is why she survived. As a result of using DNA on this young person, he wasn't a juvenile, he was in his 20s, we learned that he had committed another rape and killed a woman in a violent fashion and dumped her body almost completely decapitated in the Town of Hampden.

What he did was this poor woman who was walking one day to the store, he drove by her, grabbed her, raped her and he killed her. We were never able to solve this case. This actually was a Maine State Police case that happened in my city. As a result of this DNA sample, they were able to match up this killer to the other rape and murder. What I am saying is this person also had some contacts with the police as a juvenile. Had we had the opportunity when he had these other offenses as a juvenile to take this very easy bugle swab and have it on file, he would have been convicted of the murder and the decapitation, almost, and the rape of the other woman whose body ended up in Hampden and he never would have had the opportunity to traumatize and victim this other woman in her 70s. This woman, to this day, as far as I know, cannot even sleep at night. She begged us to help her find a place to live so she didn't have to live there anymore even though he was locked up in prison. She still could not sleep at night. She still was fearful. She still kept all the lights on. This poor woman, 70 some odd years of age who almost died and was brutally raped by this large man, who had already killed and raped somebody else and who knows what else he had done and currently is spending the rest of his life in the Maine State Prison. Maybe he would not have been

able to victimize that other woman and who knows who else, had he had just that one little sample from the inside of his cheek.

We are not talking about taking blood. We are not talking about putting a picture in the newspaper or on the TV news. We are talking about a swab of a person who has already committed a crime. If they had not committed a crime, they might be cleared of something they are accused of doing. I think that is a good thing. I want you to really consider this. This is the third time I have spoken since I have been a member of this body. This is a good bill. It is going to help protect people. I am not trying to put more people in prison. If we can clear innocent people, that is a good thing. If we can make one of the most dangerous societies in the world, which unfortunately is our county, less dangerous, I also think that is a good thing. Thank you.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. This is a real hard act to follow with the good Representative from Levant, Representative Greeley. I feel I must tell you some of the graphic descriptions of crime cases that the good Representative Greeley worked as a police officer are exactly the testimony that Criminal Justice hears when we are presented with a bill like this. We hear the graphic details. You don't want to have to bring them to the floor of the House, especially when we have a number of young children in the House or in the gallery, but sometimes you have to do that. I am going to ask you to support the Majority Report that came out of this committee after hearing such testimony and being presented with written testimony that we have made the right decision as a committee of jurisdiction. It is not something that we enter into lightly when we are asking that juveniles be treated the same as adults. I have to tell you, I have said it before, you are every bit as dead by a 13-year old with a gun in their hand as you are with a 30-year old with a gun in their hand. There are times when the police department, not only in Maine, but all over the country needs to compile and score evidence. It does prove victims innocent without going before a grand jury and being indicted and being publicly humiliated because the evidence was on file. I am asking you to support the committee recommendation and put this back on the books. It was on the books and was repealed in the 120th. We really need to start protecting our citizens, including our juveniles. This is a new form of forensic evidence that needs to be utilized in more ways than not. I am going to ask you to please follow the committee's recommendation that this be enacted. It is a good bill. It's time has come. Let's avoid any more graphic descriptions on the floor of what happened when people have the need for this evidence. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Topsham, Representative Lessard.

Representative **LESSARD**: Mr. Speaker, Ladies and Gentlemen of the House. I was on the majority Report on this LD. I am not going to go through what the good Representative Greeley indicated. I could relate cases also. Two things to keep in mind with this bill, number one, after the adjudication the swab is taken. Number two, only the most serious crimes will be handled in this manner. Your rape cases, your homicides and anything to do with violence will be handled, nothing else. I urge you to support this bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Gerzofsky.

Representative **GERZOFSKY**: Mr. Speaker, Ladies and Gentlemen of the House. Here we go. We have had law enforcement stand up and give us their bag of tools. We have had tools and tools and tools. I hear more about tools this year

than I ever did as a furniture maker. We have a bunch of 14-year old kids out there that might steal their father's car and have to have their swab taken, their DNA taken. We are going to have to build a big building for the State Police or somebody to put all this stuff in it so we can start storing it. Like in the OJ Simpson trial, some of it will prove some kids innocent and some of it will prove some kids guilty. If you believed in that trial, you will love the next one that we start reading about in the paper.

1904 World's Fair gave us fingerprints, gave us little Egypt and the hoochie coochie dance. We got a lot out of that world's fair. Some of it is still with us, especially the hoochie coochie. Fingerprints tell us who has been there. DNA tells us who we are. There is a lot more to DNA than a fingerprint. There is a lot more we are going to keep on file on these juveniles than their fingerprint. We are going to keep a lot of information that can be used for good, but it can be used for bad. If you want to find out what getting your DNA out of the crime lab to help you, ask Mr. Deschaine who is up in Warren right now trying to get his DNA out to prove if he was there or if he wasn't there.

Ladies and gentlemen, we can give all the tools in the world to help put bad people away, but we can also give a lot of tools to bog down the system. When we have people come in front of us, especially prosecuting attorneys and law enforcement, I would like to ask a question. Sometimes some of my committee members, especially some of the law enforcement people kind of get a chuckle out of it, I ask them if they have ever pulled over an innocent person? Of course they said, of course not. Why would I pull over an innocent person? That is why we have judges and juries and something between the bars and the highway. We don't always pull over guilty people either. We don't always take DNA from guilty people. Sometimes we take it from innocent people. I think that this is an intrusion. I think that it is far more of a sledgehammer than we need. I think we have all the tools. We have had them for a long time. We don't seem to be running out of them. I would hope that people would sit here and vote accordingly. Thank you very much for your time.

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

Representative BUNKER: Mr. Speaker, Men and Women of the House. I could not resist my chance at the wheel here. The good Representative is very correct when he asks the law enforcement folks that come before our committee. I may correct him slightly, but I might have misunderstood, but he usually asks the law enforcement officers, have you ever arrested somebody that wasn't guilty in your mind? The law enforcement officer answers honestly that I would never arrest anybody I didn't feel was guilty. I wanted to correct that a little bit.

The bottom line issue that was really floated in committee, the reason why you shouldn't support this bill was that juveniles are juveniles and they are kids. We all know of how our kids are a lot older than they were when we were 14 for some reason. I don't understand how 14 year olds are much older than 14 nowadays. The real issue here was the underlying theory that children were treated differently systemically in the system that that once they turn 18 or 21 or whatever and they get out of the Youth Center, then they have a "fresh start" in life. There was some implication, I think this was the motivating reason why one person in the other body was against this bill, was by taking a swab and putting DNA in a very protective police system as the good Representative just reaffirmed, nobody can get at unless you have a good reason to get it, was that if these young folks left, they start fresh, then there should be no remains left of their prior history known to the public. We all know it is not because it is all protected and confidential. The only time, ladies and gentlemen, that anybody in the whole wide world will know that Joe or Suzie had their DNA

swab taken is when they reoffend as adults. I respectfully submit to this body that these young folks are leaving the juvenile system with a fresh start, a slate wiped clean, with the ability and the tools necessary to move forward in their young lives to do good things and to become productive citizens because they made major mistakes. That is the only way you get into this system. You need to earn your way in it.

I think the telling tail of this whole bill is when you are 30 years old and you commit a rape and you had your DNA taken when you were 17 or 16 or 15 and that rape is a piece of evidence linked to that DNA that helps to convict this person who probably did several of these other similar crimes before he actually gets caught at 30 and put them finally away. Their innocence and their protection at the age of 18 and under was voluntarily given up when they chose to reoffend. Please support the enactment of this very, very important piece of legislation. Thank you.

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

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

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

Representative SIMPSON: Thank you Mr. Speaker. In reading this Committee Amendment on page 5, Section 7, Subsection 4, it says that a juvenile can later petition if things change and their case has been reversed or dismissed that they could petition to have their record expunged. I would like to know whether or not we share our DNA database with other enforcement entities, the federal government and other states? Would they be able to expunge this record once they are found innocent from these other databases? Thank you.

The SPEAKER PRO TEM: The Representative from Auburn, Representative Simpson has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative FAIRCLOTH: Mr. Speaker, Ladies and Gentlemen of the House. I want to answer this question, but if you can clarify the section again, I would be happy to answer the question.

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

Representative SIMPSON: Thank you Mr. Speaker. It is on the bottom of Page 5 on the Committee Amendment. I would hope that before we take the roll call that I could get an answer to my question. Seems how I can't get an answer to my question, I would urge people to consider that they are putting into a database that could go out all over this country for a person who could be wrongfully convicted and they can never get that information back on their children. I don't think that this is a small step to take. I think this is a dangerous step in the wrong direction. I hope you would vote against enactment. Thank you.

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

Representative SNOWE-MELLO: Mr. Speaker, Ladies and Gentlemen of the House. I would like to clarify, the individual has already been convicted. Thank you.

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

ROLL CALL NO. 164

YEA - Annis, Austin, Barstow, Bennett, Berry, Blanchette, Bowles, Brannigan, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Cressey,

Crosthwaite, Cummings, Curley, Daigle, Dudley, Dunlap, Duplessie, Duprey B, Earle, Faircloth, Fletcher, Gagne-Friel, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jodrey, Kaelin, Kane, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Maietta, Mailhot, Marley, Marraché, McCormick, McKenney, McLaughlin, Millett, Mills S, Moore, Murphy, Muse, Norbert, Nutting, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rogers, Rosen, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Tardy, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Adams, Ash, Bierman, Bliss, Craven, Dugay, Duprey G, Eder, Finch, Fischer, Gerzofsky, Jennings, Lundeen, Makas, McGlocklin, McGowan, McNeil, Moody, O'Brien J, O'Brien L, Rines, Saviello, Sherman, Simpson, Thomas, Twomey, Usher, Walcott.

ABSENT - Andrews, Berube, Bowen, Breault, Davis, Goodwin, Joy, Ketterer, Landry, McKee, Mills J, Norton, O'Neil, Sampson, Shields, Sykes, Watson, Young.

Yes, 105; No, 28; Absent, 18; Excused, 0.

105 having voted in the affirmative and 28 voted in the negative, with 18 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act To Amend Laws Relating to Development of Service Plans for Persons with Mental Retardation

(H.P. 1166) (L.D. 1593)

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

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

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

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

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

ROLL CALL NO. 165

YEA - Adams, Annis, Ash, Austin, Barstow, Bennett, Berry, Bierman, Blanchette, Bliss, Bowles, Brannigan, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Curley, Daigle, Dudley, Dugay, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Kane, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKenney, McLaughlin, McNeil, Millett, Mills S, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Saviello, Sherman, Simpson, Smith N, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Usher, Vaughan, Walcott, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - NONE.

ABSENT - Andrews, Berube, Bowen, Breault, Churchill E, Cummings, Davis, Goodwin, Jackson, Ketterer, Landry, McKee, Mills J, Norton, Sampson, Shields, Smith W, Sykes, Watson, Young.

Yes, 131; No, 0; Absent, 20; Excused, 0.

131 having voted in the affirmative and 0 voted in the negative, with 20 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act To Recodify the Laws Governing Inland Fisheries and Wildlife

(S.P. 553) (L.D. 1600)

(C. "A" S-171)

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

On motion of Representative DUNLAP of Old Town, was **SET ASIDE**.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to acknowledge the incredible efforts of analysts Curtis Bentley and Jon Clark on this amazing endeavor.

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

Resolve, To Study Obesity and Methods To Decrease the Cost of Health Care and Increase the Public Health

(H.P. 363) (L.D. 471)

(C. "A" H-464)

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

On motion of Representative BRUNO of Raymond, was **SET ASIDE**.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. In reading over item (10-50) that it came to my attention that it is a study committee. Most of you know that I am a big fan of study committees, especially ones that have 28 members on them. They are going to study obesity and how to do away with it. It has a fiscal note of \$7,280 on it. Being a fiscal conservative, I am going to help you out. I am going to do the study for you right here. If you eat at McDonalds every day, you are going to get obese. If you eat too much, you are going to get obese. If you want to lose weight and not get obese, don't eat at McDonalds every day.

Ladies and gentlemen, do we really need 28 people to study this? Do we really need to spend \$7,280 to do it? There are some good studies out there. This isn't one of them that we need to do and waste some money on. Mr. Speaker, I request a roll call and I hope you all vote against this.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

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

**SENATE PAPERS
Non-Concurrent Matter**

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

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-68) AS AMENDED BY HOUSE AMENDMENT "A" (H-406) thereto in the House on May 16, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-68) AS AMENDED BY SENATE AMENDMENT "C" (S-231)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

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

(H. "A" H-407 to C. "A" H-161)

FAILED of **PASSAGE TO BE ENACTED** in the House on May 22, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-161) AS AMENDED BY HOUSE AMENDMENT "A" (H-407)** thereto **AND SENATE AMENDMENT "A" (S-226)** in **NON-CONCURRENCE**.

On motion of Representative **KAELIN** of Winterport, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "B" (H-519)** to **Committee Amendment "A" (H-161)**, which was **READ** by the Clerk.

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

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. What my amendment would do would extend the implementation date after which a fine could be levied on individuals who have not yet complied to the new booster seat laws from last year to the same date that the committee amendment would have extended the laws affect on municipalities, on non-profits and contracted transportation service providers. The Representative from Baldwin, Representative Cressey's original bill attempted to extend the implementation date for individuals through the end of this calendar year and the committee amendment agreed that, in fact, the implementation would be extended until September 1 of this year. In other words, the Committee Amendment says for individual constituents that we have at home who are faced with possibly buying a new car to comply with this new law that the fines would not be levied until September 1. As we all know from the brief discussion we had the other afternoon, the Committee Amendment would have further extended the implementation date until February 1, 2005 for municipalities in terms of compliance. What my amendment does is move the compliance date forward to that date for all effected parties, including our constituents.

I want to thank the committee and Representative Marley from Portland for attempting to work with us to put off the implementation date of this legislation which was actually passed last year so that our constituents could comply. I understand that the Department of Public Safety was concerned that to do this would create problems for their education program. I say to this

body that I don't see how it could hurt to spend some additional time educating our constituents about the program that is coming, allow them additional time to consider the cost to them. As the good Representative from Kennebunk pointed out yesterday, allow the new vehicle cycle to occur so that additional time can be given to them to purchase a new vehicle to comply with the law. I pointed out yesterday that I have a constituent who has three kids under 8 years old that can't physically get them in the back seat of her vehicle and has asked me to do something about this.

That is the context of my amendment. I would urge its adoption by the body. I thank you for the time Mr. Speaker.

Representative **USHER** of Westbrook moved that **House Amendment "B" (H-519)** to **Committee Amendment "A" (H-161)** be **INDEFINITELY POSTPONED**.

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

Representative **MURPHY**: Mr. Speaker, Ladies and Gentlemen of the House. I would urge the members of the House to vote against the motion that is before us, the motion to Indefinitely Postpone. I think what we are dealing with is the issue of fairness. As we look at the municipalities and we look at the regional quasi-governmental organizations, they have laid out specific problems in terms of the rotation of people in those vehicles. The people you are dropping off aren't necessarily the people that you are picking up. What we have looked at is that we have large families, people trying to be good neighbors, people trying to help out people in the neighborhood, whether it is Little League or getting people to school or after school activities. We also have a statistic in this state that 10 to 11 percent of our working people work two jobs. I would bet that if you look at these larger families, look at the distance from which the town centers they live, that they probably are the ones being impacted. One set of rules to deal with a specific set of problems ought to be applied fairly. What we have done is we have carved out a different date for those who are the beneficiaries of government dollars and then the Maine citizens who are paying the taxes sometimes on two jobs, aren't denied that same effective date. They are being discriminated against. They don't get the same set of rules as those people who receive their dollars. I think in the interest of fairness we ought to defeat this motion that is before us, accept the good gentleman's amendment and have equity and move forward.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. Those of you who were present in the last session may remember that we told you there may be unintended consequences to this booster seat law. We have just heard about an unintended consequence. I believe that if this issue is brought before the committee at the time we were negotiating the Committee Amendment, that we would have made that accommodation. It is a minor change to this law. I would urge you to make this accommodation and vote against this Indefinite Postponement please.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I don't understand why one would move to Indefinitely Postpone this. We are leaving it in law. It is very similar to me to the requirement for children to wear helmets riding bicycles, which many of you know is very important to me. In that case, we are trying to seek compliance with a safe practice, not the heavy handed government to fine people. It works very well. I encourage you, especially in the absence of

any argument that there is something broke with this amendment, which is usually the case when someone indefinitely postpones this. I urge you to vote against the pending motion.

Representative KAELIN of Winterport REQUESTED a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-519) to Committee Amendment "A" (H-161)**.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Marley.

Representative MARLEY: Mr. Speaker, Ladies and Gentlemen of the House. This has been an interesting bill. Representative Cressey had a bill that had a large fiscal note. It was going nowhere in the committee. I had a bill specifically for regional transportation providers. We talked a little bit about them. We have cut literally millions of dollars between our funds and the federal match that they will receive. They are a much larger organizations than a family. They have thousands of volunteers. They asked for more time to comply. They did not ask to be eliminated from the law. They wanted more time to comply with the law. That is why I was willing to put this bill forward. As a courtesy to several members, Representative Murphy, Representative Kaelin and Representative Cressey, I put in the language that is now being used to defeat this bill or amend this bill drastically. That is disappointing when you try to reach out to the other side of the aisle.

The reason we didn't go farther was that Public Safety came in and testified that tens of thousands of dollars had been spent on the education program. Unfortunately many of you were not here during the last debate when we talked about education being as important as the actual enforcement of the law. If you have gone into Dunkin Doughnuts, you have seen the buckle up program. It talks about the law. You have heard on the radio and there soon will be a television ad coming out very soon explaining why booster seats are important. It talks about the public safety issues and so forth. Public Safety, as they have shared with the committee, I should point out a unanimous committee report, came out with the bill that we are discussing and trying to amend. It is very difficult to explain to people that this is so important that we are going to start it right away and now we are going to postpone it and then we are going to start it right away again. It is very confusing to the public.

I am going to go back to my list of things on the original testimony. I just want to remind people, please don't forget about what the ultimate point of this is. The Center of Disease Control has identified auto crashes as the number one death for children age 4 to age 8. That is the age for the booster seats. The National Transportation Safety Board, which is an independent federal government agency has an interest in child restraint booster seats from the fact that highway crashes are the leading cause of death of children between 4 and 8. In Maine it is approximately 25 to 26 kids that are going to be killed and seriously injured in automobile crashes because they are inappropriately restrained.

Look around you, look at the number of kids we have here. Choose which ones you would like to see injured because that is what we are doing. Right now the State of Maine actually has a mandate for child safety belt laws. Unfortunately the mandate that you want to hold off until 2005 is going to be that they are in shoulder straps which create paralysis and death.

Another state that did this and we found studies on explained that a child that is injured in one of these and has paralysis can cost up to \$140 million in health care costs in their lifetime.

At a time when we are talking about Dirigo Health and health care reform, I don't know how you can't look at this as preventative health. If you can keep a child from being injured or killed, we save monies, we save lives and we save the family from the pain of a lost child.

I apologize if this is going on longer than can be expected. I was told to speak three minutes and move on, but I feel very passionate about this.

In the last session we also talked about the United States Senate, who I believe just passed a budget 51-50. It shows you just how close they are.

On **POINT OF ORDER**, Representative BOWLES of Sanford asked the Chair if the remarks of Representative MARLEY of Portland were germane to the pending question.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Marley.

Representative MARLEY: Mr. Speaker, Ladies and Gentlemen of the House. Actually I think I was debating the bill from last session. The reason I gave these facts and figures is I think it is very relevant to this amendment because by extending the law we are forgetting about the facts in the previous bill. I support the Indefinite Postponement of this. We had a strong vote on this bill. If you support the Indefinite Postponement of this, you support what you voted for yesterday.

The last point I will make is a national highway transportation safety administration found that 9 out of 10 parents believe that by following the current state law, they were taking the necessary steps to keep their children safe. It is very important that the law reflects safety concerns. This is a very legitimate safety concern and I hope you will support the Indefinite Postponement. Thank you.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. I really do want to thank the Representative from Portland. He has listened to us through the process. In both of our cases these problems arose after deadline. The gentleman was quite responsive. Just having listened to the arguments the gentleman from Portland made, if one subscribes to his argument, then for the governmental and quasi-municipal, then he should be supporting moving that from a year and a half out to the same date as he is for the regular citizens of the State of Maine. You can't have it both ways. On one hand you argue that you need to do this right now for the citizens, but for another group, taxpayer supported, we are going to extend it out beyond them for another year and a quarter or year and a half. You have to do it for both. You can't have it both ways. It either needs to be September 1st for everyone or it needs to be the date you have established for those that are taxpayer supported.

On **POINT OF ORDER**, Representative MARLEY of Portland asked the Chair if the remarks of Representative MURPHY of Kennebunk were germane to the pending question.

The Chair reminded Representative MURPHY of Kennebunk to stay as close as possible to the pending question.

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

Representative KAELIN: Mr. Speaker, Ladies and Gentlemen of the House. I apologize to the body for this dragging on. I know we all want to go home. I have to respond to one of the points that the good Representative from Portland made. I also respect this willingness to work with us. Again, my people got to me after deadline and so forth.

The point he makes about the Public Safety education program is equally the case whether the date is September 1 of this year as the Committee Amendment would do or the further extension to comply with the same date that the Committee Amendment proposes, which is the date in my amendment for the municipalities. There is absolutely no difference in the effect of my motion or the Committee Amendment in terms of the effect on the Public Safety Department's education program. In fact, we all should be educating people about the potential safety affects of children in booster seats. It is the same issue no matter how the date is changed. Again, I appreciate you time. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-519) to Committee Amendment "A" (H-161). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 166

YEA - Adams, Ash, Barstow, Bennett, Blanchette, Brannigan, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Faircloth, Finch, Fischer, Gerzofsky, Grose, Hatch, Hutton, Jennings, Kane, Koffman, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McGlocklin, McGowan, McLaughlin, McNeil, Norbert, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Usher, Walcott, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Berry, Bierman, Bliss, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Fletcher, Gagne-Friel, Glynn, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lewin, Maietta, McCormick, McKenney, Millett, Mills S, Moody, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Snowe-Mello, Stone, Sukeforth, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Woodbury.

ABSENT - Andrews, Berube, Bowen, Breault, Churchill E, Churchill J, Davis, Duprey B, Eder, Goodwin, Jackson, Ketterer, Landry, Marraché, McKee, Mills J, Norton, Sampson, Shields, Sykes, Watson, Wotton, Young.

Yes, 67; No, 61; Absent, 23; Excused, 0.

67 having voted in the affirmative and 61 voted in the negative, with 23 being absent, and accordingly **House Amendment "B" (H-519) to Committee Amendment "A" (H-161) was INDEFINITELY POSTPONED.**

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

On motion of Representative KAELIN of Winterport, the House **RECONSIDERED** its action whereby it voted to **CONCUR.**

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

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

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

ROLL CALL NO. 167

YEA - Adams, Ash, Barstow, Bennett, Blanchette, Bliss, Brannigan, Bull, Bunker, Canavan, Clark, Collins, Cowger, Craven, Cressey, Cummings, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gerzofsky,

Glynn, Grose, Hatch, Heidrich, Hutton, Jackson, Jennings, Kane, Koffman, Laverriere-Boucher, Lemoine, Lessard, Mailhot, Makas, Marley, McGlocklin, McGowan, McKenney, McLaughlin, McNeil, Mills S, Moody, Moore, Norbert, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Rines, Saviello, Simpson, Smith W, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Trahan, Usher, Walcott, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berry, Bierman, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Clough, Courtney, Crosthwaite, Curley, Daigle, Fletcher, Gagne-Friel, Greeley, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lewin, Maietta, McCormick, Millett, Murphy, Muse, Nutting, Peavey-Haskell, Richardson M, Rogers, Rosen, Sherman, Smith N, Snowe-Mello, Stone, Tardy, Tobin D, Tobin J, Treadwell, Vaughan.

ABSENT - Andrews, Berube, Bowen, Breault, Churchill E, Churchill J, Davis, Duprey B, Goodwin, Ketterer, Landry, Lerman, Lundeen, Marraché, McKee, Mills J, Norton, Sampson, Shields, Sykes, Twomey, Watson, Wotton, Young.

Yes, 81; No, 46; Absent, 24; Excused, 0.

81 having voted in the affirmative and 46 voted in the negative, with 24 being absent, and accordingly the House voted to **CONCUR.**

Non-Concurrent Matter

Bill "An Act Regarding Wrongful Discharge"

(H.P. 820) (L.D. 1117)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-265)** in the House on May 8, 2003.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

ENACTORS

Resolves

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

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

(C. "A" H-387)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Acts

An Act To Promote Stewardship of Forest Resources

(H.P. 1194) (L.D. 1616)

(C. "A" H-512)

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

On motion of Representative TRAHAN of Waldoboro, was **SET ASIDE.**

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. Yesterday was the first time that I had seen this bill. I had tried to slow it down. I have an amendment to the bill and I would like to offer that amendment. Would the chair make that request?

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

SENATE PAPERS

The following Joint Order: (S.P. 578)

ORDERED, the House concurring, that when the House stands adjourned it does so until Tuesday, May 27, 2003, at 9:00 in the morning and the Senate adjourns until Tuesday, May 27, 2003 at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

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

On motion of Representative **O'NEIL** of Saco, the House adjourned at 12:40 p.m., until 9:00 a.m., Tuesday, May 27, 2003 pursuant to the Joint Order (S.P. 578) and in honor and lasting tribute to the Honorable Joseph W. Mayo, of Augusta.