

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Regular Session**

May 27, 2003 – June 14, 2003

**First Special Session**

August 21, 2003 – August 23, 2003

**Second Regular Session**

January 7, 2004 - January 30, 2004

**Second Special Session**

February 3, 2004 - April 7, 2004

Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
FIRST REGULAR SESSION  
60th Legislative Day  
Wednesday, May 28, 2003

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

Prayer by Reverend Mark Nolette, Immaculate Conception Catholic Church, Calais.

National Anthem by Dr. A. Jan Berlin, M.D., South Freeport.

Pledge of Allegiance.

Doctor of the day, A. Jan Berlin, M.D., South Freeport.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

An Act To Amend the Life Safety Requirements for Residential Care Facilities (EMERGENCY)

(S.P. 418) (L.D. 1287)

(C. "A" S-192)

**PASSED TO BE ENACTED** in the House on May 27, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-192) AND SENATE AMENDMENT "A" (S-238)** in **NON-CONCURRENCE**.  
The House voted to **RECEDE AND CONCUR**.

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**COMMUNICATIONS**

The Following Communication: (H.C. 224)

**STATE OF MAINE**

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

May 22, 2003

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

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

L.D. 162            An Act to Provide for the Fair Distribution of Resources for Teaching Students of Limited Proficiency in English

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

Sincerely,

S/Sen. Neria R. Douglass

Senate Chair

S/Rep. Glenn Cummings

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 225)

**STATE OF MAINE**

**HOUSE OF REPRESENTATIVES**

**SPEAKER'S OFFICE**

**AUGUSTA, MAINE 04333-0002**

May 22, 2003

Honorable Millicent M. MacFarland

Clerk of the House  
2 State House Station  
Augusta, ME 04333

Dear Clerk MacFarland:

I am pleased to appoint the following Representatives to the Advisory Council for the Reorganization and Unification of the Department of Human Services and the Department of Behavioral and Developmental Services:

Representative Thomas J. Kane of Saco

Representative Julie Ann O'Brien of Augusta

Should you have any questions regarding these appointments please feel free to contact me.

Sincerely,

S/Patrick Colwell

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 263)

**MAINE SENATE**

**121ST LEGISLATURE**

**OFFICE OF THE SECRETARY**

**3 STATE HOUSE STATION**

**AUGUSTA, ME 04333-0003**

May 27, 2003

Honorable Patrick Colwell

Speaker of the House

2 State House Station

Augusta, ME 04333

Dear Speaker Colwell:

In accordance with Joint Rule 506 of the 121st Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Joint Standing Committee on Agriculture, Conservation and Forestry, the nominations of Ralph Barnett of Brookton for appointment to the Land Use Regulation Commission and Leon Gorman of Yarmouth for appointment to the Land for Maine's Future Board.

Upon the recommendation of the Joint Standing Committee on Education and Cultural Affairs, the nomination of Charles D. Fisher of Brewer for appointment to the Maine Community College System, Board of Trustees.

Upon the recommendation of the Joint Standing Committee on Judiciary, the nominations of the Honorable Jane S. Bradley of Freeport and the Honorable Bernard C. Staples of Bar Harbor for reappointment as District Court Judges; and the Honorable David B. Griffiths of Presque Isle for appointment as an Active Retired District Court Judge.

Upon the recommendation of the Joint Standing Committee on Marine Resources, the nominations of Rod Browne Mitchell of Peaks Island, William Sutter of Wiscasset, Dana Earle Temple of Cape Elizabeth, and Alton West of Milbridge for appointment to the Marine Resources Advisory Council.

Upon the recommendation of the Joint Standing Committee on Natural Resources, the nomination of Matthew Scott of Belgrade for appointment to the Board of Environmental Protection.

Upon the recommendation of the Joint Standing Committee on Utilities and Energy, the nomination of Sharon Reishus of Cambridge, MA for appointment to the Public Utilities Commission.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

**ORDERS**

On motion of Representative SMITH of Monmouth, the following Joint Resolution: (H.P. 1202) (Under suspension of the rules, cosponsored by Senator BRYANT of Oxford and Representatives: BRANNIGAN of Portland, CARR of Lincoln, CHURCHILL of Orland, DUNLAP of Old Town, DUPLESSIE of Westbrook, EDER of Portland, FLETCHER of Winslow, HONEY of Boothbay, HUTTON of Bowdoinham, JACKSON of Fort Kent, JACOBSEN of Waterboro, KOFFMAN of Bar Harbor, LANDRY of Sanford, LEDWIN of Holden, LORING of the Penobscot Nation, LUNDEEN of Mars Hill, MAKAS of Lewiston, McCORMICK of West Gardiner, McKEE of Wayne, McLAUGHLIN of Cape Elizabeth, MILLS of Cornville, MOORE of the Passamaquoddy Tribe, PERRY of Calais, PINEAU of Jay, PIOTTI of Unity, RECTOR of Thomaston, RICHARDSON of Brunswick, ROGERS of Brewer, SULLIVAN of Biddeford, THOMPSON of China, WATSON of Bath, WOODBURY of Yarmouth, Senators: DAMON of Hancock, EDMONDS of Cumberland, HALL of Lincoln, HATCH of Somerset, KNEELAND of Aroostook, STANLEY of Penobscot, STRIMLING of Cumberland, YOUNGBLOOD of Penobscot)

**JOINT RESOLUTION SUPPORTING WELL-MANAGED FORESTS AND**

**SOUND FOREST PRODUCTS PROCUREMENT SYSTEMS**

WHEREAS, the Maine Legislature recognizes the important progress many of Maine's forest landowners have made in implementing the standards of the Sustainable Forestry Initiative and the Forest Stewardship Council; and

WHEREAS, the owners of over 6,000,000 acres of Maine forest land have received independent 3rd-party certification of management of their lands under one or both of these systems; and Maine's forest industry contributes annually over \$5,000,000,000 to the State's economy and directly employs nearly 30,000 people, and the public has a justifiable and legitimate interest in the future vitality of Maine's forest-based economy; and

WHEREAS, the practice known as liquidation harvesting is inconsistent with the goals and objectives of the Sustainable Forestry Initiative and the principles and criteria of the Forest Stewardship Council; and

WHEREAS, the practice of liquidation harvesting, however limited, diminishes the public image of the forest industry and endangers the social license to practice responsible forest management; and

WHEREAS, one of the Sustainable Forestry Initiative's objectives is to broaden the practice of sustainable forestry by cooperating with forest landowners, wood producers, consulting foresters and program participants' employees who have responsibility in wood procurement and landowner assistance programs and one of its performance measures states that program participants shall clearly define and implement their own policies to ensure that mill inventories and procurement practices do not compromise adherence to the principles of sustainable forestry; and

WHEREAS, up to 70% of the virgin wood fiber in a product that carries the Forest Stewardship Council label may come from noncertified forests; and

WHEREAS, wood procurement policies have great potential to serve as a market-based solution to the problem of liquidation harvesting; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred Twenty-first Legislature now assembled in the First Regular

Session, on behalf of the people of the State of Maine, encourage the Sustainable Forestry Initiative's state implementation committee and other appropriate bodies to encourage the development of purchasing policies by program participants that will reduce the amount of wood originating from liquidation harvesting operations that is purchased or brokered by Maine's forest products industry; and be it further

RESOLVED: That a similar process be undertaken by the Forest Stewardship Council and businesses that it certifies; and be it further

RESOLVED: That the State's forest products industry be encouraged to be vigilant in its efforts to obtain wood only from suppliers who have conducted responsible harvests that do not compromise the ability of the land to support a forest industry in the future.

**READ and ADOPTED.**

Sent for concurrence.

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a Vote of 2/3 of Each House of the Legislature To Enact or Increase a Tax

(S.P. 280) (L.D. 801)

Signed:

Senators:

STANLEY of Penobscot

STRIMLING of Cumberland

Representatives:

LEMOINE of Old Orchard Beach

McGOWAN of Pittsfield

SUSLOVIC of Portland

SIMPSON of Auburn

LERMAN of Augusta

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-235)** on same RESOLUTION.

Signed:

Senator:

NASS of York

Representatives:

TARDY of Newport

McCORMICK of West Gardiner

CLOUGH of Scarborough

COURTNEY of Sanford

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

**READ.**

Representative LEMOINE of Old Orchard Beach moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Specify the Public Status of Disputed Ballots" (EMERGENCY)

(S.P. 27) (L.D. 41)

Signed:

Senator:

GAGNON of Kennebec

Representatives:

CLARK of Millinocket  
 PATRICK of Rumford  
 BLANCHETTE of Bangor  
 CANAVAN of Waterville  
 JENNINGS of Leeds  
 LANDRY of Sanford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-153)** on same Bill.

Signed:

Senators:

LEMONT of York  
 MAYO of Sagadahoc

Representatives:

GLYNN of South Portland  
 HOTHAM of Dixfield  
 BROWN of South Berwick  
 MOORE of Standish

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

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

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Prohibit the Secretary of State From Endorsing Political Candidates"

(S.P. 76) (L.D. 153)

Signed:

Senators:

MAYO of Sagadahoc  
 GAGNON of Kennebec

Representatives:

CLARK of Millinocket  
 PATRICK of Rumford  
 BLANCHETTE of Bangor  
 CANAVAN of Waterville  
 JENNINGS of Leeds  
 LANDRY of Sanford

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

Signed:

Senator:

LEMONT of York

Representatives:

GLYNN of South Portland  
 HOTHAM of Dixfield  
 BROWN of South Berwick  
 MOORE of Standish

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

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

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

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

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. It is unfortunate that this legislation even had to be brought to this body.

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

**ROLL CALL NO. 183**

**YEA** - Adams, Ash, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Clark, Collins, Craven, Cummings, Dudley, Dunlap, Duplessie, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Goodwin, Grose, Hatch, Hutton, Jennings, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McKee, McKenney, McLaughlin, Mills S, Moore, Norbert, Norton, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Rines, Sampson, Saviello, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Wheeler, Wotton, Mr. Speaker.

**NAY** - Andrews, Annis, Austin, Barstow, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Campbell, Carr, Churchill E, Churchill J, Clough, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Eder, Fletcher, Glynn, Heidrich, Honey, Hotham, Jackson, Jacobsen, Jodrey, Joy, Ledwin, Lewin, Maietta, McCormick, McNeil, Millett, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

**ABSENT** - Bennett, Bryant-Deschenes, Canavan, Cowger, Dugay, Duprey G, Gerzofsky, Greeley, Kaelin, Marraché, McGlocklin, McGowan, Mills J, Moody, O'Brien L, Perry J, Piotti, Richardson J, Simpson, Tardy, Watson, Woodbury.

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

67 having voted in the affirmative and 62 voted in the negative, with 22 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 985) (L.D. 1340) Bill "An Act To Amend the Educators for Maine Program" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

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

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

**BILLS IN THE SECOND READING**

**Senate as Amended**

Bill "An Act To Prohibit the Use of Workers' Compensation Trust Funds for Political Contributions"

(S.P. 315) (L.D. 974)  
 (S. "A" S-213 to C. "A" S-161)

Bill "An Act To Provide Fair Hearing Procedures in the Department of Human Services"

(S.P. 444) (L.D. 1356)  
(C. "A" S-233)

Bill "An Act To Allocate a Portion of the Reed Act Distribution of 2002 To Use for the Administration of the Unemployment Insurance and Employment Services Programs"

(S.P. 521) (L.D. 1552)  
(C. "A" S-180)

**Senate as Amended in Non-Concurrence**

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)  
(H. "A" H-518 to C. "A" S-168)

Bill "An Act Concerning Political Action Committees and Party Committee Activities Prior to Elections"

(S.P. 91) (L.D. 232)  
(C. "A" S-223)

Bill "An Act To Change the Name of the Augusta Mental Health Institute to 'Riverview Psychiatric Center'"

(S.P. 525) (L.D. 1562)  
(C. "A" S-208)

**House as Amended**

Bill "An Act To Restrict Fingerprinting of Educational Personnel to New Hires"

(H.P. 667) (L.D. 890)  
(C. "A" H-520)

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

Bill "An Act to Ensure that Maine's Unemployment System is Responsive to the Needs of Today's Workforce"

(H.P. 195) (L.D. 240)  
(C. "A" H-482)

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

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

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

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

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

**ENACTORS**

**Emergency Measure**

An Act To Strengthen the Energy Resources Council

(S.P. 233) (L.D. 669)  
(C. "A" S-200)

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

On motion of Representative DUPLESSIE of Westbrook, the Bill was placed on the Special Study Table pursuant to Joint Rule 353 pending **PASSAGE TO BE ENACTED.**

**Acts**

An Act To Preserve the Integrity of the Voting Process

(H.P. 334) (L.D. 426)  
(H. "A" H-478 to C. "A" H-403)

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

On motion of Representative DUPLESSIE of Westbrook, was **SET ASIDE.**

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

An Act to Allow Certain Women Recovering from Childbirth To Be Issued Temporary Handicapped Parking Permits

(H.P. 766) (L.D. 1049)  
(C. "A" H-409)

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

On motion of Representative DUPLESSIE of Westbrook, was **SET ASIDE.**

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

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

(S.P. 402) (L.D. 1196)  
(C. "A" S-205)

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

On motion of Representative DUPLESSIE of Westbrook, was **SET ASIDE.**

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

An Act To Improve the Fairness of the Health Care Provider Tax and To Ensure Fair Implementation of Health Care Reimbursement Reforms

(S.P. 424) (L.D. 1293)  
(C. "A" S-220)

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

On motion of Representative DUPLESSIE of Westbrook, 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 Amend the Election Laws

(H.P. 1134) (L.D. 1548)  
(C. "A" H-496)

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

On motion of Representative DUPLESSIE of Westbrook, was **SET ASIDE.**

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

(H.P. 1141) (L.D. 1558)  
(C. "A" H-432)

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

**UNFINISHED BUSINESS**

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

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 (EMERGENCY)

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

TABLED - May 23, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **FINAL PASSAGE.**

On motion of Representative CUMMINGS of Portland, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-423)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-521)** to **Committee Amendment "A" (H-423)** which was **READ** by the Clerk and **ADOPTED.**

**Committee Amendment "A" (H-423)** as Amended by **House Amendment "A" (H-521)** thereto was **ADOPTED.**

The Resolve was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-423)** as Amended by **House Amendment "A" (H-521)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

Resolve, Conveying The State's Interest in a Parcel of Property Located in Orrington (PUBLIC LAND)

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

TABLED - May 23, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **FINAL PASSAGE.**

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands (PUBLIC LAND)

TABLED - May 23, 2003 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - **FINAL PASSAGE.**

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 98 voted in favor of the same and 26 against, and accordingly the Resolve **FAILED FINAL PASSAGE** and was sent to the Senate.

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

An Act To Increase Access to Information Regarding Referendum Questions

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

TABLED - May 23, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative CLARK of Millinocket, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-449)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-532)** to **Committee Amendment "A" (H-449)** which was **READ** by the Clerk.

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

Representative **CLARK:** Mr. Speaker, Ladies and Gentlemen of the House. All this amendment does is add a date in Section 1 to make it consistent with Section 2. It is a technical amendment and that is all it does.

**House Amendment "A" (H-532)** to **Committee Amendment "A" (H-449)** was **ADOPTED.**

**Committee Amendment "A" (H-449)** as Amended by **House Amendment "A" (H-532)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-449)** as Amended by **House Amendment "A" (H-532)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

An Act To Retain Teachers Holding Targeted Need Area Certificates, Conditional Certificates or Transitional Endorsements

(H.P. 714) (L.D. 957)  
(C. "A" H-458)

TABLED - May 27, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative CUMMINGS of Portland, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-458)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-523)** to **Committee Amendment "A" (H-458)** which was **READ** by the Clerk and **ADOPTED.**

**Committee Amendment "A" (H-458)** as Amended by **House Amendment "A" (H-523)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-458)** as Amended by **House Amendment "A" (H-523)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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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)

TABLED - May 23, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **FINAL PASSAGE.** (Roll Call Ordered)

On motion of Representative FAIRCLOTH of Bangor, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-464)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-529)** to **Committee Amendment "A" (H-464)** which was **READ** by the Clerk.

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

Representative **FAIRCLOTH:** Mr. Speaker, Men and Women of the House. I offer this technical amendment as the good Speaker pointed out yesterday with something in the neighborhood of 200 bills pending, I will be brief about this as this is from a unanimous committee report.

The original Committee Amendment explicitly provided that the expenses for this legislation would not have an affect on the general fund. That was drafted by the Office of Policy and Legal

Analysis, a non-partisan office. However, since that was the belt, we will offer the suspenders. With this amendment, which I have drafted and consulted with the Office of Fiscal and Program Review, it will further ensure because no meetings can be held until all outside funds for the commission have been received by the Executive Director of the Council can any funds be expended and no reimbursements of any type shall occur until those funds have been received and the Office of Fiscal and Program Review states that this amendment, therefore, shall have no fiscal impact. I hope that with that we will have belt and suspenders and we can move on to other matters. Thank you very much, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TOBIN:** Mr. Speaker, Men and Women of the House. To anyone who might answer, are there any legislators on this study?

The SPEAKER: The Representative from Windham, Representative Tobin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative **FAIRCLOTH:** Mr. Speaker, Men and Women of the House. In response to the question, yes, there are legislators who will serve on this commission. In consultation with the Office of Fiscal and Program Review, this amendment states that notwithstanding any other provision of law that any meeting that shall occur no legislator shall be reimbursed for attending any meeting until after the director of the council has received full funding from an outside source. Therefore, no state funds will be involved in the functioning of this commission.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MCKENNEY:** Mr. Speaker, Ladies and Gentlemen of the House. Is it appropriate for legislators to be reimbursed by outside concerns?

The SPEAKER: The Representative from Cumberland, Representative McKenney 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, Men and Women of the House. Thank you for the question. Yes, I believe in numerous other legislative studies there have been outside funding sources that have been provided. This is no different than those. In fact, this has happened on numerous occasions in the past. In this instance all the amendment does is further ensure, technically speaking, if a legislator were to show up at a meeting before it had been empanelled, that they would not be reimbursed, unless the Executive Director certified that there had already been funds received. It is fully appropriate and has been appropriate in other commissions in the past. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MCKENNEY:** Mr. Speaker, Ladies and Gentlemen of the House. Could the good Representative from Bangor name me any other legislative studies that have been paid for by outside concerns?



The SPEAKER: The Representative from Cumberland, Representative McKenney has posed a question through the Chair to the Representative from Bangor, Representative Faircloth. The Chair recognizes that Representative.

Representative FAIRCLOTH: Mr. Speaker, Men and Women of the House. I know there have been in consultation with the Office of Fiscal and Program Review and with the Office of Policy and Legal Analysis. I cannot name those studies for you, but I have good faith in the Office of Fiscal and Program Review and in the Office of Policy and Legal Analysis that they are non-partisan offices and they wouldn't represent to me that this had occurred in the past if it had not. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative MURPHY: Mr. Speaker, Men and Women of the House. The question would be, some of these outside organizations that would be funding this study, could they also possibly become beneficiaries of any grants that may come from the results of this study?

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

Representative KANE: Mr. Speaker, Ladies and Gentlemen of the House. I hope that in the course of answering and responding to technical questions that we don't lose sight of the issue. In fact obesity is now one of the major health problems in the United States, in fact in the world, but in the United States in particular. If you read the major editorial in the *Sunday Telegram* this past weekend, you will see ample testimony to the urgency of this body to act.

This spring the cardiovascular disease specialists, internists, nurses and professionals gathered for the 53rd annual scientific session of the American Heart Association. The top cardiovascular experts in the country came to Maine to talk about the evidence-based prevention of heart disease. Every one of the five experts talked about the epidemic proportions of young people who are evidencing early onset of diabetes with a high risk factor for heart disease, escalating cholesterol due to nutrition and lack of physical activity.

Representative Faircloth had an opportunity and did address the scientific session about his vision for how Maine can start on the path, first of all recognizing that we are in crisis and then making an effort through what is being proposed today to study the problems of our youth and deliver a cohesive plan to the Legislature. They applauded the potential initiative of this body to take this kind of leadership. The American Heart Association indicated in the public hearing to us that they have the latest data and access to the best national experts in cardiovascular disease and will provide access to these resources in the implementation of this study. The AHA would like to participate in the study effort.

The fact that we yesterday received a list of 26 of the major public health related organizations in the state, which expressed their strong support for this bill to begin the study effort, beginning someplace.

I urge you, men and women of this body, to recognize the crisis that childhood obesity is presenting to our health care system and the financial cost of that as well as the tragic impact on the life of our young people is enormous. I urge the body to move on and let's pass this bill. Thank you Mr. Speaker.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. That was my question. Are we still on House Amendment "A?" I would like to address the bill when we get to it.

**House Amendment "A" (H-529) to Committee Amendment "A" (H-464) was ADOPTED.**

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. My question is, what are you going to get out of a study done in the State of Maine that hasn't been replicated somewhere in national journals? Pick up any public health journal, any medical journal, and you will see studies in there about the affect of obesity, heart disease and diabetes on the public health. Is it really necessary that the State of Maine study this? We have all kinds of national data already out there. Mr. Speaker, I request a roll call.

Representative BRUNO of Raymond REQUESTED a roll call on the motion to **ADOPT Committee Amendment "A" (H-464) as Amended by House Amendment "A" (H-529) thereto.**

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

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

Representative FAIRCLOTH: Mr. Speaker, Men and Women of the House. I was remiss the other day because I did not get to hear the good Representative from Raymond, Representative Bruno's remarks about McDonalds and his concerns regarding McDonalds. I heard there were free coupons for McDonalds that were handed around the Legislature recently. If you have any extras I hope you will provide them to me because I love McDonalds. My favorite meal is a quarter pounder with cheese.

What this legislation is about is not about mandating anything. It is about analyzing what we can do in public policy with regard to this issue. I don't want government or anybody else telling us what we can or cannot do or what we can or cannot eat. This is a fiscally conservative approach to this issue. The National Governor's Association last year concluded that the cost of this issue of obesity and its affect on cancer, cardiovascular health is a larger cost to our health care system in these states than that of cigarettes and we know the cost of cigarettes is very significant. To the State of Maine alone, the cost approaches \$1 billion. The concern that I have and the concern that this bipartisan unanimous report from the Health and Human Services Committee has, after much consideration from those on both sides of the aisle and the product of suggestions for people on both sides of the aisle for this unanimous report is that big government has for too long been involved in the promotion of obesity. We need to get big government out of the obesity promotion business. We need to have freedom of choice in our highway systems because in 1961 over 60 percent of our kids walked or biked to school. Now only 13 percent do. We don't have freedom of choice in our restaurants like we do in our grocery stores. We don't have the freedom on information about the products that are sold there. We don't have in our public schools, in the vast majority of them, the opportunity to buy 100 percent juices. Those opportunities are not provided. What this is about is examining public policy ways to address personal responsibility, fiscal responsibility and freedom of choice.

That is why I think we had all the Republicans on the Health and Human Services Committee and all the Democrats on the Health and Human Services Committee together in support of this legislation. We have not had studies to address the public

policy issues. We have had vast studies indicating that this is the biggest public health issue of the new century without question, but we have not had studies about how to address it in public policy. I hope when we consider these issues, we consider the issue of how it is affecting people. When we have huge costs, tremendous costs to our health care system, even more important than that is the costs in people's lives. People now are developing diabetes, not when they are 60 and 70 years old, they are developing it in their 20s and in their 30s. When you have late-stage diabetes when you are 40 years old, that means your feet get cut off. You lose the use of your blood system. This is serious. This is a serious health care issue and we need to address it. The affects in cancer, in diabetes and in cardiovascular death are the most significant health care issues we face.

I am very thankful that as of last December we had our first meeting about this issue and now we have well over 20 public health groups that are united in support of this, the Maine Medical Association, the Heart Association, the Lung Association, the Cancer Association are all united in support of these efforts. I am glad to have this together. It took many years with regards to the issue of cigarettes. This issue has had tremendous success in a matter of six months and we will continue to do so. I thank the good Representative from Raymond, for raising the issues of McDonalds, but for me this is a far broader issue and we will all work together on the public policy ways to address this. Thank you.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. The good Representative from Bangor is a walking encyclopedia of statistics on obesity and heart disease and diabetes, which just goes to prove my point. If you have all those statistics, why do you need to study it anymore? We have the information. We know what the problem is. If it is a matter of setting public policy, that is why we have a Legislature. Bring a bill forward. You don't need to study the public policy. You already know the problem. You know what the answers are. Bring forth a bill and fix it. These kinds of studies, I don't know if we just need to get together 28 people in a room to come up with the same conclusions that you already know. I hope you vote against this just for the sake of the sanity of this body. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Ladies and Gentlemen of the House. We received an unexpected cheerleader this morning driving in. I heard on the radio that President Bush announced today, publicly, that his administration was now going to put a very high priority on all preventable diseases, determining that the only way to bring health care costs under control is to get to preventable diseases with obesity being one of the major ones. As Representative Faircloth said, this thing is not about collecting more data. This thing is about converting this data and analyzing this data into sound public policy. I believe that this body can expect to get back from this process the kind of well documented and well data based policy proposals that we can then move ahead with. Thank you Mr. Speaker.

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

Representative **RICHARDSON**: Mr. Speaker, Ladies and Gentlemen of the House. I think all of this may be true, but it is also true that the government is already doing this. We don't need to spend the money to do it. The other thing the good Representative suggests is that people should have freedom of

choice, except it sounds to me as though the freedom of choice is only among the things that they think should be out there to choose from. I don't know if that is part of our mandate either.

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

Representative **DAVIS**: Mr. Speaker, Ladies and Gentlemen of the House. It would seem to me that the outbreak of obesity in the public school system is do to the decline of physical education in the high schools. When I started teaching in 1959 people ran up and down the gymnasium. They were forced to by their phys ed teachers. Now as I observe phys ed classes, I would characterize it as sort of a cream puff sort of an exercise. You don't even break a sweat. There is where the obesity comes from, lack of exercise. Until you deal with that, you are not going to solve the problem. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Jacobsen.

Representative **JACOBSEN**: Mr. Speaker, Ladies and Gentlemen of the House. We keep hearing about McDonalds and restaurants and fast foods. The restaurant industry has taken major steps over the past five or 10 years to improve the quality of foods, the nutrition values of foods and offer a variety of foods for people's choice. It is not something that has been overlooked by the industry. The industry is right out front on this. We realize the problem and we realize the problem for a lot of it is a lack of student's activities. We buy them computers so they can go home and take the computer with them and sit down. We put on television shows for the kids every Saturday. When I was young I could eat everything, but the legs on the kitchen table and I didn't gain weight. I wish I still had that problem. Kids today are sitting around and not getting the proper exercise. We deliver them with school buses to school, pick them up on their doorstep. If they have to walk 100 yards, parents are down there complaining. I don't know why we have made it as far as we have when we didn't have everybody worrying about us. Thank you.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I served as chair of the Commission on Eating Disorders for four years. We came out with a fabulous report. When you have an eating disorder it doesn't necessarily mean that you are ultra-skinny. An eating disorder also includes obesity. We brought back the report and what we would like to do and absolutely nothing happened. That is why I oppose this. It is just more data coming in that nothing happens. Let me give you another idea why I believe there is so much obesity. Mom and dad are out working two jobs. Quite often there is nobody home to cook the necessary balanced food and dinners that need to be prepared for the family. Fruits and vegetables are very expensive. I go to the grocery store and I have to pick and choose what ones I want because my pocketbook can't afford it. They have to choose between pasta, spaghetti and macaroni and cheese, which is not good for you. All these things, it just takes common sense. I think that if we just get people home with their children. We need to encourage smart practice where families can be there and maybe we can stop this. This whole thing really frustrates me. I know I can't support this.

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

Representative **LAVERRIERE-BOUCHER**: Mr. Speaker, Men and Women of the House. Instead of studying the issue right here today at a cost to the taxpayers for our time here, everyday that we gather as a Legislature it costs over \$100,000 a

week. If this bill is passed, the study will be paid by outside funds. Please vote for this bill. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. One of the reasons I had a concern about the amendment, which is now attached to this bill is that too often I have seen over the years that many groups that are supportive of an issue or if they are putting up their money, sometimes there is a little bit of a payback two or three years later in glossy booklets and materials and additional staff and TV advertising budgets. I have that same concern here. It seems that there is an unwritten rule that when there is a problem and everyone acknowledges the problem, there is an unwritten rule in this institution that you have to study it for a decade before you do anything. I think what you are hearing today is enough with the studies, it is time to act. The problem is the action requires expenditures and it requires leadership. It appears that we are not willing to do that.

We heard from Representative Jacobsen in terms of we would rather have kids ride than walk. We heard from Representative Davis that we have walked away from physical in the last decade and a half. It literally is no sweat to meet your physical commitment in a Maine school today. If we were committed to solving this rather than studying it, we would commit monies to intramural programs. So that not just the few can play athletic sports, but we would support all children being able to play intramural sports. We would fund after school programs so that supervision would be there and the gym would be open and the facilities would be open for all youngsters to partake. We would help the local schools with open gym on weekends. I have seen personally as a teacher that if you open a gym and you are up to your armpits in children that are there. You don't have to organize it or supervise it. They have the games going immediately. It is amazing the creativity that youngsters can achieve without adult supervision or structure.

The other thing that we would do is encourage your schools financially that in those terrible months in November through the middle of May that public school buildings would get opened before school and after school for all local residents to be able to come and walk in a safe, non-icy environment, but that takes money. That takes leadership, so we are going to walk away from that and we are going to study it again.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. I had not intended to speak on this slippery slope local control issue. However, I think the issue at hand here is how you address getting the information out to the public about public health. I would agree with what has been said here that there is much knowledge already been accumulated. There is much common sense that can be applied to this, however, I think that for clarity the real issue is how do you get issues of common sense out to the public? I would maintain that much of this is not common sense. Some of it is rather counter intuitive. I have heard the suggestion that we encourage people to get more exercise, lead more active lives and I would refer to the case of my own father who was never overweight in his entire life. He was a very, very active man. He went through double bypass surgery, diabetes and a number of other things because of his diet. It had nothing to do with his lack of exercise or anything else like that.

In my own little world in Fish and Wildlife one of the biggest problems we have talking about food is convincing people what a bad thing it is to put out birdfeeders in the summertime. We will talk about that in another debate, but it actually a really bad thing

to do. It is counter intuitive. You want to feed the birds. You think if you eat the skinless, boneless chicken breast and drink a quart of milk a day that you are going to be healthy and hail until you are 100 years old, but it is not necessarily that simple. I think that given all the data that is out there how we can distill it down to a good solid public message is really the benefit that this type of committee can offer. These debates aren't new. We have been having debates like this probably for the last 300 years going back to how we were going to handle smallpox epidemics. The real question is, how are you going to handle the public, not what the methodologies were. I think that is the same debate we are having today. I think the committee ought to be given the chance to do its work and deliver a solid message to the public and decrease this issue of runaway health expenses.

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to thank the sponsor of this bill for bringing it forward. I think it is an important issue that needs to be addressed by this Legislature. I feel like we might be going down the same path the Representative and I and the Executive Branch this next summer. To some of you that haven't seen LD 585, that bill was held over. It creates a preventive care program within the state that expands preventive care programs to deliver the very services that the author of this bill is trying to do.

I don't have any problems with the bill and this amendment, but I do feel like we are going to be working on the same issue only on different paths. I would suggest to the author of this bill that he hook up with me and the Executive Officer and we work together over the summer to attack this issue. I think we are all trying to do the same thing, but maybe we ought to coordinate our efforts. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. I acknowledge and appreciate the support of the Representative from Waldoboro. However, it is as all committees do, as they review different legislations, make a judgment call as to whether something is duplicative or not. We did not believe it was duplicative and it is the committee's responsibility, I think, to integrate the reports that come back to us from different sources. It may very well be that there could be some kind of complimentary work being done. It is the responsibility of the committee to make that judgment. I do appreciate his interest and support.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of Committee Amendment "A" (H-464) as Amended by House Amendment "A" (H-529) thereto. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 184

YEA - Adams, Annis, Ash, Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Brown R, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Curley, Daigle, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Grose, Hatch, Hotham, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Mailhot, Makas, Marley, McKee, McLaughlin, Mills S, Moody, Norbert, Norton, O'Brien L, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Rector, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Tobin J, Trahan, Twomey, Usher, Walcott, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Austin, Berry, Berube, Bierman, Bowen, Bowles, Browne W, Bruno, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Davis, Duprey B, Fletcher, Glynn, Greeley, Heidrich, Honey, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lewin, Lundeen, Maietta, McCormick, McGowan, McKenney, McNeil, Millett, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tobin D, Treadwell, Young.

ABSENT - Bryant-Deschenes, Dugay, Gerzofsky, Goodwin, Marraché, McGlocklin, Mills J, O'Neil, Perry J, Piotti, Richardson J, Tardy, Vaughan, Watson.

Yes, 80; No, 57; Absent, 14; Excused, 0.

80 having voted in the affirmative and 57 voted in the negative, with 14 being absent, and accordingly **Committee Amendment "A" (H-464) as Amended by House Amendment "A" (H-529)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-464) as Amended by House Amendment "A" (H-529)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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An Act To Promote Stewardship of Forest Resources  
(H.P. 1194) (L.D. 1616)  
(C. "A" H-512)

TABLED - May 23, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **PASSAGE TO BE ENACTED**.

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

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

**BILLS RECALLED FROM GOVERNOR**

(Pursuant to Joint Order 2003 - House Paper 1203)

An Act To Revise Certain Provisions of Maine's Fish and Wildlife Laws (EMERGENCY)

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

- In House, **PASSED TO BE ENACTED** on May 22, 2003.

- In Senate, **PASSED TO BE ENACTED** on May 22, 2003.

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

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

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-422)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-524)** to **Committee Amendment "A" (H-422)** which was **READ** by the Clerk.

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

**Representative DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. No good deed ever goes unpunished. This particular action that we are taking today is going back a little ways now. When we were dealing with our so-called omnibus bill, we were looking at bills that we had also carried over and there is also going on a task force dealing with the subject of all-terrain vehicle uses, which as all of you know, is very controversial in the State of Maine these days. When we are looking at what we can do to make sure we had a clean slate we discovered in the statutes a little bit of a problem whereby the state maintains jurisdiction over hunting, fishing, boating, snowmobiling, whitewater rafting and endangered species, etc., there was nothing saying that municipalities could not prohibit operation of ATVs within their municipal boundaries. We decided as a committee that it would be better to have a statewide series of statutes rather than a honeycomb of local ordinances.

In our work session we adopted language that would preclude municipalities from adopting ordinances against ATVs. That turned out to be the setting for a large medieval disaster. The word went out on this issue and the municipalities became very concerned because there was a great deal of municipally owned property which they wanted to be able to control the use of ATVs on. In a flurry of discussions we came up with some compromise language that would allow municipalities to regulate the operation of all-terrain vehicles on municipal property, on rights of way held by the municipalities and on easements held by municipalities. I don't believe that this would also do anything to preclude utilities from regulating or prohibiting ATVs on their easements or power lines or that sort of thing or on water districts or anything to that nature. All we were really trying to do was prohibit or preclude a regulation which may be very difficult to enforce that would keep ATVs from being regulated with municipal boundaries. It would be very hard to define.

That is the language we have come up with. I would urge the body to adopt this language. I think it will address the issue of local control and uniform state laws in a very, very neat manner. Thank you Mr. Speaker.

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

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

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

**Representative KAELIN**: Mr. Speaker, Men and Women of the House. Are there municipal ordinances that affect the operation of ATVs on private land in municipalities? Thank you Mr. Speaker.

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

**Representative DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. In answer to the question, we are not really sure. There was an indication that there may be two or three towns, which are attempting to do this or have done it on private property. I think that is something that we are not aware of that was already happening when we were discussing this. In our discussions with Maine Municipal and other organizations, it

was felt that this was a reasonable route to go rather than look at prohibition on ATV operation within the municipal boundaries, which as we all well know can be very difficult to define.

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

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the Representative from Old Town's answer, but I don't think this is the first time I've disagreed with the Maine Municipal Association since I was elected to this body. I am proud to stand here again and say that I don't agree with them on this one either. In my district, in fact, the municipalities are really trying to get their arms around ATV operation. The problem we have is we do not have enough enforcement, whether it is county sheriffs or wardens or anything else. I am very concerned about the chilling affect that this amendment would have on rural municipalities attempting to work on the local level where I think we need local enforcement. That is my concern with this amendment. Thank you very much.

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

Representative **LANDRY**: Mr. Speaker, Ladies and Gentlemen of the House. I had submitted legislation early on controlling the use of ATVs because we, in my district, had a really serious problem. We still do, concerning ATVs and their use on private lands, concerning ATVs and the enforcement of what few rules and regulations the state has on the operation of ATVs. It is a fact that local law enforcement have a really hard time enforcing any laws governing the use of ATVs on municipal or private land in that they cannot perform pursuit. They come to the beginning of a trail and then the ATV people are gone.

The bill that I had submitted, which I believe got carried over because of the fiscal note and the lack of money to hire new wardens in the Warden Service. The only people that can really enforce any of these laws is the Warden Service and they are so terribly undermanned and the fiscal note came in, of course, at a bad time. I believe that the efforts of the good Representative Dunlap and his committee are doing to try to resolve some of these programs. The ATVs have gotten completely out of hand in a lot of areas. In your thoughts concerning this issue, know that my bill is cosponsored by folks from all over the state, both sides of the room and both ends of the hallway. I fully support the efforts of the IF & W folks and I highly recommend that you take it into consideration yourselves. Thank you.

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

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

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I have been very pleased with what the department and the committee has done this year regarding service use recommendations on our lakes. For a while that was sunsetted. It was an excellent process to determine how boats are used on lakes, the speed at which they are allowed to go and so forth. If a community participates in that, they can submit these recommendations to the department and the department reviews them and then they come up to us for adoption.

I realize what the good Representative is saying. My question is this, did the department give any thought to allowing the same sort of process for municipalities to consider the adoption of local ordinances that could be honored by the department in the same way that our surface recommendations have been honored?

The **SPEAKER**: The Representative from Wayne, Representative McKee has posed a question through the Chair to

anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. In answer to the Representative from Wayne's question, we have not, as a committee, entertained any recommendations for a municipal process, similar to what was done in the Great Ponds Act. Part of the issue is the issue of municipal boundaries. When the Department of Inland Fisheries and Wildlife promulgates rules for different regulations, especially for those engaged in outdoor recreation, it does so based on physical boundaries, things that can be recognized without a map.

You know fairly well that if you are north of Route 9 or south of Route 9, you are in either the northern waterfowl zone or the southern waterfowl zone. You don't have to have GPS to figure out where you are. For municipal regulation of all-terrain vehicles, for example, the problem is very similar to what we have experienced and what has been dealt with very effectively by the Committee on State and Local Government dealing with municipal firearms discharge ordinances where town lines often times run through the woods. You don't know if you are on one side of an oak tree or the other side of the oak tree if you are in violation of a discharge ordinance. That has been problematic and that is one the things that we have left to the task force to make recommendations on.

The gentlemen from Sanford and Winterport have hit the problem exactly on the head. The real problem is that of law enforcement. While we have talked about no good deed going unpunished I will also say, be careful what you wish for. If you want local control on this thing, if the local municipalities want to deal with ATVs exclusively, they are welcome to it. I would be happy to give it to them. It will be very, very difficult for municipalities to take it on their own. That is why we are trying to work on a more cooperative approach through this legislation and in legislation that has been brought forward by the gentleman from Sanford, Representative Landry, which has been carried over by the Committee on Inland Fisheries and Wildlife to use as a vehicle to implement those recommendations of that task force and other problems as identified by municipalities and the department and Committee on Inland Fisheries and Wildlife.

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

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. I didn't want to spend a lot of time on this this morning, but I really still have some questions. To the comments from the good Representative from Old Town, I don't envision a 100 percent regulated thing there. What I am looking for is a way to have a partnership with the towns and the department, particularly with the very scarce funds that we have. We all know that the marine wardens and the IF & W wardens were the first ones to go on the second floor. That is what I want to try to get to Representative. I am not attempting to derail anything. I am instead attempting to build on something. That is where I am coming from. I appreciate your comments. Thank you Mr. Speaker.

The Chair ordered a division on the motion to **ADOPT House Amendment "A" (H-524) to Committee Amendment "A" (H-422)**.

A vote of the House was taken. 111 voted in favor of the same and 0 against, and accordingly **House Amendment "A" (H-524) to Committee Amendment "A" (H-422) was ADOPTED**.

Representative DUDLEY of Portland **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-422) as Amended by House Amendment "A" (H-524)** thereto.

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

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

Representative MILLS: Mr. Speaker, Ladies and Gentlemen of the House. As we read this Committee Amendment, one of the major provisions of this amendment is that it prohibits any municipality or political subdivision of the state from enacting any ordinance, law or rule regulating the all-terrain vehicles. It deprives 494 municipalities in 16 counties of taking any action whatsoever on all-terrain vehicles. I am not prepared to support that policy at this juncture. I think the rest of the bill, which I believe to be a omnibus department bill may well be innocuous, but it seems to me that this is a significant policy statement. For that reason, I would urge that you vote against putting the Committee Amendment on the bill and perhaps going on to passing the bill without it. Thank you.

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

Representative DUNLAP: Mr. Speaker, Ladies and Gentlemen of the House. I happen to catch out of the corner of my eye as we ended this debate on the last amendment, the good Representative from Cornville, Representative Mills, coming into the chamber. House Amendment "A" as which we have just adopted addresses that very concern. It would allow municipalities to regulate the operation of all-terrain vehicles on municipal property, on rights of way or on easements held by the municipality. It is not as egregious as the original language. I would hope the Representative would agree.

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

Representative MILLS: Mr. Speaker, Men and Women of the House. I am not quite so far behind as the good Representative accuses me of being. The amendment, which I did not oppose, does give the municipalities power to regulate ATVs on property which they own. I guess the City of Portland can regulate ATV traffic in the parks that they own. However, it does deprive the City of Portland and the Town of Cornville from the capacity to pass any ordinance at a town meeting or otherwise that might regulate ATVs on private property. I think that is a very significant policy measure that should not go onto this bill. If we are going to pass such a measure, we ought to do it by separate bill with a significant debate on the issue. I personally do not favor restricting our municipalities in just that fashion.

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

Representative DUNLAP: Mr. Speaker, Ladies and Gentlemen of the House. It is a good point that the Representative from Cornville has made. However, if you take a municipality like my municipality, Old Town, where you have a city center, some town owned land, some university owned land and some farms, suppose a municipality like Old Town were to adopt an ordinance prohibiting the use of ATVs within municipal boundaries. I am sure the university would like that. I am sure that the people in town would like that, but would a farmer who uses an ATV on his property like that? I think then the issue of operation on private property as a preclusion was more of an issue than simply just municipal home rule.

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

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

The SPEAKER: The Representative may pose his question.

Representative LESSARD: Mr. Speaker, Ladies and Gentlemen of the House. Already on the books there is a provision for the municipality to allow ATVs on dirt roads and those that are not heavily traveled. That is on the books. I researched that. Does this bill change that?

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

Representative DUNLAP: Mr. Speaker, Ladies and Gentlemen of the House. To answer the Representative from Topsham's question, no, it does not preclude the municipality from allowing ATV use on those right of ways.

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

Representative KAELIN: Mr. Speaker, Ladies and Gentlemen of the House. I was imagining myself in Old Town a moment ago at a public meeting and giving the local people the opportunity to decide whether or not they would want to regulate ATVs. I am also imagining several meetings in Waldo County on the same issue. If we enact this Committee Amendment today, I am very sorry that it may upset other issues that are important to the committee and to this state, but we are making the decision today that the municipalities may not, in fact, have the meeting where they decide whether or not they want to regulate ATVs anywhere within their municipal boundary. That may include private property and that continues to be my point. For that reason, I am going to vote against this amendment. I encourage other people to. Thank you.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. I want to make a comment and then ask a question. First of all, I think we are talking about something that is very important to our communities. I think that by giving communities the opportunity to participate in this discussion, we will be empowering communities. We will be empowering them to accept the fact that they have a problem. They can be a part of the solution. One of the things that we found out in the process about personal watercraft was that we learned what our lake's needs were. We learned that our lakes were tied inexplicitly to our tax base. In so far as the water quality remained good, our tax base remained good. I think the same applies for ATV use. I am not opposed to ATVs. I realize there are complications here and this may not be the place to make that decision that the good Representative is suggesting across the aisle.

My question to Representative Dunlap is this, if we go along with this today, will the task force address the possibility of our municipalities participating in the resolution of this problem? It is true. We don't have law enforcement out there, but neither do we have law enforcement to keep the cars moving as slowly as we would like. If we thought we would be able to be heard via this task force, I think my concerns would be reduced.

The SPEAKER: The Chair recognizes the Representative from Orland, Representative Churchill.

Representative CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House. I had my whole weekend ruined last weekend on account of this bill. Maine Municipal issued a warning to every town that is a member of their association to call their legislator. I received calls, not only from my towns, but other towns surrounding them. They said we would restrict their ability to ban ATVs from municipal owned property. For instance, Castine with the Maine Maritime Academy, they really would have a ball down there if they were allowed to run around their lawns with the ATVs and any other municipal property. This

issue doesn't pertain to what has been heard. I am surprised that other members of this House haven't been notified from their municipal officers. I hope that this amendment is voted in. Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. I hesitate to rise, because I don't like to show my ignorance, but I do have a question to ask. I know that the local police force can enforce state laws on the highways. I am not sure if they can enforce ATV laws in the other lands. I know that they can't enforce fish and game laws, but if somebody could enlighten me on what they can do with ATVs?

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Tobin.

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to partially answer that question and also will ask you to vote in favor of the present motion. I live in the Town of Dexter. The other night I was coming home from an uneventful fishing trip and pulled into the docking area and the game warden was there. The local town official pulled in and talked to the game warden about citing a young man for operating an ATV on a local town street for driving to endanger. They discussed it and the game warden told him that he was in the right and to go ahead and what to charge this young man with. Besides that, this was the fourth time that that young man had been charged with driving his ATV inappropriately.

The point that I am trying to make is, local officials and state officials need to work together. They both can enforce the laws. He was driving that ATV on a local street in a behavioral manner that was inappropriate. He was cited by the local police officials.

Our town has a municipal golf course. They banned the use of all-terrain vehicles on the golf course. If we do not pass this bill with this amendment this morning, they won't be able to do that. It is a situation where both local and state officials have to work together to enforce both the local municipal ordinances and the state laws. I request that you please vote for this this morning. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunlap. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. To answer some of the questions I heard here today, in approaching how the municipalities and the state can come into sort of confluence on this, to answer the Representative from Wayne's question, municipalities are really going to be a key factor in how we handle this issue in the future. It is going to have to be cooperative as the Representative from Dexter, Representative Tobin, has intimated. In terms of enforcing state and local statutes together, yes, there is a lot of cross over there. There is nothing that would preclude a game warden from enforcing any statute that he or she saw being violated, whether it is a local ordinance or a state ordinance as far as I can understand.

The future is hopefully going to hold some solutions to some of these problems. What we are trying to get through today is some sort of compromise. By the way, Maine Municipal Association and I worked together on this language. They are satisfied with it. They feel it does not preclude their ability to regulate ATVs as much as they need to at this time. They are

anxious about the future as is everybody. This is an enormous issue, especially in southern Maine and also in extreme northern Maine. I would urge the House to adopt this amendment as amended so we can go on and begin work on this very thorny problem.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of Committee Amendment "A" (H-422) as amended by House Amendment "A" (H-524) thereto. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 185

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Blanchette, Bliss, Bowen, Brannigan, Breault, Brown R, Browne W, Bruno, Bunker, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Cressey, Curley, Daigle, Dugay, Dunlap, Duplessie, Duprey B, Earle, Faircloth, Fischer, Fletcher, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jennings, Joy, Kane, Ketterer, Koffman, Landry, Ledwin, Lerman, Lessard, Lewin, Mailhot, Makas, McCormick, McGowan, McKee, McKenney, McLaughlin, Mills J, Moody, Muse, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Patrick, Peavey-Haskell, Pellon, Percy, Perry A, Pineau, Rector, Richardson E, Richardson M, Rines, Rogers, Sampson, Saviello, Shields, Simpson, Smith N, Smith W, Stone, Suslovic, Sykes, Tobin J, Trahan, Vaughan, Walcott, Wheeler, Wotton, Young, Mr. Speaker.

NAY - Bowles, Bull, Campbell, Courtney, Cowger, Craven, Crosthwaite, Davis, Dudley, Duprey G, Eder, Finch, Gagne-Friel, Jacobsen, Kaelin, Laverriere-Boucher, Lundeen, Maietta, Marley, Millett, Mills S, Moore, Murphy, Norbert, Pingree, Rosen, Sherman, Sukeforth, Sullivan, Thomas, Thompson, Tobin D, Treadwell, Twomey, Woodbury.

ABSENT - Bierman, Bryant-Deschenes, Cummings, Gerzofsky, Goodwin, Jodrey, Lemoine, Marraché, McGlocklin, McNeil, Paradis, Perry J, Piotti, Richardson J, Snowe-Mello, Tardy, Usher, Watson.

Yes, 98; No, 35; Absent, 18; Excused, 0.

98 having voted in the affirmative and 35 voted in the negative, with 18 being absent, and accordingly **Committee Amendment "A" (H-422) as Amended by House Amendment "A" (H-524) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-422) as Amended by House Amendment "A" (H-524) thereto in NON-CONCURRENCE** and sent for concurrence.

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

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

#### SENATE PAPERS

Bill "An Act To Provide Affordable Loans for Higher Education"

(S.P. 579) (L.D. 1625)

Came from the Senate, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

**REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

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**REPORTS OF COMMITTEE  
Divided Report**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-236)** on Bill "An Act To Preserve the Role of Assisted Living"

(S.P. 403) (L.D. 1197)

Signed:

Senators:

BRENNAN of Cumberland  
MARTIN of Aroostook  
WESTON of Waldo

Representatives:

EARLE of Damariscotta  
CRAVEN of Lewiston  
KANE of Saco  
DUGAY of Cherryfield  
WALCOTT of Lewiston  
CAMPBELL of Newfield  
LEWIN of Eliot  
LAVERRIERE-BOUCHER of Biddeford

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

Signed:

Representatives:

SHIELDS of Auburn  
CURLEY of Scarborough

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-236)**.

**READ.**

Representative KANE of Saco 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.

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**CONSENT CALENDAR  
First Day**

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

(S.P. 545) (L.D. 1590) Bill "An Act To Amend the Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-237)**

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. **ORDERED SENT FORTHWITH.**

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

**HOUSE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (5) Ought to Pass as Amended by Committee Amendment "A" (S-235) - Committee on TAXATION on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a Vote of 2/3 of Each House of the Legislature To Enact or Increase a Tax**

(S.P. 280) (L.D. 801)

Which was **TABLED** by Representative LEMOINE of Old Orchard Beach pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. Maine currently holds the unenviable distinction of being number one in state and local taxes. In other words, our Maine residents pay a higher percentage of their income for state and local taxes than the residents of any other state in the nation. I don't know about you, but my constituents are tired of living with this distinction and are asking that we do something about it. They want to know why we continue year after year to increase spending at twice the rate of their ability to pay. A big part of the answer is it is too easy to implement new spending programs and to raise taxes and fees to get the money to pay for them. I think we need to take tax and fee increases more seriously. We need to make it more difficult to raise taxes and fees so that it will only occur when a super majority agrees that it is both prudent and necessary.

This bill proposes an amendment to the Constitution of Maine to require a vote of two-thirds of each House of the Legislature to enact or increase a tax. There are currently 14 states with a super majority requirement for increasing or implementing a tax. Some of these also require approval of the voters. Interestingly, the economies in super majority states have grown nearly 33 percent faster and employment has grown about 25 percent faster than in states without this provision. This bill would put the following question on the ballot for Maine people to decide. Do you favor amending the Constitution of Maine to require a two-thirds vote of all the members of each House of the Legislature to enact or increase state taxes or certain license fees or to eliminate tax exemptions, except when inadequate funds have been appropriated for debt payment.

License fee has been defined to mean license and registration fees that are assessed by the state in connection with the operation of motor vehicles on the roads and highways of the state or for the privilege of hunting or fishing, including commercial fishing in the state.

Ladies and gentlemen of the House, it is time to elevate the raising of taxes and fees to a higher level of approval and this bill will accomplish that. Please vote no on the pending motion and accept the Minority **Ought to Pass as Amended** Report. Mr. Speaker, when the vote is taken, I request a roll call.

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

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

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

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. I urge you to support the Majority **Ought Not to Pass** Report on this measure. I ask for that for the following reasons. First, nothing in this proposal will do anything about the local property tax burden. That is what we have heard most about this year. That does not get addressed in this alleged remedy. Second, we have taken some very difficult steps already this year regarding the issue of taxation. We have done that regarding the balancing of the state budget, which was in dramatic shortfall and which is now roughly balanced without the addition of major new taxes. We are moving in the direction of lightening the tax burden on the people of the State of Maine. Third, it makes no sense to me to constitutionally bind the flexibility of the people's elected Representatives in a way which prevents them from



adjusting over the course of time for whatever emergencies may arise. It is, in fact, in the very nature of the Constitution that we work under that majorities are allowed to prevail. The way our system works, however, is not to have an unmitigated majority rule. We have a very sophisticated Constitution in this state. It is founded upon generations of work, history and, in fact, bloodshed. It is designed to give minorities while allowing majorities to push forward in necessary areas. We have a bicameral Legislature. We have an Executive Branch. We have a variety of state and local governments all throughout the State of Maine in which power is disbursed. It is through that disbursing of power, which is at the very core of our Constitution that we come back to the issue of majority rule in each body understanding that at the end of the day coalitions have to be formed within different branches and different bodies of each level of government if action is to be taken. To go to a vote of two-thirds within each body in this House in order to make a tax increase dramatically deduces the flexibility of this body and of the people of this state to deal with emergencies as they come up.

I hope that the members will support the majority and vote Ought Not to Pass on this measure. Thank you.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. As I see it, we have a clear choice. We can provide the voters with some confidence that the tax increases that we review and talk about here will be carefully considered by passing this bill and offering a Constitutional Amendment that would require a two-thirds vote to raise or incur tax or a fee. All we can look forward to is continued citizen's initiatives dealing with taxation and spending issues. I urge you to vote against the pending amendment and pass this bill.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. As I understood the argument advanced by the good Representative from Old Orchard Beach, his main concern in opposing this is that it will make it more difficult for this Legislature to enact a tax or a tax increase. He is absolutely right. That is the point of this legislation. If you listen to the good Representative from Scarborough, I hope you heard the most important part of his argument was in every state that currently requires a super majority, their economy is healthier, more vibrant, growing at a faster rate and allows those states to have more government programs, not less, because businesses come to those states, residents pay taxes and their economies are expanding. Contrast that to what is happening in Maine. At the federal level, one thing that we know that has been well documented is that every time there is a decrease in taxes at the federal level, there has been a stimulation to the economy. In every case following a decrease at the federal level in taxes, the federal government has actually taken in more money as a result of business stimulation. I submit to you that is what is happening in all the other states that have super majorities. That is what would happen in Maine. We would suddenly find ourselves in a position where we had businesses wanting to stay in this state or come to this state. We would find citizens earning more money. We would find more money coming into the state coffers and we would be able to have exactly the types of programs that we want to be able to offer our citizens.

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

Representative **SUSLOVIC**: Mr. Speaker, Men and Women of the House. The question before the body, as I understand it, is

not whether taxes should go up or down. I suspect that if we ask our constituents, they would give us a pretty resounding answer on where they would like to see their taxes go, which direction. I also know that in the very next breath those constituents will also give you the laundry list of services that they would like to see expanded, services that they would like to see introduced into the State of Maine. The question before the body, as I understand it, is whether or not to amend the Constitution? It is something that I think we should take a deep breath before rushing headlong into doing.

Every single one of us faces reelection every two years. One of the joys of serving in this body, as I am discovering, is the closeness between each one of us and our constituents. It is very easy to reach us, whether it be via e-mail, telephone or at the corner store in the neighborhood as we go about our daily lives back home. Each one of us must face our constituents, look them in the eye and defend our positions that we have taken up here. There is that check and balance in terms of whether or not we are being a wise guardian of the public funds and the public trust. We face that every two years. People have a chance to look at our voting records and say, yes, I agree with what my Representative voted. I agree the balance that my Representative took or I disagree. I am going to vote for the other person. I submit that the proposed legislation in front of us right now is unnecessary. The checks and balances work in terms of, if people feel that we are raising taxes too high and they are not getting the services they feel that they ought to, then we won't be returning back here. I would argue to vote the Majority Ought Not to Pass Report and continue on facing the voters every two years. Thank you.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I heard from the Representative from Old Orchard, Representative Lemoine, that we need flexibility so we shouldn't bind ourselves by a Constitutional Amendment. I heard from the Representative from Portland, Representative Suslovic, this is a Constitutional Amendment. You ought to think about it before you do it. I just ask that when the Fund for a Healthy Maine Constitutional Amendment comes up, you ask yourself those same questions.

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

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

The SPEAKER: The Representative may pose his question.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. To anyone that may answer, if this bill was to pass and the Constitution was to change, when would the referendum take place on a referendum question, June or November? If it is in June or November or special election, won't that cost more money to the taxpayers of the State of Maine?

The SPEAKER: The Representative from Millinocket, Representative Clark has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. As I understand the question, it is when would this go out to vote. Constitutional changes must go out to vote in November.

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

Representative **COURTNEY**: Mr. Speaker, Ladies and Gentlemen of the House. I am on the Minority Ought to Pass as

Amended Report. I think that one of the things that we ought to do is we ought to give the voters in the State of Maine the opportunity to decide what they want. Sometimes I think we get up here and we think we know what everybody wants and sometimes I think we get a little isolated. I know the people that I talk to every day, they say we spend too much. I think this is a way to ensure that we don't spend so much because we have a little bit less to work with. However, I know it won't decrease what we have to work with because every year our revenues increase, even if we do nothing or if we don't play the games with raising fees and taxes and expanding and changing the brackets. I would encourage you to vote Ought to Pass as Amended because I think we really have an opportunity to help the people of Maine. Thank you.

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

**ROLL CALL NO. 186**

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

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

ABSENT - Bierman, Bryant-Deschenes, Goodwin, Marraché, McGlocklin, Perry J, Piotti, Richardson J, Tardy, Watson.

Yes, 74; No, 67; Absent, 10; Excused, 0.

74 having voted in the affirmative and 67 voted in the negative, with 10 being absent, and accordingly the Majority Ought Not to Pass Report was ACCEPTED in concurrence.

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

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The House recessed until 5:00 p.m.

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(After Recess)

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The House was called to order by the Speaker.

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

**HOUSE DIVIDED REPORT - Majority (11) Ought to Pass as Amended by Committee Amendment "A" (S-236) - Minority (2) Ought Not to Pass - Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Preserve the Role of Assisted Living"**

(S.P. 403) (L.D. 1197)

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-236)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 29, 2003.

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

**HOUSE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (6) Ought to Pass as Amended by Committee Amendment "A" (S-153) - Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act to Specify the Public Status of Disputed Ballots" (EMERGENCY)**

(S.P. 27) (L.D. 41)

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

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

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

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I hope you join me this afternoon in supporting the Majority Ought Not to Pass Report. If this bill was to pass, saying that after a resolved election with disputed ballots, those ballots would become public for 60 days here in Augusta. What would happen is the Secretary of State will make rules determining that procedure or the designee of the Secretary of State's Office. Right now if you see a disputed ballot, then you might have the integrity of that person as an absentee voter. If that disputed ballot is opened, that does not really make the identity crisis constitutional. You lose your identity once you open up that disputed ballot for an absentee ballot.

Say, for example, during the last campaign I am big Republican or a big Democrat, you support all the Democrats on one side. Say you support John Baldacci, Mike Michaud, Steve Stanley and myself. You go and you vote absentee. You vote Republican all the way down the ticket. When your ballot is disputed and they want to open that ballot after put it on public display for 60 days after the election is resolved, people in that district and also the people throughout the state who care to come look at these ballots because of public review, I imagine the media will be there to take witness to these disputed ballots, will see that you voted for the opposite party. How are you going to feel? You are going to lose your identity as a voter in the system. About 90 percent of the people that vote in the State of Maine do it because they think that their right to vote, that they are not going to lose the identity question if they vote. If you go and pull that curtain, that is only between you and the ballot of how you, as a voter in the State of Maine, wish to choose your political people to represent you, either here in Augusta, Washington, county commissioner or your local government.

Like I said before, the Secretary of State will make rules on this. It is only here in Augusta that those ballots will be available for public review. Say that up in Millinocket you have a disputed election, 60 days after the resolve election, those ballots become public. People can go and look at those ballots. These ballots can either be originals or copies. It doesn't specify either way. If this bill passes, I believe it will be unconstitutional because of the identity part of it. I wish that everybody would support the majority of the committee and vote the Majority Ought Not to Pass Report. Thank you.

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

Representative **HOTHAM**: Mr. Speaker, Ladies and Gentlemen of the House. My recollection of the public testimony in the work session on this bill in committee was that the Representative from the Secretary of State's Office was asked regarding identity of ballots that get inspected. Quite frankly, she was very concerned about it as was the committee. It was our understanding, at least it was my understanding that it is the intention of the Secretary of State through rulemaking that identities are kept a secret. You cannot inspect a ballot and learn who cast that ballot. The question I would lay before the House, my rhetorical question would be, what have we got to hide? I would suggest that in an open and free society that we treat the most precious part of that open and free society, the voting process, as just that, open and free. Remembering always to maintain the sanctity of the identity of the person who cast that ballot. I think it is important that we open this process up given the circumstances during the last election. I hope that you will help me defeat the Ought Not to Pass report. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. There is a very good reason to accept the Majority Ought Not to Pass Report. It is the sanctity of the secret ballot. We are not talking about the ballots that are turned in at the polling place. The problem here is the issue around absentee ballots. If absentee ballots are challenged for any reason, people have their names scrolled right across the top of them. What are we going to do? Open those ballots. We have been through this in the Elections Committee now for several terms and the issue always comes to the forefront is the right of the citizens of the State of Maine to have access to a secret ballot. It is not about the light of day and what we have to hide. It is the right of the citizens to cast their ballot for their choice in government in secret. That is the issue.

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

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

The SPEAKER: The Representative may pose his question.

Representative **DUPREY**: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, I know in my town what we do, and I think that this is the way it is done statewide, is you put an identification number on the ballot. We are not allowed in Hampden to put a person's name on an absentee ballot if it is challenged. I thought that was state law. Could somebody answer that question?

The SPEAKER: The Representative from Hampden, Representative Duprey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. Yes, the Representative is correct. A name is not written on ballots. However, if you follow the process through, there is an application process you go through, especially regarding absentee ballots. You have to apply to get one. Once you have that, there is a record kept as you go through the process of who has returned those absentee ballots and who has actually cast them. In a case, which is not unlike the one we have seen in this body recently, you can come to the point where there are only two or three disputed ballots that were cast by absentee vote that decide the outcome of an election. With a little bit of work, if you look at those absentee ballots, you can figure out easily who cast them. This House Elections Committee faced that very issue this last fall. We walked up to the edge of that door and the question that we did not have to answer was, do you have to overturn that election in order to sustain the privacy of those three votes or two votes or one vote. For my part, the answer is yes. There is nothing in our society that is more precious than the right to cast a secret ballot. It is the foundation upon which all of our other freedoms rest. I think that should remain unchallenged. Thank you Mr. Speaker.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I think before us we have consideration of a very important piece of legislation, a good government piece of legislation and an integrity piece of legislation. What we are being asked to consider is after the balloting process is done, if the public has an interest in a right to know whether or not their ballots were counted properly and when it is put into terms like that, I find it very difficult to oppose this LD, LD 41.

If everything is counted right, then where is the harm and what is the problem? The legislation has within it provisions to make sure that the actual ballots are protected. The legislation before us has provisions to ensure, in fact, that marks or indications that would reveal somebody's individual ID or identity would be stricken from it. In fact, what we have is a case of, are the people that counted the ballots, did they count them correctly and doesn't that shore up our process? Why wouldn't we welcome this breath of fresh air, the sunshine law that allows the public to be assured that, in fact, when every vote was counted, we counted every vote? I urge you to oppose the Majority Ought Not to Pass Report.

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

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

The SPEAKER: The Representative may pose his question.

Representative **WATSON**: Mr. Speaker, Ladies and Gentlemen of the House. I have reviewed this legislation. I agree with my colleagues who have mentioned that the right to a secret ballot is probably fundamental in our government. My question goes to what happens after these ballots are publicly displayed? What purpose would it serve? If some member of the public looked at the ballots and decided that they were going to disagree with the multi-layered process that went through resolving that election, what could they possibly do about it? What is the possible reason to display these ballots to the public other than to generate hate and discontent?

The SPEAKER: The Representative from Bath, Representative Watson has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Men and Women of the House. The answer is nothing.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. In response to the good Representative's question concerning what is to be gained, obviously what is to be gained is accountability. The folks that are making the decisions and counting the ballots, they are in a very trusted position. By allowing them to be public afterwards would provide the accountability, the assurance to the public that, in fact, all of the ballots were counted properly. If there is a question that is raised by anybody that the ballots were counted improperly or if there was a question in anyone's mind that an election was stolen, what simpler method would there be to validate it then to just go and look at the document and see for yourself that, in fact, the people who counted the ballots counted them in a proper way.

This issue is further complicated based on who is counting the ballots and when it becomes a political issue. Do I believe, as a legislator, that I am entitled to make decisions based on information that nobody else is privy to. At no point in time does anyone else have any information that shouldn't be considered by them. My answer is no. I think that, in fact, all of the information that we base our decisions on should ultimately become public information. Once the counting is complete and the decision has been made, I ask the question back to the members of the House, what is the harm in letting the public see that, in fact, things were being done right. Thank you.

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

Representative **CANAVAN**: Mr. Speaker, Men and Women of the House. Some years ago when I served as the Executive Director of the State Ethics Commission, the law required that appeals and recounts be heard by the commission so that once a recount was completed if one of the parties wanted to file an appeal and there were enough disputed ballots to determine the outcome of the election, the disputed ballots were turned over to the commission. The members of the commission then met and reviewed each ballot carefully and attempted to make a determination as to voter intent and with respect to many ballots deciding intent was a difficult task at best. It was a task that quite often generated extensive discussion by members of the commission and often required review of the applicable election laws and legal advice of council. The ballots reviewed contained all matter of incomplete and inaccurate markings and more often than not, were ambiguous in their meaning.

I would with respect to the bill, I would reiterate a previous question posed, exactly what purpose will be served by making disputed ballots public? When a recount has been completed and the intent of voters concerning disputed ballots has been finally determined and the parties involved have accepted that determination, how will it serve the best interests of Maine people to see the ballot, given that it not only potentially violates the privacy of voters, but also given that the ballots are difficult at best to interpret even by those parties required by law to determine their intent. Will it be any easier for members of the public to read their meaning or will it simply serve to stir up bad feeling and create unnecessary contentiousness? The answer should be clear to anyone who has ever had to deal with disputed ballots. This is one of those bills that on the face of it appears to enhance disclosure, but in reality it accomplishes absolutely nothing of substance or value for that matter. I would ask that you vote to accept the Majority Ought Not to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Moody.

Representative **MOODY**: Mr. Speaker, Ladies and Gentlemen of the House. There is a very significant flaw in this bill. This is "An Act to Specify the Public Status of Disputed Ballots." It is very simple that absentee ballots will not be opened. We went through this process with the Election Committee. We opened the top of the box a crack and it was tainted, almost immediately by the process and we knew it. We could never get to the point where these disputed ballots that are absentee ballots would ever be opened. The committee is reluctant to do it. The courts are reluctant to do it. The candidates are reluctant to see it done and the committee members are reluctant to do it. I would say that when we talk about accountability and protecting ballots and letting the sun shine in, there are many ballots that are disputed that will never see the light of day.

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

**ROLL CALL NO. 187**

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

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

ABSENT - Brannigan, Bryant-Deschenes, Duprey G, Goodwin, Greeley, Ketterer, Moore, O'Neil, Rines, Rogers, Tardy. Yes, 78; No, 62; Absent, 11; Excused, 0.

78 having voted in the affirmative and 62 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH.**

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

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

An Act To Preserve the Integrity of the Voting Process  
(H.P. 334) (L.D. 426)  
(H. "A" H-478 to C. "A" H-403)

Which was **TABLED** by Representative **DUPLESSIE** of Westbrook pending **PASSAGE TO BE ENACTED.**

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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

Bill "An Act to Ensure that Maine's Unemployment System is Responsive to the Needs of Today's Workforce"

(H.P. 195) (L.D. 240)

(C. "A" H-482)

Which was **TABLED** by Representative DUPLESSIE of Westbrook pending **PASSAGE TO BE ENGROSSED as Amended**. (Roll Call Ordered)

On motion of Representative SMITH of Van Buren, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-482)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-528)** to **Committee Amendment "A" (H-482)** which was **READ** by the Clerk.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. House Amendment (H-528) inserts a sunset provision to the part-time unemployment law. It would be sunset as of September 30, 2005. That would mean that there would not be part-time benefits for people who would be filing applications after September 30, 2005. Thank you.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. The sunset provision of the amendment that has been presented will actually not have any beneficial affects to the Unemployment Trust Fund. As a matter a fact, I guess the question we should ask ourselves is, does the Legislature have the political will to repeal a benefit once it has been awarded? From my experiences here in Augusta and here in this building, I don't think we have that political will. I would venture a guess that once this expanded benefit goes into effect, it is going to remain in affect. As a result of that, there will be a continuous draw down on the Unemployment Comp Fund. The amendment that you are being presented is going to amount to a \$2.32 million payout in 2005 and it is going to increase every year after that.

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

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

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

Representative **DAIGLE**: Mr. Speaker, Men and Women of the House. Regarding this amendment, looking at the effective dates of September 30, 2005, could someone give me some comments here on the likelihood what is going to happen here? Everybody who has part-time work for the summer and thinks this is just the perfect thing to do, let the summer end, apply for unemployment compensation and then go back to school and suck the fund dry.

The **SPEAKER**: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Mr. Speaker, Men and Women of the House. There are projections made by the Department of Labor. I am sure we are aware of all the different proclivities people have during the summer, after the summer and whatever. The projections are as follows. It shows that the fund would stay at the projected levels even if there were no part-time benefits

awarded during 2003, 2004 and 2005 there is no increase. In 2006, it goes to Schedule D. At that time the trust fund balance is \$451.2 million. At the present time the trust fund balance is \$427.3 million. Even with this the trust fund balance is increasing. In the year 2007 the trust fund balance would be at \$469 million. It is back to Schedule C. In the year 2008, the trust fund balance would be \$486 million. It stays in Schedule C. The impact of the part-time unemployment benefits is minimum. Thank you.

Representative **TREADWELL** of Carmel **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-528)** to **Committee Amendment "A" (H-482)**.

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 Farmington, Representative Mills.

Representative **MILLS**: Mr. Speaker, Men and Women of the House. I think the question was asked by the gentleman from Arundel earlier about whether or not this applied to summer help and whether or not you could just hire people on for the summer part-time or two-thirds time or whatever and then they go back to school or they are laid off in September and they could collect unemployment. That is just not the case. I think the answer should be clear. This bill does not apply to seasonal workers. You have to work a long time at a part-time job to qualify for unemployment to meet the minimum dollar threshold, earnings threshold, to qualify and then your benefits are prorated. You receive minimal benefits when you have worked part-time where you have a history of part-time work. The bill I think is a modest one. It is an appropriate one. I think it will keep a lot of people off of welfare, those that have to stay home with family members who are ill or small children and can only be available for part-time when they have a long history of part-time work and meet that threshold of earnings and work history. I think the bill is modest and appropriate and the money is there in the REID Act Fund. I think we should do this. It is an appropriate thing to put a sunset on the bill, as the Representative from Van Buren has proposed. We can revisit the financial aspect of it when it comes up again.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Marraché.

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

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

Representative **MARRACHE**: Mr. Speaker, Men and Women of the House. I was under the understanding that unemployment compensation was for those who lose their jobs through no fault of their own. Please explain to me the last part of the section that says that the employee themselves can determine whether or not they can work part-time anymore due to an illness or disability or something like that and then remove themselves from employment and still receive this compensation. Is that it?

The **SPEAKER**: The Representative from Waterville, Representative Marraché has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. It is a fundamental part of unemployment law that an employee who voluntarily leaves work is not entitled to unemployment benefits. That is the fundamentals. If somebody decides they are going back to school and they are leaving, they don't get unemployment benefits. With regard to whether or not there is a provision in here that if a person is, through no fault of their own, unable to work full-time because of the need to take care of a disabled family member or because of the need to

protect a family member, they would be entitled to it if they were working part-time and they were laid off.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Bowen.

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

The SPEAKER: The Representative may pose his question.

Representative **BOWEN**: Mr. Speaker, Men and Women of the House. I may have missed this because I was looking at some other stuff, but my question is, if this change is such an important change and a meaningful change and we have heard a lot testimony when we talked about this before, even looking at the title, "An Act to Ensure Maine's Employment System is Responsive to the Needs of Today's Workforce." The argument was made that the system doesn't work for the new reality of the modern economy with different people working and family structure the way it is and so forth. Now we are hearing that we are going sunset. I appears as though we need to change this system to respond to the new workforce up until September 2005, at which time it goes back to the way it used to be. Either this change has merit and we should put it as part of the system permanently or it does not have merit.

My question is, doesn't the fact that we are sunsetting this undermine the argument for this change?

The SPEAKER: The Representative from Rockport, Representative Bowen has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. One of the reasons for the sunset is that there is not an agreement with regard to what this will actually cost. The reason there is not an agreement is that there are those of us who do believe as I do that a lot of our part-time employees when laid off and when seeking benefits, they represent to the unemployment offices that they are seeking full-time work. That is all that is needed to be done to qualify for benefits. I personally think that there is a large number of our part-time workers who receive benefits now regardless simply by representing that they are looking for full-time work.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-528) to Committee Amendment "A" (H-482). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 188**

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

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Dugay, Duprey B, Fletcher, Gagne-Friel, Glynn, Heidrich, Honey, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lewin, Lundeen, Maietta, Marraché, McCormick, McGowan, McKenney, McNeil, Millett, Moody, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rosen, Shields, Snowe-Mello, Stone, Sukeforth,

Sykes, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Woodbury, Young.

ABSENT - Brannigan, Bryant-Deschenes, Duprey G, Greeley, Ketterer, Moore, O'Neil, Perry J, Rines, Rogers, Sherman, Tardy.

Yes, 73; No, 66; Absent, 12; Excused, 0.

73 having voted in the affirmative and 66 voted in the negative, with 12 being absent, and accordingly **House Amendment "A" (H-528) to Committee Amendment "A" (H-482) was ADOPTED.**

Representative BRUNO of Raymond **REQUESTED** a roll call on the motion to **ADOPT the Committee Amendment "A" (H-482) as Amended by House Amendment "A" (H-528)** thereto.

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

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. Yesterday we heard quite a bit of testimony about the fact that many of the people that are going to be affected by this legislation are part-time employees of school districts. I would ask all of you to think very carefully about that as you are about to place your vote. This is going to significantly increase costs to your local school districts. It is going to be passed back to the taxpayers in the form of property tax increases. There is no escaping that. The people back home are going to ask you why their taxes continue to increase? This is just one example of why that is occurring.

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

Representative **SMITH**: Mr. Speaker, Men and Women of the House. I don't agree with the previous speaker. School districts have a particular provision in the unemployment law, which fair or unfair, is a regular practice in school districts. They give their employees when they lay them off for the summer a letter that promises them employment for the following fall. Because of that letter, their cooks, their janitors or whatever employees they have are not entitled to compensation. I don't see anything that is going to affect our school districts here in any great way.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of Committee Amendment "A" (H-482) as amended by House Amendment "A" (H-528) thereto. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 189**

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

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

Sukeforth, Sykes, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Woodbury, Young.

ABSENT - Brannigan, Bryant-Deschenes, Duprey G, Greeley, Ketterer, Moore, O'Neil, Perry J, Rines, Rogers, Tardy, Usher.

Yes, 72; No, 67; Absent, 12; Excused, 0.

72 having voted in the affirmative and 67 voted in the negative, with 12 being absent, and accordingly **Committee Amendment "A" (H-482) as Amended by House Amendment "A" (H-528) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-482) as Amended by House Amendment "A" (H-528) thereto and sent for concurrence.**

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

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

**UNFINISHED BUSINESS**

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

Bill "An Act to Require that Certain Employees Be Paid on a Weekly Basis"

(H.P. 834) (L.D. 1131)  
(C. "A" H-193)

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

PENDING - **PASSAGE TO BE ENGROSSED.**

Representative TREADWELL of Carmel **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

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

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

Representative TWOMEY: Mr. Speaker, Ladies and Gentlemen of the House. I would like to remind people again. Try to envision, because we cannot use props on this floor, what it is like to work for minimum wage and you are a woman with two children and you need to pay for those groceries. This will not affect a lot of people, but it is 35,000 state wide and 65 percent are woman. I have tried to reflect on what I could do to move you, shake you, persuade you. I have even thought about getting on my knees and begging. That is how important I believe this bill is. It is not because it is my bill. It is because it reflects people, women, who are struggling. This isn't asking for charity. These are people who are working every day and need their paycheck. I see some of you smile and grin and it is really disconcerting to me. You need to be able to put yourself in that position. That is sixty-five percent of women who have to work for minimum wage. We have talked about part-time jobs. People work two and three part-time jobs because we don't have a living wage in the State of Maine. If it would take me to get on my knees and beg and plead with you, I would. That is how important I believe this legislation is. It is about women who can't afford to pay for the groceries because they can't afford to wait for that second week. They can go sign up for welfare and food stamps. They are the working poor.

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

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. Not to drag the debate on any further on this bill, but I would just like to remind all of you that TANIF recipients get their checks once a month. Those people who are the bottom of the economic ladder that are on food stamps get their food stamps once a month. Social security recipients who have no other job, they get their benefit check once a month. Most of these people are minimum wage or below as far as their income goes.

What this bill will do, we are being told that these poor folks that are earning minimum wage can't plan their budget for more than a week at a time. Most of our bills in today's world are paid monthly. Our credit cards are paid monthly. Your electric bill, your rent bill and all of the other bills that you have every month are paid monthly. I don't understand the urgency of having a paycheck every week. The same amount of money will be there at the end of the month whether you get it in four checks or two checks. The difference will be that the business community in the State of Maine that uses payroll service or even those companies who have their own payrolls are going to have a double cost by paying on a weekly basis. Some companies because of this minimum wage provision are going to have to maintain two payrolls. I don't see it as a hardship. I see it as a matter of financial planning. I would encourage you to vote against the pending motion.

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

Representative CURLEY: Mr. Speaker, Men and Women of the House. Although it seems kind of anti-women to stand here and ask you to vote against LD 1131, but I am doing so. I appreciate the comments from the Representative from Biddeford and for a moment I thought that maybe she knew the employees that I used to have working for me. I used to have 30 employees, women. Many of them were the sole breadwinner of their families, single, two or three children. I used to pay them every week and then I decided to pay them every two weeks. The problem was not that they were paid every week, the problem was that they weren't paid enough. I made a choice to go every two weeks so I could cut administrative costs and put more money in their paycheck.

Our Chief Executive has asked all of us to cut administrative costs in our communities, our schools and in the Legislature so that we can give more money to people who are working and who are students. Let's vote against this bill and put our money where it needs to be, in the paychecks of the people who are working, not in administrative costs.

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House. This bill is going to affect minimum wage. I don't see this as someone who is going to turn around every two weeks and save that money and give it back to their employees in an hourly wage because it affects minimum wage earners. The comment that the good Representative from Carmel made about monthly, well people don't eat monthly, they eat daily. Some people just don't have the money to get through from week to week. The thing about every two weeks is that puts you in a higher tax brackets so you end up getting less money in your check because you are in a higher tax bracket so you actually end up losing money by going every two weeks. I have seen this as something that is only going to affect minimum wage people. I think they are the ones that need it the most. I really think we should consider this. Unless you have been there it is hard to see how hard it might be for some of these people.

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

Representative WATSON: Mr. Speaker, Men and Women of the House. In short response to the remarks of Representative Treadwell, I would remind this body that unemployment checks are paid weekly, both at the convenience of the state and because people who are unemployed need money weekly. Like many of you who are employers, I would like to ask you if, in fact, you checked to see if administrative costs are that great. I am a small employer. I have a couple of small employees. I use a payroll service and I called and asked them what it would take. It is minimal. It is nothing. It is the cost of typing a check. Rather than 10 checks every two weeks, we type seven checks every two weeks and three once a week. Those are the numbers I posed and the increased administrative costs is absolutely negligible. As a matter of fact during testimony before the Labor Committee, we had a number of employers, Maine Realtors Association, Maine Restaurant Association, many of them came up and gave the same reasons that have been presented here for why this is a bad bill. In consistent response to how many employees really would be affected? How many of your members have minimum wage employees? The answer was consistently zero. Very few actually employed on a regular basis by the businesses of those associations at minimum wage.

I would just remind you as employers and remind your employer constituents that if paying minimum wage people weekly is such a burden on your system in administration, then pay them a penny an hour more and you can go back to two weeks a month. Thank you.

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

Representative BLANCHETTE: Mr. Speaker, Ladies and Gentlemen of the House. This bill is a fairness bill. This is the United States. You work a week. You get a weeks pay. I have been employed and I am not going to bore you with this. You all know where I work, but I worked with a lot of young people. Come payday, Thursday, Hannaford, checks are delayed. I can't begin to tell you how many loans I have had to float young people so they could put gas in their car to get from Bangor to East Cornith where they live. This isn't about added expense costs. My company has always paid on a weekly basis. My company, in the State of Maine, employs 7,000 people. They chose to do this. My employees that I work with still have trouble trying to live on minimum wage or above. I will admit that my company starts at above. The poor people that I see need this money on a weekly basis and this is just a fair and humane thing to do for the working poor in this state. They need this. They need the support of this. I guess I find myself being very resentful of the executives who decide that bimonthly paychecks are more in tune to fattening their pocketbook, because that this exactly what is happening. You are using that working capital to benefit your own checking account at the disadvantage of your minimum wage hourly employees. Put yourself in their place. I dare any one of you to walk in the shoes of a minimum wage worker for one week without your gold or platinum credit cards in your pocket and to decide where your next quart of milk, is it milk or is it bread, because I can't afford to buy both until payday comes. Let's be fair. Let's pay people for an honest days work for an honest days pay so they can live with dignity and not have to come up and borrow gas money to get home. It is humiliating for them. It is embarrassing for everybody. We are above that. Let's show it and pass this bill.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Ash.

Representative ASH: Mr. Speaker, Men and Women of the House. I am a small employer. I do not have any minimum wage people working for me. I will tell you that right now. I usually don't get up on this subject, but this one really bothers me. I would hate to think that I have more money invested in the technology than most of the other small businesses in this state. The lady that works in my office punches it in the computer and spits them paychecks out in less than five minutes. It is no extra cost to me. It is all in my program. This is just a travesty. In my younger years I worked and got paid every two weeks. It is no good. I can tell you for the people that is on the lower pay scale. This is terrible. My vote will be to pay every week. Thank you.

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

Representative DUNLAP: Mr. Speaker, Ladies and Gentlemen of the House. I have worked a great number of minimum wage jobs, which I believe may be reflective of my marketability in the labor force. I was paid biweekly for a long time in a fairly modestly compensating position and I learned to adjust my billing cycles for that and learned not to access too many late fees and that sort of thing. The real problem I ran into was when I first got employed in a position where it had a large payroll. I was making minimum wage and I really, really needed a job. In fact, I was living in the woods for a while because I didn't have any where to live. I took this job and I was just chomping at the bit for that first paycheck. I was making \$3.35 an hour. I was working in a dish room, which actually, upon reflection, was a pretty good job. It was long, hot hours and a lot of hard work. The pay cycle came along and they didn't have a paycheck for me. They hold one back. Okay, the next pay cycle came along and it turns out that not only do they hold one back, but they kept the first week of it until the end of that fiscal year. My first paycheck after five weeks of work was \$100. That doesn't sound like a big deal, but when you have taken a shower with all your cloths on so you can save money on laundry a few times and you have lived in the woods for a while, it is not so much even an issue of whether or not you buy a quart of milk or a loaf of bread, it is how your survive day to day on minimum wage. I think even at minimum wage it would have been probably \$75 or \$80 a week. It was \$75 or \$80 a week that I really could have used.

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. 190**

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

NAY - Andrews, Annis, Austin, Barstow, Berry, Berube, Bierman, Bowen, Bowles, Breault, Bruno, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cowger, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Finch, Fischer, Fletcher, Gagne-Friel, Glynn, Heidrich, Honey, Jacobsen, Jodrey, Joy, Kaelin, Landry, Ledwin, Lemoine, Lewin, Maietta, McCormick, McGowan, McKenney, McNeil, Millett, Mills J, Mills S, Moody, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rosen,



Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sullivan, Sykes, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Woodbury, Young.

ABSENT - Brannigan, Browne W, Bryant-Deschenes, Dugay, Duprey G, Greeley, Ketterer, Moore, O'Neil, Perry J, Rines, Rogers, Tardy.

Yes, 66; No, 72; Absent, 13; Excused, 0.

66 having voted in the affirmative and 72 voted in the negative, with 13 being absent, and accordingly the Bill **FAILED PASSED TO BE ENGROSSED as Amended** and was sent for concurrence.

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Bill "An Act Regarding Wrongful Discharge"

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

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

- In Senate, Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

TABLED - May 23, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **FURTHER CONSIDERATION**.

On motion of Representative HUTTON of Bowdoinham, the House voted to **RECEDE**.

The same Representative **PRESENTED** House Amendment "**A**" (H-527) to Committee Amendment "**A**" (H-265) which was **READ** by the Clerk.

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

Representative **HUTTON**: Mr. Speaker, Men and Women of the House. The title is a bit of a misnomer at this point. Wrongful discharge is no longer part of this amendment. I would simply say that this amendment is to help educate our employees in the State of Maine. It will help the employees by highlighting their rights under current law on the labor poster. Indeed the bill reflects the Minority Report intent. It comes with no fiscal note as it will be on the next printing of the poster. I ask you to join me in voting yes on this amendment. I agree with the Minority Report. It was a good compromise. Thank you.

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

Representative **TREADWELL**: Mr. Speaker, Men and Women of the House. When I looked at the amendment that is being presented I thought it looked familiar. I thank the good Representative from Bowdoinham for accepting the Minority Report on the bill. I will be supporting the amendment.

House Amendment "**A**" (H-527) to Committee Amendment "**A**" (H-265) was **ADOPTED**.

Committee Amendment "**A**" (H-265) as Amended by House Amendment "**A**" (H-527) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended** by Committee Amendment "**A**" (H-265) as Amended by House Amendment "**A**" (H-527) thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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SENATE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (S-195)** - Minority (1) **Ought Not to Pass** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend the Animal Welfare Laws"

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

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

TABLED - May 23, 2003 (Till Later Today) by Representative McKEE of Wayne.

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

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

The Bill was **READ ONCE**. Committee Amendment "**A**" (S-195) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 29, 2003.

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Bill "An Act To Establish a Moratorium on Genetically Engineered Plants"

(H.P. 893) (L.D. 1219)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-376)** on May 15, 2003.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-376) AS AMENDED BY SENATE AMENDMENT "A" (S-229)** thereto in **NON-CONCURRENCE**.

TABLED - May 27, 2003 (Till Later Today) by Representative McKEE of Wayne.

PENDING - **FURTHER CONSIDERATION**.

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

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

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

**ENACTORS**

**Acts**

An Act To Require Full Disclosure of Prescription Drug Marketing Costs

(H.P. 209) (L.D. 254)

(C. "A" H-465)

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

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

**ENACTORS**

**Emergency Measure**

An Act To Clarify and Update the Laws and Rules Related to Health Care

(H.P. 1100) (L.D. 1507)

(C. "A" H-515)

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**.

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

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

(H.P. 1200) (L.D. 1622)  
(H. "A" H-513)

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

**Emergency Measure**

An Act To Provide Group Health Insurance Coverage to  
Maine Citizens Eligible for Assistance Under the Federal Trade  
Adjustment Assistance Reform Act of 2002

(S.P. 536) (L.D. 1576)  
(C. "A" S-228)

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.**

**Resolves**

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

**Emergency Measure**

An Act To Implement Regulatory Reforms and To Address  
Staffing Issues in Long-term Care Facilities

(H.P. 1181) (L.D. 1607)  
(C. "A" H-525)

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. 128 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.**

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

(H.P. 860) (L.D. 1163)  
(C. "A" H-175; H. "A" H-497)

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

On motion of Representative BOWLES of Sanford, 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.

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

**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 113: Rules  
and Regulations Governing the Licensing and Functioning of  
Assisted Housing Programs, a Major Substantive Rule of the  
Department of Human Services, Bureau of Elder and Adult  
Services

(H.P. 1153) (L.D. 1580)  
(C. "A" H-514)

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 Resolve was **FINALLY PASSED**,  
signed by the Speaker and sent to the Senate. **ORDERED  
SENT FORTHWITH.**

An Act To Encourage Responsible Employment Practices

(H.P. 880) (L.D. 1206)  
(C. "A" H-353)

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

On motion of Representative BOWLES of Sanford, was **SET  
ASIDE.**

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

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

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

Representative **SUKEFORTH:** Mr. Speaker, Ladies and  
Gentlemen of the House. This bill before us is called "An Act To  
Encourage Responsible Employment Practices." What this does  
is businesses that vote on state contracts, the supporters of this  
bill word it that those businesses that provide health insurance  
benefits to their employees will be rewarded. I guess it depends  
on whether you look at the glass as being half full or half empty.  
The reality is, it is a bid process. There is one winner in this bid  
process. I maintain that if you are a struggling small business,  
especially in this state given the sorry state of the health care

**Acts**

An Act To Amend the Membership of the Plumbers'  
Examining Board

(S.P. 248) (L.D. 710)  
(C. "A" S-157; S. "A" S-222)

An Act To Improve the Procedure for Locating Runaway  
Children

(H.P. 713) (L.D. 956)  
(C. "A" H-367)

An Act To Suspend Rules of the Board of Dental Examiners  
Regarding Permission for Public Health Supervision Status

(S.P. 460) (L.D. 1390)  
(C. "A" S-130)

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

industry in this state and the insurance industry in this state, it is very difficult to provide health benefits to your employees through no fault of your own. It is not that you don't want to, it is just because of the sorry state of this. I feel like this bill, if passed, will unfairly penalize small businesses in this state. I still don't know why this bill doesn't have a fiscal note on it. The reality is that the low bid may not now be selected. Granted, in the current bid process the low bid doesn't always have to be selected. There are other criteria. This specifically says that the low bid, if you don't supply health insurance benefits to your employees, again, I feel that because of no fault of your own, but because of the sorry state of the industry in this state, that you will be penalized because of the cost that you would have incurred for that will be added to your bid price.

I urge you to vote against this bill for those reasons. Thank you.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. What we are doing here today in enacting this bill is to create a level playing field for all businesses. The Representative from Union, who I admire a lot, had the argument somewhat on its head. The real argument here is, do we penalize all the companies in the State of Maine because they do provide health insurance. When the bid process is established, we have one company with health insurance with a little higher cost in the bidding process. Another company without health insurance had a slightly lower price. What we are trying to do here is to level the playing field. Take out the cost of the health care in the bidding process and you have a fair bidding process as far as state government is concerned.

We need to lead and demonstrate to people that there is no penalty imposed for providing health insurance to our employees. To those who lead, we will have a level playing field established. That is all this says. You are not at a disadvantage if you offer health insurance. That is what this bill says and it applies just to state agencies when you are doing business with state agencies, not to the rest of the outside world. I would encourage you to follow my light and enact this bill, establish a level playing field for businesses that are providing that health insurance. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Bowen.

Representative **BOWEN**: Mr. Speaker, Men and Women of the House. Just a couple of quick points. The last time we debated this there was a question that was floated out to whoever could answer it that was not answered. It was what was the administration's position on this. According to my notes from our committee's hearing on this, Dick Thompson came and told us, as a member of the administration, that he thought the bill was unworkable. What it asks the state to do is imagine that a bidder on one of these jobs offers a certain package of health care. It doesn't say what kind of package. It doesn't say it is a full package or not a full package. It is a big package. It is a little package. The state is supposed to sort of conjure up what it thinks this company would spend for health insurance if it offered health insurance. There are no parameters in the bill to say it offers a specific type of insurance or anything like that. The state has to sit and sort of think up how much this company is going to spend. Just from a purely administrative point of view, according to the administration, Dick Thompson, who is the guy who I admire probably more than anybody else I have met over here who works for us, he is confused about how this is supposed to be done.

In response to the question about whether we are penalizing these people, I don't recall hearing any testimony before the committee of any company that provided health insurance and was denied a contract because the health insurance costs pushed them above what a competing bidder without health insurance costs could offer. This, to a certain extent, seems to me like a solution looking for a problem. Generally speaking the firms that can provide health insurance are going to be larger firms anyway who are going to have sort of a large volume and be able to do these jobs more efficiently and at lower costs. What this bill does do is it penalizes small businesses who are struggling already to provide health care insurance and has asked them to compete unfairly against larger companies that can.

The last time we talked about this, the Majority Leader, Representative Richardson, said that we are working hard on health care and that is what we are doing. That is pretty much all we are doing over here right now. We are trying to fix the health care problem. What I suggest is we defeat this. Let's focus our energies on solving the health care problem. Let's make health care more affordable to small business. Let's get behind the plan or some variation thereof and fix the health care problem that way rather than going after small businesses and punishing them for something that is not their fault. Thank you.

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

Representative **BARSTOW**: Mr. Speaker, Men and Women of the House. I would agree with the good Representative from Rockport that at first during public hearing, Mr. Thompson on behalf of the administration was opposed to this bill. However, as our good chair and members of this committee and Mr. Thompson came back to the table and we worked outside of work session and in work session on trying to find something agreeable so that we could be a leader in this field. We did find something that did work for Mr. Thompson on behalf of the administration and the amendment is in this enacted bill.

I think that it is wonderful that the Chief Executive has brought out the Dirigo Health Plan. I think it is wonderful that we are taking a leadership role. I think it is very important that we, as a Legislature and this body, come forward, do our part and enact this bill. Let's be a leader in the state. Let me remind you that this bill is just for businesses that are going to deal with the state. This does not impose a mandate on the entire economy. Please enact this bill. Let's do our part. Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TREADWELL**: Mr. Speaker, Men and Women of the House. For anybody who may care to answer, does this bill affect school construction projects? If so, how will it affect them as far as costs go?

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

Representative **MCLAUGHLIN**: Mr. Speaker, Ladies and Gentlemen of the House. I will attempt to answer that question. The amendment really narrows the focus of this bill to personnel services, temporary personnel services. That is not for school construction projects.

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

Representative **SUKEFORTH**: Mr. Speaker, Ladies and Gentlemen of the House. Another concern that I have with this bill is because of the sorry state of the health care insurance industry in the state. Many small businesses, even though they are not in a position to deal with the health insurance issue, they do try to make it up to their employees in other ways. This bill only looks at health insurance and retirement. It doesn't look at how employers treat their employees. It doesn't look at how much money, the wage level they treat their employees, vacation time, sick time. If you are going to judge a business on whether they are a responsible employer, you have to look at the whole picture of what they offer their employees.

Finally, I guess it comes down to your view of a business owner. If your view of a business owner is some fat cat that is too cheap to pay their employees health insurance benefits and instead takes that money and puts it in their back pocket, by all means vote for this bill. I would join you in voting for this bill if that was my view of business owners. That is not my view of a business owner. My view of a business owner is someone who provides a valuable service to the community and their customers, someone who provides employment opportunities for local residents, someone who values their employees and truly indeed wants to be a responsible employer, someone who hopes to someday be in a position to offer these benefits to their employees. However, because of the state of the industry in the state right now that often isn't possible for small employees.

In many new businesses they struggle financially. Anybody, if you look at the evolution of a business, when it first starts it tends to struggle financially. It grows. It gets bigger. It gets more efficient. As it grows it gets bigger and it is able to expand its benefits to its employees. Hopefully they will expand it to include health insurance benefits. They need to be able to grow. If you pass this bill, you are going to be pulling the rug out from under many small businesses and they are not even going to have a chance to grow into being a responsible employer. I maintain that if you pass this bill, you actually are passing a bill that should be worded, an act to discourage responsible employment practices. I feel that is what you will be doing to many small businesses.

Finally, I ask you to keep in mind the state of the insurance industry in the state at this time and how difficult it is for small businesses to provide insurance benefits. We have the Chief Executive's plan. It is on the front burner. Everybody knows it is a problem. Why are we passing this bill at this time? Why don't we wait and have all businesses be on a level playing field? Thank you.

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

Representative **SUSLOVIC**: Mr. Speaker, Men and Women of the House. With all due respect to my colleagues on the State and Local Government Committee that have been speaking, I would like to point out that hopefully, depending on what happens with the obesity study, the fat cats will be reduced to lean cats in the future.

I guess I would like to put a slightly different perspective from my recollection of the testimony that we heard and the work sessions that went on in this bill. I still don't understand how any business is penalized though this bill. My understanding of it, and having worked very hard on it, is that what it does is businesses in Maine, small businesses, whose owners struggle mightily to provide health insurance to their employees. They do that for several reasons, but we should all thank them because

since their employees do have health insurance when they need health care, they are not shifting the burden onto the rest of us. Those businesses are the ones that are currently being penalized for doing the right thing. The way this bill works is it simply looks at the cost of providing that health insurance and removes that from the cost factor that the Bureau of Purchasing would use, thereby leveling the playing field. It does not mandate that every small business in Maine provide health insurance. It does not penalize those that do not. It simply removes the disadvantage that those businesses that do offer health insurance face right now in attempting to meet state contracts.

I would also argue that even with the Governor's health plan, and I would remind the good Representative from Rockport, that there is at least one other committee that is hard at work on another issue right now. There will still be some businesses that are not in a position to offer health insurance. Not every business will be covering all their employees, even should we enact the Governor's health plan.

I would urge you to support this bill, support Maine businesses that doing the right thing for their employees as well as for the rest of us. Thank you.

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

**ROLL CALL NO. 191**

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

NAY - Andrews, Annis, Austin, Bennett, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Bruno, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Fletcher, Glynn, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Landry, Ledwin, Lewin, Maietta, Marraché, McCormick, McKenney, McNeil, Millett, Mills S, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Woodbury, Wotton.

ABSENT - Brannigan, Browne W, Bryant-Deschenes, Duprey G, Goodwin, Greeley, Ketterer, McGowan, Moore, O'Neil, Perry J, Rines, Rogers, Tardy, Twomey, Young.

Yes, 70; No, 65; Absent, 16; Excused, 0.

70 having voted in the affirmative and 65 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 446) (L.D. 583) Bill "An Act To Amend the Laws Governing the Deduction of Pensions, Retirement Benefits and other Income from State Income Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-534)**

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

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

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The **SPEAKER**: The Chair recognizes the Representative from Bath, Representative Watson who wishes to address the House on the record.

Representative **WATSON**: Thank you Mr. Speaker. Had I been present for Roll Call 185, I would have voted yes. Had I been present for Roll Call 186, I would have voted yes. Thank you Mr. Speaker.

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On motion of Representative **BULL** of Freeport, the House adjourned at 7:16 p.m., until 9:00 a.m., Thursday, May 29, 2003 in honor and lasting tribute to Frances Lee Stearns, of Freeport.