

# MAINE STATE LEGISLATURE

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

**Volume II**

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May 27, 2003 – June 14, 2003

**First Special Session**

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ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
 FIRST REGULAR SESSION  
 61st Legislative Day  
 Thursday, May 29, 2003

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

Prayer by Reverend Dr. Jesse P. James, Riverview Community Parish, South Gardiner.

National Anthem by Gorham High School Chamber Singers.  
 Pledge of Allegiance.

Doctor of the day, Melanie Thompson, M.D., South China.  
 The Journal of yesterday was read and approved.

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**COMMUNICATIONS**

The Following Communication: (H.C. 226)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
 COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
 AFFAIRS**

May 27, 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 Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 39           An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Promote Affordable Housing
- L.D. 115        An Act to Authorize a General Fund Bond Issue to Enable Low- income and Moderate-income Families to Conserve Energy in Their Homes
- L.D. 165        An Act To Authorize a General Fund Bond Issue in the Amount of \$1,200,000 To Provide Economic Development in Western Maine
- L.D. 292        An Act To Support Individuals With Developmental Disabilities Who Have Been Physically or Sexually Abused
- L.D. 350        An Act To Provide Funding For Construction of a Dormitory at the University of Maine at Fort Kent
- L.D. 353        An Act To Authorize a General Fund Bond Issue in the Amount of \$500,000 To Fund the Challenger Learning Center of Maine
- L.D. 400        An Act To Promote Student Aspirations through Higher Education Scholarships
- L.D. 405        An Act To Authorize a General Fund Bond Issue in the Amount of \$50,000,000 for Research and Development and Capital Improvements for the University of Maine System and the Maine Technical College System
- L.D. 459        An Act To Appropriate Funds for the Millinocket Area Growth and Investment Council
- L.D. 582        An Act To Authorize a General Fund Bond Issue in the Amount of \$50,000,000 To Fund Renovating or Replacing Civic Centers Statewide

L.D. 652        An Act To Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Economic Development

L.D. 740        An Act to Authorize a General Fund Bond Issue in the Amount of \$8,200,000 for Use in Implementing the Maine Library of Geographic Information

L.D. 885        An Act To Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Promote Revitalization of Service Center Communities through Infrastructure Improvements

L.D. 1052       An Act To Authorize a General Fund Bond Issue in the Amount of \$5,800,000 To Adequately Fund the Applied Technology Development Centers in Order To Increase the Number of Research and Development Jobs and Companies in the State

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Mary R. Cathcart

Senate Chair

S/Rep. Joseph C. Brannigan

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 227)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
 COMMITTEE IN APPROPRIATIONS AND FINANCIAL  
 AFFAIRS**

May 27, 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 Appropriations and Financial Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1232        RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the State Bonding Limit under Certain Circumstances

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

Sincerely,

S/Sen. Mary R. Cathcart

Senate Chair

S/Rep. Joseph C. Brannigan

House Chair

**READ and ORDERED PLACED ON FILE.**

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**ORDERS**

On motion of Representative CRAVEN of Lewiston, the following Joint Resolution: (H.P. 1204) (Under suspension of the rules, cosponsored by Senator ROTUNDO of Androscoggin and Representatives: ADAMS of Portland, ANDREWS of York, BARSTOW of Gorham, BLANCHETTE of Bangor, BLISS of South Portland, BROWN of South Berwick, BROWNE of Vassalboro, BRUNO of Raymond, BULL of Freeport, CANAVAN of Waterville, CLARK of Millinocket, Speaker COLWELL of Gardiner, CUMMINGS of Portland, DAVIS of Falmouth, DUNLAP of Old Town, DUPLESSIE of Westbrook, DUPREY of Medway, EARLE of Damariscotta, EDER of Portland, FINCH of Fairfield, FISCHER of Presque Isle, GAGNE-FRIEL of Buckfield, GERZOSKY of Brunswick, GOODWIN of Pembroke, HATCH of Skowhegan, JACKSON of Fort Kent, JENNINGS of Leeds, JODREY of Bethel, KANE of Saco, KETTERER of Madison, KOFFMAN of Bar Harbor, LAVERRIERE-BOUCHER of Biddeford, LEMOINE of Old Orchard Beach, LERMAN of Augusta, LUNDEEN of Mars Hill, MAILHOT of Lewiston, MAKAS of Lewiston, MARLEY of Portland, McGOWAN of Pittsfield, McKEE of Wayne, McLAUGHLIN of Cape Elizabeth, MILLETT of Waterford, MILLS of Farmington, MILLS of Cornville, MOODY of Manchester, MOORE of the Passamaquoddy Tribe, MURPHY of Kennebunk, MUSE of Fryeburg, NORBERT of Portland, NORTON of Bangor, O'BRIEN of Lewiston, PATRICK of Rumford, PERRY of Calais, PERRY of Bangor, PINGREE of North Haven, RICHARDSON of Brunswick, SAMPSON of Auburn, SAVIELLO of Wilton, SHERMAN of Hodgdon, SIMPSON of Auburn, SMITH of Monmouth, SMITH of Van Buren, SULLIVAN of Biddeford, SUSLOVIC of Portland, SYKES of Harrison, THOMPSON of China, TWOMEY of Biddeford, WALCOTT of Lewiston, WATSON of Bath, WHEELER of Kittery, WOTTON of Littleton, Senators: BRENNAN of Cumberland, BRYANT of Oxford, DAVIS of Piscataquis, DOUGLASS of Androscoggin, EDMONDS of Cumberland, GAGNON of Kennebec, GILMAN of Cumberland, HALL of Lincoln, HATCH of Somerset, LaFOUNTAIN of York, MARTIN of Aroostook, MAYO of Sagadahoc, PENDLETON of Cumberland, STANLEY of Penobscot, STRIMLING of Cumberland, TREAT of Kennebec, TURNER of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING CONGRESS TO  
ISSUE A WAIVER OF THE REQUIREMENTS OF THE NO  
CHILD LEFT BEHIND ACT FOR MAINE PUBLIC SCHOOLS**

WE, your Memorialists, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the Congress of the

United States as follows:

WHEREAS, on January 8, 2002, President Bush signed into law the No Child Left Behind Act of 2001, referred to in this resolution as "the Act," which applies to all states that accept federal Title I education dollars; and

WHEREAS, the State of Maine receives federal Title I dollars and is therefore subject to the Act's requirements; and

WHEREAS, the Act mandates that every public school in Maine must make adequate yearly progress toward the goal of 100% student proficiency in math, reading and language arts and science by school year 2013-2014; and

WHEREAS, the Act requires that an entire school be identified as failing to make adequate yearly progress in any school year when the school as a whole or any one of the following subgroups within that school fails to make such

progress: students with learning disabilities and students with limited English proficiency; and

WHEREAS, it may be extremely difficult for the subgroup of students with disabilities to make adequate yearly progress in each of the measured areas each year, since those students are identified as belonging in that subgroup because of significant educational challenges, well above and beyond the normal challenges encountered by nondisabled students, that adversely affect their capacities to achieve proficiency in the measured areas; and

WHEREAS, it will be extremely difficult for the subgroup of students with limited English proficiency to meet the adequate yearly progress standard in the area of reading and language arts since those students are required to be tested in English after only 3 years in the public school system, which will rarely be a sufficient time for such students to become proficient in English; and

WHEREAS, failure by either the disabilities subgroup or the limited English proficiency subgroup in any given year to meet any one of the State's proficiency expectations for that year will result in identification of the school as a whole as failing to make adequate yearly progress; and

WHEREAS, the Act imposes a series of escalating consequences and financial costs on local schools and school units that fail to make adequate yearly progress for 2 or more years in a row, including offering intradistrict school choice and transportation; supplemental services, including private tutoring for eligible students; and the possibility of wholesale dismissal of teachers, paraprofessionals and administrators who are considered "relevant" to the school's failure to make adequate yearly progress; and

WHEREAS, the Act requires the State of Maine and local school units to develop additional new testing in grades 3, 5, 6 and 7, which will further limit the time that teachers and students are able to spend on achieving Maine's system of learning results; and

WHEREAS, the Act also requires that all Maine public school teachers who teach in core academic subjects meet federal "highly qualified" standards by the end of the 2005-2006 school year, with teachers new to the profession all having to pass a rigorous state test in the areas they will be teaching; and

WHEREAS, the Act also requires that all paraprofessionals and educational technicians working in programs funded by Title I must meet certification standards that are often higher than those that currently apply in Maine; and

WHEREAS, the Act imposes significant costs on local school units, teachers and paraprofessionals for the funding of staff development, certification upgrades, course work, choice-related transportation and private tutoring, as well as the unavoidable costs and dislocation that would arise in the event of mandatory school restructuring and staff dismissals; and

WHEREAS, the State of Maine has had high standards of learning in its system of learning results since 1995, long before enactment of the Act, including a comprehensive statewide assessment of student achievement through the Maine Educational Assessment and including a new system of local assessment to go into effect by the end of the 2003-2004 school year; and

WHEREAS, the State of Maine for many years has been one of the highest-ranked states in the nation in school achievement, ranking first in the nation in 1999 in the performance of its kindergarten to grade 12 system, ranking first in the nation in 1999 as the best state in which to raise a child, ranking first in the nation in 2001 in the state high school completion rate and regularly ranking among the top states in the nation in student

academic performance on national testing in 4th and 8th grades; and

WHEREAS, the State of Maine has obtained its strong educational achievements through the efforts of its students, teachers and schools and its own system of learning results prior to enactment of the No Child Left Behind Act of 2001; and

WHEREAS, enactment of the Act resulted in only a \$4,600,000 increase in Title I funding for the State of Maine in 2002 over and above the 2001 level that applied before the new Act's mandates; and

WHEREAS, the congressional appropriation for Title I costs was \$3.15 billion short of the congressional authorization in 2002 and \$4.32 billion short in 2003 and a projected \$6.15 billion short in 2004, for a total shortfall of \$13.2 billion over the 3-year period; now, therefore, be it

**RESOLVED:** That We, your Memorialists, on behalf of the people of the State and on behalf of the State's outstanding system of public elementary and secondary school education, respectfully urge and request that the President of the United States and the Congress of the United States accommodate Maine's special circumstances by issuing a waiver of the requirements under the No Child Left Behind Act of 2001 for the State's public schools; and be it further

**RESOLVED:** That in the event that no such waiver is forthcoming, the United States Congress should appropriate full funding of the Act at the authorization levels called for by the Act itself; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

**READ.**

The **SPEAKER:** The Chair recognizes the Representative from Lewiston, Representative Craven.

Representative  **CRAVEN:** Mr. Speaker, Men and Women of the House. I am so pleased that so many people recognize that the No Child Left Behind Act is a burden to our public schools in Maine. I thank all of my cosponsors for signing this Joint Resolution.

**ADOPTED.**

Sent for concurrence.

**REPORTS OF COMMITTEE  
Divided Report**

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Enact the Maine Tribal Gaming Act"

(I.B. 1) (L.D. 1370)

Signed:

Senators:

PENDLETON of Cumberland  
CATHCART of Penobscot  
WOODCOCK of Franklin

Representatives:

NORBERT of Portland  
BULL of Freeport  
SIMPSON of Auburn  
RICHARDSON of Brunswick  
BENNETT of Caribou  
MILLS of Farmington  
CARR of Lincoln

Minority Report of the same Committee reporting **Ought to**

**Pass as Amended by Committee Amendment "A" (H-535) on same Bill.**

Signed:

Representatives:

SHERMAN of Hodgdon  
DUPREY of Hampden  
BRYANT-DESCHENES of Turner

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

**READ.**

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

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

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

Bill "An Act To Preserve the Role of Assisted Living"

(S.P. 403) (L.D. 1197)  
(C. "A" S-236)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence. **ORDERED SENT FORTHWITH.**

Bill "An Act To Amend the Animal Welfare Laws"

(S.P. 520) (L.D. 1545)  
(C. "A" S-195)

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

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

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

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 Authorize the Deorganization of the Town of Centerville"

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

(Committee on **STATE AND LOCAL GOVERNMENT** suggested) **TABLED** - May 22, 2003 (Till Later Today) by Representative **McLAUGHLIN** of Cape Elizabeth.  
**PENDING - REFERENCE.**

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Under further suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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)

TABLED - May 28, 2003 (Till Later Today) 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.

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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**  
**Non-Concurrent Matter**

Bill "An Act To Restrict Fingerprinting of Educational Personnel to New Hires"  
(H.P. 667) (L.D. 890)

Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-520)** in the House on May 28, 2003.

Came from the Senate with the Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ and ACCEPTED** in **NON-CONCURRENCE.**

On motion of Representative CUMMINGS of Portland, the House voted to **ADHERE.**

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

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**Non-Concurrent Matter**

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

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-365)** in the House on May 22, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-365) AS AMENDED BY SENATE AMENDMENT "B" (S-242)** thereto in **NON-CONCURRENCE.**

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

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

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

Bill "An Act To Amend the Animal Welfare Laws"  
(S.P. 520) (L.D. 1545)  
(C. "A" S-195)

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

On motion of Representative MCKEE of Wayne, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-195)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-533)** to **Committee Amendment "A" (S-195)** which was **READ** by the Clerk.

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

Representative **MCKEE:** Mr. Speaker, Men and Women of the House. I appreciate your patience as we have been working to come up with some figures that would be acceptable to both bodies. We feel that this House Amendment does it and I think many of us have talked in our caucuses about it.

This House Amendment reduces the proposed increase in dog licenses from \$8 to \$6 for a spade dog and reduces license fees on unspade dogs to \$15. By the way, our figures are in keeping with the lowest figures for New England. The amounts of money coming from dog licensing remains the same, \$2 for the municipality and \$1 for the clerk's processing fee. One thing that it does do is it increases the amount of money that your municipality is going to be getting from late fees and the warrant fees as well as an increase in the amount of money that will come from kennel fees too. It is going to be an improvement. We have worked hard on funding animal welfare and trying to put it on the radar screen of folks across the state and here in these bodies. I applaud the committee on their efforts this year and I hope that you will vote with us. Mr. Speaker, when the vote is taken, I would request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-533)** to **Committee Amendment "A" (S-195).**

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 Waldoboro, Representative Trahan.

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

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

Representative **TRAHAN:** Mr. Speaker, Ladies and Gentlemen of the House. This legislation authorizes the department to establish a process for licensing dogs through the internet. I understand that when licensing an animal you have to have proof of a rabies vaccination. How would that apply in this case?

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

Representative **MCKEE:** Mr. Speaker, Ladies and Gentlemen of the House. I thought I had anticipated all of the questions. As I recall, the vet has to send that to the state.

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

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

The SPEAKER: The Representative may pose his question.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. To anyone who may care to answer, if you are going to be registering dogs over the internet and that is being paid for, I would assume by credit card, has any account been taken into the processing fee for credit card transactions, which could very well offset what you hope to gain in revenues?

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

Representative **SMITH**: Mr. Speaker, Men and Women of the House. There is a \$1 transaction fee for e-commerce.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-533) to Committee Amendment "A" (S-195). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 192**

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

NAY - Austin, Berube, Bryant-Deschenes, Churchill J, Cressey, Crosthwaite, Goodwin, Heidrich, Joy, Mills J, Nutting, Peavey-Haskell, Richardson E, Richardson M, Snowe-Mello, Stone, Sykes, Tobin J, Trahan, Treadwell, Vaughan, Wheeler.

ABSENT - Marraché, Mills S, Tardy, Watson.

Yes, 125; No, 22; Absent, 4; Excused, 0.

125 having voted in the affirmative and 22 voted in the negative, with 4 being absent, and accordingly **House Amendment "A" (H-533) to Committee Amendment "A" (S-195) was ADOPTED.**

**Committee Amendment "A" (S-195) as Amended by House Amendment "A" (H-533) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-195) as Amended by House Amendment "A" (H-533) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

**UNFINISHED BUSINESS**

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

**HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (H-174) - Minority (5) Ought Not to Pass - Committee on LABOR on Bill "An Act To Assist Seasonal Workers with Workers' Compensation"**

(H.P. 992) (L.D. 1350)

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

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

Subsequently, the House voted to **RECONSIDERED** its action whereby Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I would encourage you to stick with your last vote and as an additional reminder I would like to tell you that the bill was opposed by the administration through testimony from the deputy superintendent of insurance who opposed the bill. It was opposed by the Maine Farm Bureau Association, the Maine Potato Board and the Wild Blueberry Commission. I would encourage you to stick with your previous vote.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. This bill does nothing more than remove the present discrimination we have against the people working in the logging industry and working in agriculture. There are exemptions to the employers in agriculture that already exist and will not be affected by this law. What needs to be understood here is that Maine law with regard to seasonal workers that applies to everybody else in the state, says that if you work 26 weeks or less, you are considered seasonal and they have a special computation. With regard to our loggers and agricultural workers, that doesn't apply. We apply that special discriminatory computation of a wage benefit to them regardless of whether or not they work more than 26 weeks.

There is no justification today to discriminate against these people. There is no justification today to give them less protection than the rest of the workers in our state. When this special discrimination was passed in 1989, at that time the rates in the logging industry were at 49 percent. They have now come down substantially because the injury rates have fallen considerably. We don't need to continue discriminating against these hardworking people of our state. It is time to treat them equally and protect them equally. I ask you vote in favor of this.

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

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

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Vaughan.

Representative **VAUGHAN**: Mr. Speaker, Ladies and Gentlemen of the House. I believe that the enactment of this legislation will eliminate those jobs in agriculture. Having spoken to several constituents who have stated that it is very much likely that they will no longer be able to employ those kinds of helpers seasonally. I have been requested to make that position known. I believe those jobs are going to go away if this bill passes. Thank you.

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

Representative **JACKSON**: Mr. Speaker, Ladies and Gentlemen of the House. The seasonal workers that I know of I know this doesn't apply to them at all. There is an exemption already in the workers' comp law that if you have six or fewer people working over 26 weeks, it doesn't apply. If it is 26 weeks or less, they are automatically considered seasonal and it doesn't matter what occupation you work in. If you are a banker and you only work 26 weeks or less, you are considered seasonal. This isn't going to exempt that or touch that at all. That provision is still in the workers' comp law. What this is is something that was put in in 1989 because workers' comp rates in logging were extremely high at the time. Because of the mechanical harvesting industry they have dropped considerably down to as low as 10 percent and there is just not the injuries that there used to be.

I know how hard workers' comp is in this body and in this state right now. I understand that. I hate to get up on all these logging issues, but it is something that I know better than a lot of other ones. It is not the only reason why I come here. What I would like to say is on the Labor Committee we deal a lot with teacher issues. I have tremendous respect for teachers. A lot of them are part of the reason why I am standing here today. A lot of people in my family, my mother, my wife, my uncles are all teachers. I really understand how hard of a job it is. I have tremendous respect for it.

What I would like to say is when I lived at home with my parents, I would get up in the morning earlier and leave to go to work with my mother. I would get back later at night than my mother. A lot of times I had to work Saturdays. I know that sometimes my mother had to work Saturdays, but it was a voluntary thing. Her job ended some time in June. She had two and a half months off. A lot of times whenever my job ended, I only had a month off. I am not saying I worked harder than her or any teacher, but I do think I worked as long, if not longer during the year, than a lot of teachers. For whatever reason, I am considered seasonal and the people that work in that field with me are considered seasonal while teachers are not. Rightfully they should be. I hate to bring it up or compare it to teachers because I know it is a different field. I have always talked about how much respect I have them. I fight on the Labor Committee for teacher's issues all the time. I will continue to do that because I have so much respect for them.

I am just trying to show a comparison to how unfair I think it is to consider someone who works in the logging field seasonal while someone who works the same amount of time or less is considered full-time year round. The other day I made the comparison to the construction industry. It is the same argument there. There are very, very few people in this state that work 52 weeks a year, five days a week in construction. They are considered full-time year round. Even if a logger works 51 weeks, he is considered seasonal. I know the argument is it is going to rise workers' comp rates up and all that. I don't agree with that ladies and gentlemen, because the industry has worked very hard to make it safer. It is safer. The rates have shown that. They have dropped considerably to something that I don't really see how it can go even lower. People inside the cabs now generally don't get hurt like it used to be.

I would like you to consider this. I thank you for your time.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Bryant-Deschenes.

Representative **BRYANT-DESCHENES**: Mr. Speaker, Ladies and Gentlemen of the House. I just want to point out one

sentence that I see in the Workers' Compensation Act of 1992, which makes me agree with Representative Vaughn. I have had calls from my constituents who are employers of agricultural workers. I think one of the problems here that people are overlooking and, in fact, when I brought some of this up to members of the committee who were working on it, they weren't aware the agricultural workers were going to be affected by this. Under Section 1024C1, as far as the 26 weeks worked in the calendar year, the employee need not be employed by the same employer during this period to fall within this exclusion. That means that my constituent who hires somebody for 10 weeks, if that person has already worked 17 weeks someplace else, this changes how he is affected by the law and it is my belief that it is the current employer who bears the workers' comp claim against him. I think that there are things that are reached in this law that people have not been necessarily aware of and I just wanted to bring that forward. Thank you.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. We already have considerable protections for agricultural employers. Section 401 of the act provides that the agricultural employers are protected where they maintain an insurance policy for their agricultural workers and covers casual workers and seasonal workers. Seasonal being defined in Section 401 as laborers engaged in agricultural or agricultural employment beginning at or after the commencement of planting or seeding season and ending at or before the commencement of the harvest season. There are substantial protections. There are also protections for the smaller agricultural employers who have six or fewer agricultural employees. That is another layer of protection for them.

I believe that if you have workers in agriculture who are working most of the year, they are entitled to the protections that any other worker would have. I don't think we need to carve out special exemptions for Decoster or the egg industry.

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

#### ROLL CALL NO. 193

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

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



ABSENT - Kaelin, McLaughlin, Tardy, Watson.  
Yes, 67; No, 80; Absent, 4; Excused, 0.

67 having voted in the affirmative and 80 voted in the negative, with 4 being absent, and accordingly the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

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

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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)

TABLED - May 28, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

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

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

Representative **TREADWELL:** Mr. Speaker, Ladies and Gentlemen of the House. I would just like to again say a few quick words. This LD would change the rules for those people who are already involved in the programs that the state has established to encourage economic growth and business expansion here in the state. If we change the rules in the middle of the stream, it is going to be sending a very poor message to those businesses that are taking advantage of these programs.

The bill was opposed by the administration. The Director of the Bureau of Labor Standards testified for the administration in opposition to the bill. I would encourage you to vote against the enactment.

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

Representative **SMITH:** Mr. Speaker, Ladies and Gentlemen of the House. We have debated this at length. The bill applies only to employers of more than 50 employees. The bill also does not cover any employee who has not worked for an employer for a year. We have talked about the basic concept here. The question is whether or not it is something that the state should not have as a policy. If you are going to have a long-term employee and you are going to provide state benefits to a company, then they should provide their employee a just reason for any termination. I think the state is big enough in terms of its heart and soul to be able to require that if we are going to give taxpayer benefits to a company, that they treat their employees fairly. I think the business is big enough for that. I hate to think that we will become a state that will become so caught up in denying protections to employees that no longer is justice part of our state. The largest employers in our state, the paper companies, the schools, the municipalities, the state employees, all have just cause and they have done well with it. I urge you to vote for this bill.

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

**ROLL CALL NO. 194**

YEA - Adams, Ash, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Gerzofsky, Grose, Hatch, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Laverriere-Boucher, Lerman, Lessard, Mailhot, Makas, Marley, Marraché, McGlocklin, McKee, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines,

Sampson, Simpson, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Wheeler, Mr. Speaker.

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

ABSENT - Goodwin, Kaelin, Lemoine, Tardy, Watson.

Yes, 65; No, 81; Absent, 5; Excused, 0.

65 having voted in the affirmative and 81 voted in the negative, with 5 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

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

**ENACTORS**

**Emergency Measure**

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

(S.P. 418) (L.D. 1287)  
(C. "A" S-192; S. "A" S-238)

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

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**Emergency Measure**

An Act to Amend the Charter of the New Portland Water District

(H.P. 1199) (L.D. 1620)  
(C. "A" H-530)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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**Acts**

An Act To Improve Complaint Resolution and Hearing Procedures in the Department of Human Services

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

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)

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.

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)

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**: 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. 195**

**YEA** - Adams, Andrews, Annis, Ash, Austin, Barstow, Bennett, Bierman, Blanchette, Bliss, Bowen, Brannigan, Breault, Brown R, Browne W, Bull, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Collins, Cowper, Craven, Cummings, Curley, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Greeley, Grose, Hatch, Hotham, Hutton, Jackson, Jacobsen, Jennings, Kaelin, Kane, Ketterer, Koffman, Laverriere-Boucher, Lerman, Lessard, Lundeen, Maietta, Mailhot, Makas, Marley, Marraché, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Mills J, Mills S, Moody, Moore, Murphy, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Rines, Rosen, Sampson, Saviello, Sherman, Simpson, Smith N, Smith W, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Trahan, Twomey, Usher, Walcott, Wheeler, Woodbury, Wotton, Mr. Speaker.

**NAY** - Berry, Berube, Bowles, Bruno, Bryant-Deschenes, Clough, Courtney, Cressey, Crosthwaite, Duprey B, Fletcher, Heidrich, Honey, Jodrey, Joy, Landry, Ledwin, Lewin, McCormick, McKenney, Millett, Muse, Nutting, Richardson M, Rogers, Shields, Snowe-Mello, Stone, Sykes, Tobin D, Tobin J, Treadwell, Vaughan, Young.

**ABSENT** - Bunker, Daigle, Goodwin, Lemoine, Perry A, Tardy, Watson.

Yes, 110; No, 34; Absent, 7; Excused, 0.

110 having voted in the affirmative and 34 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

The House recessed until 3:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Protect Consumer Privacy Rights"

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

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218)** in the House on May 23, 2003.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

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

(H.P. 1141) (L.D. 1558)

(C. "A" H-432)

**FAILED** of **FINAL PASSAGE** in the House on May 28, 2003. Came from the Senate **FINALLY PASSED** in **NON-CONCURRENCE**.

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

Representative **SHERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I thank those of you who voted with me the other day. I have my questions answered to some of my satisfaction. The financial note said that there is a \$500,000 cost to this where the land was sold. Apparently there is a land swap that is going to take place that didn't show up on the documents. I am sure the money will be used wisely. Thank you.

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. 134 voted in favor of the same and 1 against, and accordingly the House voted to **RECEDE AND CONCUR**.

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

**Non-Concurrent Matter**

Bill "An Act to Revise the Reimbursement by the County Jail Prisoner Support and Community Corrections Fund and To Provide Additional Support to County Jails"

(S.P. 390) (L.D. 1186)

Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **REJECTED** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on May 27, 2003.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-227)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

Representative **BUNKER** of Kossuth Township moved that the House **RECEDE AND CONCUR**.

Subsequently, the same Representative **WITHDREW** his motion to **RECEDE AND CONCUR**.

On further motion of the same Representative, the House voted to **INSIST** and **JOIN** in a **COMMITTEE OF CONFERENCE** in concurrence.

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

**Non-Concurrent Matter**

Bill "An Act To Require the Workers' Compensation Board To Adopt Rules To Require Electronic Filing"

(H.P. 268) (L.D. 339)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-191)** in the House on May 14, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-191) AS AMENDED BY SENATE AMENDMENT "A" (S-243)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**. **ORDERED SENT FORTHWITH**.

**ENACTORS**

**Emergency Measure**

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

(H.P. 1087) (L.D. 1482)  
(H. "A" H-524 to C. "A" H-422)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 14 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

**Emergency Measure**

An Act To Amend the Motor Vehicle Laws

(S.P. 545) (L.D. 1590)  
(C. "A" S-237)

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. 133 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.

**Emergency Measure**

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

(H.P. 1101) (L.D. 1508)  
(H. "A" H-521 to C. "A" H-423)

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. 132 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**.

**Acts**

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

(H.P. 714) (L.D. 957)  
(H. "A" H-523 to C. "A" H-458)

An Act To Amend the Educators for Maine Program

(H.P. 985) (L.D. 1340)

An Act To Provide Equitable Treatment to State Employees

(H.P. 1198) (L.D. 1619)  
(C. "A" H-531)

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

**Resolves**

Resolve, Directing the Department of Labor, Bureau of Unemployment Compensation To Provide Access to a Toll-free Telephone Number

(S.P. 39) (L.D. 116)  
(H. "A" H-518 to C. "A" S-168)

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

(H.P. 363) (L.D. 471)  
(H. "A" H-529 to C. "A" H-464)

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

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

**HOUSE DIVIDED REPORT - Majority (10) Ought Not to Pass - Minority (3) Ought to Pass as Amended by Committee Amendment "A" (H-535) - Committee on JUDICIARY on Bill "An Act To Enact the Maine Tribal Gaming Act"**

(I.B. 1) (L.D. 1370)

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

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

Representative **DUPREY**: Mr. Speaker, Ladies and Gentlemen of the House. Let me set the record straight from the beginning. I am not pro-casino and I am not anti-casino. I do think a casino could be good in some areas of the state. I think it could be disastrous in other parts of the state. Let me explain. Ever since the idea of having a casino in Maine surfaced about a year ago, proponents of the casino have been toting job creation, economic development, positive cash flow to the state coffers. There are many problems I have with the citizen-initiated bill, which is the Majority Report. I will try to hit some of them for you.

There is no provision to locate the casino in an area of the state that has high unemployment, low wages and available, affordable housing. I think a casino could jump start the economy of an area like Calais, Millinocket where there is 15 to 30 percent unemployment right now. To put it in southern Maine, an area that has almost non-existent unemployment, very high

wages and an affordable housing shortage does not meet the objective of economic development. I have heard almost 10,000 jobs could be created. Since there is hardly an available worker in southern Maine left with such low unemployment, where are these workers going to come from? Many will come from out of state and many of them will leave their jobs now where they are making \$10 an hour in southern Maine businesses because now they are going to have to compete with the casino that could pay much higher wages and benefits. The results will be major employment shortages to the local area businesses.

Since I can't go into the details of the Minority Report, you will have to read for yourself how I addressed these issues in the Minority Report.

Next, we want to make sure the taxpayers of Maine got the best bang for the buck. In the citizen-initiated bill, the tribes agree to give the state 25 percent of slot revenues. That number was arbitrarily decided on in the citizen-initiative bill, but it is the best deal the state could get. In some states the tribes split profits with the state 50/50. We decided if Maine were to get a casino, it should be through a competitive bid process. Since I can't go into the details of the Minority Report, you will have to read for yourself how we addressed this issue.

Another thing we had a concern about is ensuring that no BETR, TIF or other government incentives were used to build the casino or to buy slot machines or fill the casino with anything. Since I can't go into the details, you will have to read for yourselves how we addressed that issue. In the citizen-initiated bill there is no money to be diverted for gambling addiction services, which I think there should be money for. I think it could create some serious problems. You will have to read for yourself how we address this problem.

We had a problem with the citizen-initiated bill that the tribal gaming agency would be set up and not have proper scrutiny from the state. We want to make sure that all documents and financial transactions should not be confidential, but should be available to the state gaming agency for review at any time. You are going to have to look for yourself how we addressed that problem.

I have no doubt that the casino referendum will pass in November. The TV ads have been outstanding so far. The public opinion seems to be swaying that way. I feel the pro-casino forces will spare no expense to win in November.

Please oppose the pending motion so we could move on to the Minority Report and ensure that if Maine is to get a casino, it is the absolute best possible deal for the citizens of Maine. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Bryant-Deschenes.

Representative **BRYANT-DESCHENES**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today to speak against the Majority Ought Not to Pass Report on "An Act To Enact the Maine Tribal Gaming Act." At the public hearings held on the casino those for the casino bills urged the committee to vote Ought Not to Pass. Those against the casino bill also urged the committee to vote Ought Not to Pass. Both sides said to us, just vote Ought Not to Pass and send the bill to referendum and let the people decide. That was an easy solution. I do not believe that our role as legislators is necessarily to find the easy solution. I believe that legislators have responsibilities. The Legislative Handbook discusses these responsibilities. It includes the following in its description, "to be well versed in complex subject areas and be familiar with a vast array of issues raised by pending legislation, to provide oversight." The handbook specifically mentions that impact of a Maine based casino in the section describing the legislator's role and

responsibility. This is an issue that requires the legislature to examine the bill, analyze the bill and the potential policy, legal and fiscal implications of enactment.

I have come to the conclusion that this is a very dangerous bill. First, it is my understanding that no amendments, no changing, no tweaking can be done to this bill. It must go to the voters exactly as written. I was very disturbed when I learned that this bill might be an amendment to the Indian Land Claims Settlement Act and that as such once this bill is enacted, there can be no changes to the bill. It cannot be amended or repealed without the consent of the Passamaquoddy Tribes and the Penobscot Nation. It is my understanding that this bill does not provide for a Maine State Gaming Commission, rather a tribal gaming agency formed by the Passamaquoddy Tribes and the Penobscot Nation.

This referendum question will be presented to voters, which merely asks whether voters would approve the building of a casino if part of the proceeds from the casino were to be used to reduce property tax and provide money for public education funding. It is my understanding that any proceeds from this endeavor would go to the black hole that is the general fund, unless there is an amendment to the State Constitution, there is no guarantee where the proceeds would go.

This bill, if passed, limits legislative oversight and state oversight. A Tribal Gaming Agency is on site, which would operate and manage the facility. Access to public safety for general law enforcement purposes, maintaining public order, public safety and enforcing criminal laws would be the state oversight. The Tribal Gaming Agency would have hands on oversight. Would this oversight be considered internal tribal matters, which would reduce access to this information? The voters will go to the polls intending to enact a gaming act that will provide funds for property tax relief and education. They will not be getting an act that guarantees funds for property tax relief and education.

What the voters will be approving is an amendment to the Indian Land Claim Settlement Act. They will not be able to amend this bill. They will not have a State Gaming Commission to oversee the operation of this casino. I did not vote Ought Not to Pass in committee. I did not vote for the easy solution. I ask you to consider the problems with this bill and move on to the Minority Report, which addresses these problems. Thank you.

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

Representative **SHERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I thank Representative Bryant-Deschenes for her analysis and the fact that we have certain duties to perform here as legislators. She hit upon seven of the items that I had marked down. There is no State Gaming Oversight Commission as there are in 34 other states. The others that she said I agree with entirely. There are other issues in here that maybe legislators ought to take a look at. There is a question if they pay federal and state taxes on the restaurants and movie theater and shops in this casino. There is a provision in there for free drinks and the bars that may help some of us, but what would that do to outside establishments. It also says games of chance without limitation. Is there any possibility you could drop the slots because the state is going to get that money and do other games of chance? I think the prior two speakers have picked apart a good portion of this. There are still other provisions that the legislators sitting in this chamber should take a look at. Thank you.

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

Representative **COURTNEY**: Mr. Speaker, Ladies and Gentlemen of the House. I would encourage you to defeat this motion. I have some real concerns that this bill has been created by the tribes and for the tribes. It is very difficult. Our local selectmen are going to be negotiating against \$800 an hour lawyers. I don't think it is going to be a fair playing field. I think by defeating this and taking a good look at the Minority Report, we are at least giving them a hand at trying to create a level playing field. Our town is going to change forever if this is passed by this state. I think it is very important that we take the time and put the effort in to help our local municipality. We need it. I am asking for your help and I would appreciate your support. Thank you.

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

Representative **MILLS**: Mr. Speaker, Men and Women of the House. As a member of the Judiciary Committee, I was privileged to listen to several hours of testimony on this bill and we had a lively discussion at the work session in the Judiciary Committee. We are a committee of varied views on this issue. The important thing to remember in this debate on this floor is when you vote on the Majority Ought Not to Pass Report, you can vote no, meaning you are against the casino or no, meaning you are for casinos. You can vote yes, meaning you are for casinos and yes, you are against casinos. Basically, either way, it doesn't matter. It is going to go to the polls. It is going to the referendum for the people to vote on. The only issue is if you vote not to accept the Majority Ought Not to Pass Report, then you get to a Minority Report for a competing measure, which entails another issue, whether or not there should be a competing measure on the ballot. It is something you need to think about. The issue for us is a little bit confusing in that respect.

Some of us who have strong views on casinos in the committee felt very strongly that our hands are kind of tied because of the posture we are in. Many of us were not part of the previous debates in the Legislature regarding casinos. We are looking at this with fresh eyes. I would encourage you to take this opportunity to at least skim though this rather large piece of legislation. It is some 20-odd pages long. It is LD 1370, as you know. It is important to read this very carefully because most things that we vote on here we can sort of rest assured that if we do make a mistake, we can come back and revisit it. We can change it next year. I don't believe we can do that if this passes in November. There are a lot of, what I would consider, flaws and a lack of information regarding this bill. There is, as has been pointed out, no State Gaming Agency set up in this bill as there is in many, many other states that have casinos and other states that have other forms of gambling, more formal, sophisticated gambling mechanisms. A lot of authority is delegated in the bill to the Tribal Gaming Agency. There is an awful lot of authority that otherwise in other states would be kept at the state level for the state to regulate the standards and operating procedures of sophisticated gaming operations such as this.

There are strange and new standards for licensing described in this bill. For instance, if you apply for a license or an opportunity to be employed in a gaming casino, you can be turned down because of your "reputation habits and associations that might pose a threat to the effective regulation of gaming or increase the danger of unfair, illegal practices, methods and activities in the conduct of gaming activities." I have no clue what that means and I am not sure that a court in this state would have

a clue what that means or be able to interpret it appropriately. We couldn't change it. We can't change it today. I can't propose a floor amendment to you to change this and clean it up and say what it means. It is set in stone and it is going to the people.

The references in the bill to something called the Connecticut Compaq and it says in the bill on Page 11 that "the initial standards of operation and management must be substantially identical to those currently in effect pursuant to the Connecticut Compaq." We weren't informed what the Connecticut Compaq was. It is kind of an important issue to know what the Connecticut Compaq is. Nobody gave us a copy of the Connecticut Compaq and told us how the initial standards of operation and management will be done under that Connecticut Compaq. It is in this bill. We can't change it.

There is no competitive bidding, as you know, as has been pointed out, as there is in other states, which regulate casino gambling. Questions were raised at the hearing and work session about whether or not gaming operations coming in from out of state would be able to take advantage of TIF Programs locally or to take advantage of the BETR Program. We couldn't see anything off hand in this bill that would prevent that. Some felt that that might be unfair of them to take advantage of the bill and of all of the advantages that this gives a casino gaming operation. In addition, give them the benefit of our tax benefits under the BETR Program and under the Tax Increment Financing Programs locally.

We couldn't clarify the bill. We couldn't change it. We can't change it now.

There were many questions raised about the taxation provisions on Page 16, state taxation and revenue sharing. There were questions that I don't believe were adequately answered at our work session or at our public hearing.

The licensing provisions are vague. There is a lot of language here that may well have been taken from some other law in some other state. I don't know. The drafters didn't explain that to us and we can't change it. The reason we can't change it is if the people pass this law in November, it is then subject to a vote of the tribes, the Passamaquoddy Tribe and the Penobscot Nation under the final provisions of this LD. Once they have affirmed their support for this bill, if it is passed by the people in November, I don't believe there is anything we can do to change it next year.

I have a great number of concerns with this bill. Whether or not you decide to go forward and debate a competing measure, there are certain concerns with this bill that the people ought to know about. They ought to know that our hands are tied. Thank you Mr. Speaker.

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

Representative **PARADIS**: Mr. Speaker, Men and Women of the House. Some day I would like to beat New Hampshire at something, something big. In is inevitable that there will be a casino in northern New England one of these days. I would like to see Maine lead and to build this in typical Maine ingenuity and put our stamp on it. Traditionally Maine has been slow to read the trends of the time. Work on Sunday, liquor sales on Sunday, we are getting our pants beat off by our southern neighbors. We have come around to it, but never could match New Hampshire in liquor sales. The lottery, there are all kinds of argument against it. What is wrong with capitalizing on out of state money coming in anyway? Foxwoods, for example, I have talked to a lot of people that have been there. It has been run well. It is running well. It has not increased the crime as people would like to say. What we have in the Minority Report is simply a slow down tactic. I would like to see one option go to referendum, undiluted,

uncomplicated, voted up or down. I am from northern Maine. I would like to see it in northern Maine, but the tribes have done a lot of work on this and I respect that. They would be a lot more profitable in southern Maine and I will support that option. I will encourage you to vote Ought Not to Pass and let's get into November with a clear bill. Thank you.

Representative **BRYANT-DESCHENES** of Turner **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 Landry.

Representative **LANDRY**: Mr. Speaker, Ladies and Gentlemen of the House. Bear with me, it is not a good day for my voice. I live in Springvale, which is part of Sanford. I have lived there for some time. When I became disabled I started doing a lot of volunteer work with the local businesses and what have you. When I started campaigning to come up here, I went to work as a volunteer at the Chamber of Commerce. One of the projects I worked on was to put together a trade show booth that was to be held at the Expo Center in Boston. The purpose behind this booth was basically to sell Sanford. The attendees at this trade show were all CEOs from electronic firms all over New England. I personally sat down and found 200 of them, sent invitations and hoped to meet them at the trade show. I met quite a few of them. As soon as I said that Sanford was located in Maine, I lost the sale. I got a lot of comments about taxes and how tough it to open up a business and what have you. Let me just say it was a hard sell.

We have had many, many firms, factories and manufacturers shut down or go chapter 11 or what have you. One of them even shut down and moved to Israel in the middle of a combat zone. Our unemployment rate skyrocketed. It went up to 2,500 plus in the Town of Sanford. That is just the ones that are on the rolls, not all of them. There were no trucks backing up unloading food. There was nobody donating anything. It is the same bunch downtown struggling trying to get some kind of business in.

The people of Sanford voted on a non-binding referendum to keep the door open to the casino project, the possibility of its existence. Being as controversial as it is, naturally there were people taking stands and taking sides.

In fact, I remember during my campaign that I kind of stayed on the fence, but I told people that when you are sitting on a barbed wire fence, you can't sit there long. It is true. I saw the merits of this project, but I also know that if it is allowed to go on to the referendum, changes are very likely it is going to pass. The only thing that I can see that the state has a problem with is they are not controlling the amount of money they are going to get out of it. Well, I look at it this way, 25 percent of something is a heck of a lot more than 100 percent of nothing.

I see no reason why the good people of Sanford, their elected officials, using their good common Yankee ingenuity and sense would not ensure that this will be negotiated to the betterment of all, both the casino folks and the towns people. They are not going to sell the towns people down the river. They are going to be awful darn careful how they set it up. I would urge you to vote along with the Majority Ought Not to Pass. Let's give our people a little bit of credit for being able to make a decision without us trying to reach into their pockets in the process. Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. All bets in. No more bets. I will tell you a lot of reasons and I didn't think we were supposed to be allowed to

speaking on the merits of this. I have heard everyone get up and speak on the merits of the bill. I will not be supporting the Majority Ought Not to Pass Report. My community had a referendum and it was young families who decided that the quality of life was more important than the money. The money that came into Biddeford to spend was from Las Vegas. It is about out-of-state money trying to come in and tell us what is good for the State of Maine. It is about young families with children who do not want another 20,000 people coming into our community where hospitals cannot even service the extra amount of people. It is about being able to go from point A to point B without having to wait an hour and a half.

I have supported the Native Americans from day one. I still support them. I say if we really want to do something for the Native Americans, let's give them back the land that we took from them, for starters. There are other ways to help the Native Americans. I think that they are misguided in their thinking that casinos are the way to go. Filling your mattresses with money because somebody else lost their money is not acceptable to me. It is not acceptable to the people in my community of Biddeford. The mayor was in favor of this. The city council was in favor of this, but the people organized and the people spoke. It was two to one in opposition to casinos in Biddeford. The scary part about this is, we are looking at the big pot of gold that is coming into the State of Maine and wherever it goes we will all benefit because it will go towards education. It doesn't matter if it is not in your backyard. It doesn't matter if it is in southern Maine. I hear about the two Maines a lot up here. I have tried to cut across that line. I have tried to care about what happens in northern Maine as far as education. I have tried to become passionate and listen to people from northern Maine and Aroostook. I have listened to all of it and I have been compassionate about it. I am also compassionate about what is happening to southern Maine. We take the blunt of it. We have all the traffic. We have all the trash and the things that you might not want to accept. We are carrying our burdens. I think that this really goes across the lines. I think it is about quality of life. It is about Las Vegas money trying to come in and trying to influence.

Just look at who is spearheading this. Look at the lobbyists. Look at the people who are getting paid for this. It is really upsetting to me. I will not be supporting the Majority Ought Not to Pass Report. Thank you.

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

Representative **BULL**: Mr. Speaker, Men and Women of the House. Getting back to the question at hand, the question is accepting of the Majority Ought Not to Pass Report. Whether you support the Majority Ought Not to Pass Report or if you support the Minority Ought to Pass Report, we are going to see a question on the ballot in November on casino gambling being put forth by the Native Tribes. Opposition to casino gambling here in Maine aside, that should not matter. The question here is simply sending it out to the voters and letting them decide. I personally am heavily leaning towards voting against this in November. I have some very serious questions about this, about the appropriateness of this. That, to me, is not the relevant issue here. It is not relevant whether or not to support casino gambling in Maine or not. The question here is, do we respect the fact that the Native Tribes have spent a great deal of time and effort and they got a number of people, tens of thousands of people who signed a petition wanting this on the ballot. That really is the question here, ladies and gentlemen.

I say let's respect the process that has been done. Both the opponents and proponents of the casino gambling here in Maine testified at the public hearing against the bill in favor of the



Majority Ought Not to Pass Report. Both sides asked us as a committee to send this out to the voters and let the voters decide. I would like to ask you all to heed that advice, let this go to the voters and let the people decide up or down whether or not they want to have casino gambling here in Maine and let this be the tribal one. That is really the question here today. Thank you Mr. Speaker.

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

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The SPEAKER: The Chair recognizes the Representative from York, Representative Andrews.

Representative **ANDREWS**: Mr. Speaker, Ladies and Gentlemen of the House. I am not going to go into all the pros and cons of casino gambling. I know you all know how I feel about that issue.

Having said that, I want to bring to your attention that the Majority Report, which is Ought Not to Pass does not allow us as Representatives of the State of Maine to fully fulfill our responsibility. Let me just briefly touch on something that concerns me greatly. In the next biennium, we are looking at a half a billion to a billion dollar deficit. Half a billion for sure, but up to a billion. The Majority Report takes away the state's ability to negotiate the best price that will provide the most benefits for the State of Maine to deal with all the issues that come along with gambling, the infrastructure, etc. That right, that we should be doing by the Majority Report, has been taken away from us. I am here to tell you that there are other casinos that are going to be built in the nearby areas. I heard on the radio last night that Massachusetts is again debating a bill. That will cut down on the revenues. We need to be aware of our fiscal responsibility when we look at this issue. Thank you.

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

Representative **CAMPBELL**: Mr. Speaker, Men and Women of the House. A couple of weeks ago we debated smoking. We made the decision here in the House, because that is what we get sent up here for, to vote and make decisions for the people. Why don't we have the backbone and the guts to stand up to this one and make the decision here in the House like we were sent here to do, not send it out to referendum? Thank you.

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

Representative **JACKSON**: Mr. Speaker, Ladies and Gentlemen of the House. I didn't plan on getting up. I, too, like a lot of other people here am not sure how I will vote on the referendum, but what I am sure of is that the citizen's right to referendum is probably the most dear thing I can think of. A lot of things that go on down here, I don't agree with. I see a lot of people lobbying the halls and it puts a lot of pressure on people in here to vote one way or the other. I think the citizen's initiative is the greatest check and balance that this state has for things that can be changed when we don't do the right thing here. I believe the tribes have put a lot of work into getting the signatures and anyone else that opposed what they are trying to do put as much work into getting signatures to go against what they want. I believe that letting this go out to referendum and having the people decide is the right thing to do. Again, I am not sure if I support a casino or not, but I do support people's right to make up their own mind. Thank you Mr. Speaker.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. This has been interesting listening to much of the debate. A number of issues have been raised and a number of good points have been made. When this bill was in front of the Judiciary Committee, much discussion was had. Again, concerns were raised, proponents advocated for their position. Opponents raised their concerns and the point of all that is that is exactly the process that should be undertaken. The committee should have been allowed the opportunity to have a vote, not on whether or not to send this out to referendum, Mr. Speaker, but whether or not this issue should even go forward. We, the Legislature, should have had that same opportunity. I am disappointed and being the Representative from the town, in fact, my district, in which a casino is likely to be located if the plan that is now being considered comes to fruition. I have probably more of an interest in this than the majority of the members. I am disappointed that this issue has been taken out of our hands. I understand the point that the good Representative from Fort Kent just made, that the people should have an opportunity.

I would make a different point and that is when this goes to the referendum in November, that the people are not going to have had the opportunity to have a full range of debate and exposure to both pros and cons that the Judiciary Committee had or that we, as members of the Legislature, had. They are going to be voting on something that is going to be one sentence that essentially in their minds it is going to boil down to, do you want a casino or not? That isn't really the question. I actually am not in the position right now to say whether or not I want a casino or not. What I do know is that I would liked to have had an option. I would like to have had more than one proposal to be looking at. I would have wanted, the Representative from Farmington, Representative Mills, was very eloquent on this issue. I would like to have this Legislature and this state in a position where we had an opportunity to look at alternatives. We do not have that opportunity because of the way in which this was done.

I am not passing judgment on why it was done in this manner. Obviously the people who want this issue to go forward decided that this was probably their best chance of having it pass in November. That is not an unreasonable position for them to take. It does take it out of our hands and it takes away the ability of this Legislature to perform the duties and carry out the responsibilities with which this Legislature is charged. That is the point that concerns me greatly.

I understand why the people of my community, many of them are supportive of this issue. In a vote by a narrow margin, they were supportive of this issue. I understand that. Contrary to something that was said here earlier, my community has an unemployment rate of 8.9 percent, the 11th highest in Maine as of the end of April. We are different from the rest of York County. We are different from Biddeford. I heard the good Representative from Biddeford said her community voted down this proposal and I understand that as well. They have an unemployment rate of about 3.3 percent. You look at this based on the perspective of your community.

The real issue here is not casino or no casino. The real issue is there going to be a full exploration of the pros and cons of this specific proposal, this one proposal that is going to be offered to the voters? There is going to be an awful lot of television advertising for sure. People to a large extent are probably going to make up their minds based on the television advertising. I think that is unfortunate, not because the ads are misleading. I am not suggesting that they are or that they will be. It is unfortunate because the ads don't have the ability to go into the comprehensive, in depth issues that this whole proposal has brought forward. For that reason, I am going to be voting for the

Ought to Pass as amended report against the Ought Not to Pass bill. Again, that vote is not to be construed as a vote either for or against the casino, but against the process by which this is moving forward.

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

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

The SPEAKER: The Representative may pose his question.

Representative **HOTHAM**: Mr. Speaker, Men and Women of the House. Perhaps it was answered by the good Representative from Sanford, but I seek clarity. I would like to know if it is possible for the bill as proposed as well as the Minority Report as amended to both appear on the ballot and what procedure we need to take here for that to happen?

The SPEAKER: The Representative from Dixfield, Representative Hotham has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Cornville, Representative Mills.

Representative **MILLS**: Mr. Speaker, Men and Women of the House. I believe the Constitution is fairly clear that we would have to pass the Minority Report in both chambers in order to send it out to the people and get it onto the ballot. It would have to be in conflict with the initiative question.

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

Representative **COURTNEY**: Mr. Speaker, Ladies and Gentlemen of the House. Forgive me for speaking a second time on this issue, but as you can well imagine being from Sanford it is very near and dear to my heart. I heard a couple things mentioned that I would just like to address. I didn't just get involved in the community when it was time to run for election. I have been raising my family there. That is our livelihood. I personally think that my aspirations for my children, the best that they can do, is not to be a black jack dealer. I think we can do better for the kids of this state and I plan on doing so. That is one of the reasons I came to Augusta.

It was said that Sanford voted for the casino. That very well is true, but as you go around the community what a lot of the people in the community did is they voted to keep the door open. As Representative Bowles said, we have an 8.9 percent unemployment rate. There are people desperate for work. They are desperate for opportunity and many feel that this is the best that we can do. I say that we can do better. They voted to think about it. A good bunch of the people in my community voted to think about it and stay in the game.

The big yellow signs came out. More yellow signs than I had ever seen. They were everywhere you turned around. You go down Main Street and there was a stream of Casinos yes on one side and a stream of Casinos yes on the other. It was nothing like I had ever seen before.

The SPEAKER: The Chair would admonish the Representative to please restrain your debate to the question at hand here. You are getting well off the track and it is a very wide track that the Chair has allowed here, but you are well, well off that track right now Representative. The Representative may proceed.

Representative **COURTNEY**: I am sorry Mr. Speaker. I will try to be a little more careful. The point I am trying to make is that there is no amount of money that will be put out there. There will be no expense spared to pass this referendum. I am trying to make that point to everyone so that they can see that we really need to offer another option. We need to level the playing field.

As far as the signatures that were collected to put this referendum on the ballot, what happened is at the election they

came in with an ironing board, they set it up, the college kid was in there and he was counting every signature he got and pockets 50 cents or a dollar a signature at \$10 or \$12 an hour. It really wasn't like your neighbor down there collecting signatures. It was someone doing a job. I think what these people who are trying to shove this thing down our throat, I think what they are doing is they are trying to buy us. I am telling you, in my opinion, that the people of Maine because we have for years and years, we have stood up to it and we have told people on many, many issues, over and over that Maine is not for sale. We cannot be bought. I really ask you to consider that and defeat this and move onto the Minority Report. Thank you very much.

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

Representative **HUTTON**: Mr. Speaker, Ladies and Gentlemen of the House. I really hadn't planned on getting up to speak and I thought I would never say that. I will try to be brief. In my community it was different. I stood at the polls in my Town of Richmond and the people who were collecting signatures were not college kids. They were not somebody out to just make a buck. They were people who feel strongly about the issue. I just wanted to give another point of view and another perspective on who was collecting signatures for this referendum. Thank you.

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

Representative **LORING**: Mr. Speaker, Men and Women of the House. I didn't really know whether I was going to stand up. I had a pretty good idea that I was. The bottom line is we wouldn't be standing here debating this issue if the Penobscot and Passamaquoddy Tribes did not come forward with this project. I do want to remind you that I have been here for almost eight years and the word casino has been a dirty word in this Legislature and connected to any bill it would have killed the bill. We had the courage to come forward and bring this idea to the state. This issue is a hugely important issue to both the tribes and to the State of Maine, particularly when Maine industry is faltering. Lost jobs number in the thousands. The resort casino project has the potential, and you have heard this many times, and I am going to repeat it, of creating thousands of jobs and contributing millions of dollars to the state and the tribes economy as well. It is the biggest economic project that this state has seen in 30 years. The people of the State of Maine have asked to have the decision on this matter, over 60,000 Maine citizens have signed the petition so that they can decide this issue. I ask you to vote Ought Not to Pass on this issue and allow the citizens of the state to make this determination. 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. 196

YEA - Adams, Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Bruno, Bull, Canavan, Carr, Clark, Clough, Cowger, Craven, Cressey, Cummings, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Goodwin, Grose, Hatch, Hutton, Jackson, Jodrey, Kaelin, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGlocklin, McKee, McLaughlin, Mills J, Mills S, Moody, Moore, Norbert, Norton, O'Brien L, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rosen, Sampson, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thompson, Usher, Walcott, Woodbury, Wotton, Young, Mr. Speaker.



NAY - Andrews, Annis, Austin, Bierman, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Churchill E, Churchill J, Collins, Courtney, Crosthwaite, Curley, Daigle, Duprey B, Fletcher, Greeley, Heidrich, Honey, Hotham, Jacobsen, Joy, Ledwin, Lewin, Maietta, McCormick, McKenney, McNeil, Millett, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Wheeler.

ABSENT - Ash, Berry, Berube, Bunker, Jennings, McGowan, O'Neil, Rines, Saviello, Tardy, Watson.

Yes, 85; No, 55; Absent, 11; Excused, 0.

85 having voted in the affirmative and 55 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

**UNFINISHED BUSINESS**

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

An Act To Amend the Laws Governing the Maine Developmental Disabilities Council

(S.P. 371) (L.D. 1099)  
(C. "A" S-183)

TABLED - May 27, 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.

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

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

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

TABLED - May 28, 2003 (Till Later Today) 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 following items were taken up out of order by unanimous consent:

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-80)** on Bill "An Act To Improve Collection of Information about Work-related Injuries and To Enhance Injury Prevention Efforts"

(S.P. 135) (L.D. 398)

Signed:

Senators:

EDMONDS of Cumberland  
STANLEY of Penobscot

Representatives:

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

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

Signed:

Senator:

BLAIS of Kennebec

Representatives:

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

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-80) AND SENATE AMENDMENT "A" (S-239).**

**READ.**

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

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. This bill will require the reporting of medical only injuries. At the present time under the workers' comp law, the only injuries that have to be reported are those that result in lost time. What is going to happen with this bill is there will be about a five-fold increase in the amount of reports that will be handles by the workers' comp board. The amendments to the bill delay the implementation until after the bill that we passed earlier this afternoon, LD 339, sets up the electronic reporting requirement for the workers' comp board. This bill will not be going into affect, in its amended form, until after that electronic data system is up and functioning. As the bill is amended, the only thing that I am concerned about with it is the quantity of reports that are going to be handled by the comp board. I am afraid that it is going to have an impact on the board's ability to keep up with all those reports that will be coming in. I guess I am not really strongly opposed, but I am going to vote against it just because of the extra work load that it will entail.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. The Majority Report of the Labor Committee is based upon a bill requested by a unanimous workers' compensation board. That means that the four management board members and the four labor board members got together and agreed that this is the kind of information that they wanted. What the bill does is require that there be filed with the board information with regard to, not only with regard to lost time, but also with regard to injuries that required the services of a health care provider. This is something that is necessary because you need good comprehensive data to be able to reduce injuries and provide for their treatment. I ask you to support this. Certainly the data is there available to be filed and certainly that data will make for a better system.

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

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

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

**ROLL CALL NO. 197**

**YEA** - Adams, Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Brown R, Bull, Bunker, Canavan, Carr, Churchill E, Clark, Cowger, Craven, Cummings, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Goodwin, Greeley, Grose, Hatch, Hotham, Hutton, Jackson, Kane, Ketterer, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGlocklin, McKee, McLaughlin, Mills S, Norbert, Norton, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Richardson J, Rines, Rosen, Sampson, Sherman, Simpson, Smith N, Smith W, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Wheeler, Woodbury, Wotton, Mr. Speaker.

**NAY** - Andrews, Annis, Austin, Bierman, Bowen, Bowles, Browne W, Bruno, Bryant-Deschenes, Campbell, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Fletcher, Glynn, Heidrich, Honey, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lerman, Lewin, Maietta, McCormick, McKenney, McNeil, Millett, Moody, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Shields, Snowe-Mello, Stone, Sykes, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

**ABSENT** - Ash, Berry, Berube, Jennings, Koffman, Landry, McGowan, Mills J, O'Brien L, O'Neil, Perry J, Saviello, Tardy, 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 the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-80)** was **READ** by the Clerk.

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

Representative **TREADWELL**: Mr. Speaker, Men and Women of the House. It appears to me that the major difference between Committee Amendment "A", the Majority Report and Senate Amendment "A" is the fiscal note. The fiscal note is on the Committee Amendment, \$198,904. On the Senate Amendment the fiscal note has been removed. The Indefinite Postponement applies to the Committee Amendment, Mr. Speaker?

The **SPEAKER**: The Chair would answer in the affirmative. The Chair would also point out that there is the same fiscal note on the Senate Amendment as well of roughly \$200,000.

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

Representative **TREADWELL**: Mr. Speaker on the Senate Amendment it is in brackets, which indicates a reduction and on

the Committee Amendment it is not, which indicates a fiscal note of positive cost, the way I am looking at it. Maybe I am wrong.

Thank you Mr. Speaker for helping us to get this straightened out. The point is the Senate Amendment delays the implementation of the electronic filing so it removes the fiscal note. I am satisfied that everything is correct.

Subsequently, **Committee Amendment "A" (S-80)** was **INDEFINITELY POSTPONED**.

**Senate Amendment "A" (S-239)** was **READ** by the Clerk and **ADOPTED**.

The Bill was assigned for **SECOND READING** Friday, May 30, 2003.

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

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

Which was **TABLED** by Representative RICHARDSON of Brunswick pending **FURTHER CONSIDERATION**.

On motion of Representative PINGREE of North Haven, the House voted to **INSIST**. Sent for concurrence.

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

**SENATE PAPERS**  
**Non-Concurrent Matter**

Bill "An Act To Change the Name of the Augusta Mental Health Institute to 'Riverview Psychiatric Center'" (S.P. 525) (L.D. 1562)

Report "A" (5) **OUGHT TO PASS AS AMENDED** of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT A" (S-208)** in the House on May 28, 2003.

Came from the Senate with that Body having **INSISTED** on its former action whereby Report "C" (1) **OUGHT TO PASS AS AMENDED** of the Committee on **HEALTH AND HUMAN SERVICES** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT C" (S-210)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

On motion of Representative CANAVAN of Waterville, the House **RECONSIDERED** its action whereby it voted to **ADHERE**.

The same Representative moved that the House **RECEDE AND CONCUR**.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending the motion of Representative CANAVAN of Waterville to **RECEDE AND CONCUR** and later today assigned.

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

On motion of Representative McKEE of Wayne, the House adjourned at 5:30 p.m., until noon, Friday, May 30, 2003.