

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Volume II

First Regular Session

May 27, 2003 – June 14, 2003

First Special Session

August 21, 2003 – August 23, 2003

Second Regular Session

January 7, 2004 - January 30, 2004

Second Special Session

February 3, 2004 - April 7, 2004

Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
FIRST REGULAR SESSION
67th Legislative Day
Tuesday, June 10, 2003

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

Prayer by Father Gilbert Patenaude, Augusta (retired).

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act To Prevent the Sale of Water Laced with Nicotine in Maine"

(S.P. 587) (L.D. 1631)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 231)

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

6 June 2003

Dear Members of the 121st Legislature:

I am returning L.D. 284, "An Act to Require Use of United States Citizens for Work with the Bureau of Parks and Lands," without my signature or approval. The bill violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and Article 1, section 6-A of the Maine Constitution. The Fourteenth Amendment of the United States Constitution mandates that no State shall "deny to any person within its jurisdiction the equal protection of the laws." The Maine Constitution provides a similar protection, declaring that no person shall "be denied the equal protection of the laws, nor be denied the enjoyment of that person's civil rights"

I acknowledge that laws imposing policies like L.D. 284 have been found constitutionally viable; indeed, courts have made the exception that when the regulated positions are related to a political function (such as an educator or peace officer), government agencies may limit the persons who are hired to United States citizens. That "political function" exception, however, is a narrow one, and past attempts by states to require United States citizenship for (as examples) admission to the Bar and employment of civil engineers, have not been held lawful. The types of jobs that would be affected by L.D. 284 simply are not of a kind falling into the exceptional category that has been delineated by courts.

For the reasons outlined above, I am in firm opposition to L.D. 284 and respectfully urge you to sustain my veto.

Sincerely,
S/John E. Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill "An Act To Require Use of United States Citizens for Work with the Bureau of Parks and Lands"
(H.P. 227) (L.D. 284)

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. This bill is a very important measure, however, as the Governor has rightfully pointed out, there is a defect in it. The defect is it requires that the work on public lands be limited to United States citizens. Under our Constitution, this would not be valid. However, Representative Jackson has a bill which has been drafted by the Revisor's Office to be presented to the Legislative Council that changes that problem. The bill would now be restricted to United States residents. Residents are entitled to constitutional protections and this would meet constitutional muster. I will be voting to sustain the Governor's veto, but I do want all of you who have voted in favor of the proposition of protecting our jobs for our citizens that there is something coming down that will give us the remedy you wanted. The vote in the House and the Senate was extremely strong, 110 of you when we voted on this felt that there should be something done to keep jobs for Maine people. There is something coming. However, I will be voting in favor of the veto.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is shall this bill become law notwithstanding the objections of the Governor? All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 220

YEA - Churchill J, Clark, Duprey G, Goodwin, Jackson, Makas, Trahan, Wotton.

NAY - Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Campbell, Canavan, Carr, Churchill E, Clough, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dunlap, Duplessie, Duprey B, Earle, Eder, Finch, Fischer, Fletcher, Gagne-Friel, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jacobsen, Jodrey, Joy, Kaelin, Kane, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lewin, Lundeen, Maietta, Mailhot, Marley, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Pellon, Percy, Pineau, Pingree, Piotti, Rector, Richardson J, Richardson M, Rogers, Rosen, Saviello, Sherman, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Tardy, Thompson, Tobin D, Tobin J, Treadwell, Vaughan, Walcott, Wheeler, Woodbury, Young, Mr. Speaker.

ABSENT - Adams, Bierman, Bunker, Dudley, Dugay, Faircloth, Gerzofsky, Jennings, Ketterer, Koffman, Lerman, Marraché, McCormick, McGlocklin, Muse, Patrick, Peavey-Haskell, Perry A, Perry J, Richardson E, Rines, Sampson, Thomas, Twomey, Usher, Watson.

Yes, 8; No, 117; Absent, 26; Excused, 0.

8 having voted in the affirmative and 117 voted in the negative, with 26 being absent, and accordingly and accordingly the Veto was sustained. **ORDERED SENT FORTHWITH.**

The Following Communication: (S.C. 276)

MAINE SENATE
121ST LEGISLATURE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003

June 9, 2003
Honorable Millicent MacFarland
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk MacFarland:

Please be advised President Daggett today appointed to the Committee of Conference on the disagreeing action between the two branches of the Legislature on Bill "An Act to Permit Video Gaming for Money Conducted by Nonprofit Organizations" (H.P. 996) (L.D. 1354) the following conferees on the part of the Senate:

Senator Martin of Aroostook
Senator Bennett of Oxford
Senator Douglass of Androscoggin

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 277)

**MAINE SENATE
121ST LEGISLATURE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003**

June 9, 2003

The Honorable Millicent M. MacFarland
Clerk of the House
State House Station 2
Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised that the Senate adhered to its previous action whereby Bill "An Act to Change the Name of the Augusta Mental Health Institute to 'Riverview Psychiatric Center'" (S.P. 0525) (L.D. 1562), was passed to be engrossed by Committee Amendment "C" (S-210).

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Harding O. Wentzell, of Mexico, who died in the line of duty while responding to a fire call. Mr. Wentzell, a 1986 retiree from the Oxford Paper Company, was the beloved husband of Edith Taylor Wentzell. He was a longtime firefighter with the Mexico Fire Department and in recent years had served as the Captain of the Traffic Squad. He belonged to the Maine State Federation of Fire Fighters and was a member of the Hawks Search and Rescue Team. In 2003, he received the George Downes Memorial Fire Fighter of the Year Award. Mr. Wentzell was a World War II veteran, and served in England, Germany and France. He belonged to the Rumford Baptist Church and the Mexico Baptist Church, serving as a deacon in both churches. He was active in all aspects of Youth Fellowships and during the 1950s and 1960s was an Assistant Scout Master of Virginia Troop #181 and a member of the Order of the Arrow. Mr. Wentzell will be greatly missed by his loving family and many friends;

(HLS 706)

Presented by Representative HOTHAM of Dixfield.

Cosponsored by Senator BRYANT of Oxford.

On **OBJECTION** of Representative HOTHAM of Dixfield, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **HOTHAM**: Mr. Speaker, Men and Women of the House. I am both honored and saddened today to rise to pay tribute to a hero, Harding O. Wentzell. He was a gentleman, a joy to know and an inspiration to all who knew him. Harding was one of those people who when you first meet him, you feel like you have known him all your life. I am very pleased to report that I knew him. I first met Harding when I was just a boy, spending part of my summer at vacation bible school at the Baptist Church in Rumford. Mr. Wentzell was trying to teach us how to make a cutting board shaped like a pig. You can imagine that they were cutting boards that only a mother could love. Mr. Wentzell made us feel like master woodworkers. I have never forgotten how important he made me feel. By the way, the cutting board is still in use to this day. I plan to make sure that the next generation will take possession of both the cutting board and the Harding Wentzell experience.

It should come to no surprise the Harding Wentzell was very involved in his community. He was a member of the Hawks Search and Rescue Team, which was run by the local CB Radio Club in the '70s. He belonged to the Rumford and Mexico Baptist Church serving as deacon in both churches. He was also very active with all aspects of youth fellowships at the church. Harding was Assistant Scout Master of Troop 181 in the '50s and '60s, my old troop. He was an order of the arrow member.

He served many years in the fire service, including the Rumford Mill Fire Brigade where he worked. He also served 23 years of service to the Mexico Fire Department receiving the George Downes Memorial Firefighter of the Year Award just this past February.

At the tender age of 81 Harding was still serving his community as captain of the traffic squad for the Mexico Fire Department where his son Gary is the chief. So it was on May 5th while responding to a mutual aid call from the Rumford Fire Department that we lost this great man. He suffered a heart attack while driving to the location where people that were in trouble and needed help. It was so typical of Harding Wentzell. His heart took him from us, but it is his heart that will keep him our memories for a long time to come.

Harding is survived by his loving wife, Edie, with whom he would have celebrated 57 years of marriage just next week. She was a lady whom he loved dearly and cared for only as he could. His son and daughter in law, Gary and Charlene Wentzell, his daughter Eileen Thompson and his grandchildren, Paula and Todd Wentzell and Heather Sorenson, Toby Thompson and Wendy Voter and his adopted granddaughter, Jenny Lloyd, his brother Ray and wife Audry, his sister Iris and husband Norm Theriault, his sister Faye Ledbetter and brother in law Charles Perry and sister in law Jackie Better Wentzell, seven great grandchildren and one great great grandchild and, yes, his special dog, Patches. It is my hope that you come to know this man, Harding Wentzell, through these words that at times like this are woefully inadequate, but hopefully you have someone in your community, the one who is always there, the one who when you shake their hand and say hello, you somehow feel safe and secure, the one whose mood is always the same, warm and friendly, the one in your community who sets a higher standard for how we treat one another, the one you know you will miss when they are gone. If you have a person like this in your community, then you, too, could say you know Harding Wentzell.

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

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

**ENACTORS
Mandate**

An Act To Control County Jail Health Care Expenses
(H.P. 585) (L.D. 808)
(C. "A" H-365)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Acts

An Act To Provide Affordable Loans for Higher Education
(S.P. 579) (L.D. 1625)
(C. "A" S-257)

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, Concerning Reauthorization of a 1997 Pollution Control Bond Issue
(S.P. 583) (L.D. 1628)

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

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

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

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 Final Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 221

YEA - Adams, Ash, Barstow, Bennett, Blanchette, Bliss, Bowen, Brannigan, Breault, Bull, Canavan, Cowger, Craven, Cummings, Daigle, Davis, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Finch, Fischer, Gagne-Friel, Grose, Hatch, Hutton, Kane, Landry, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGowan, McKee, McLaughlin, Millett, Mills J, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson J, Rines, Rosen, Saviello, Simpson, Smith N, Smith W, Sukeforth, Sullivan, Suslovic, Thompson, Tobin D, Twomey, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Duprey B, Fletcher, Glynn, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jodrey,

Joy, Kaelin, Ledwin, Lewin, Maietta, McCormick, McKenney, McNeil, Mills S, Moody, Moore, Murphy, Nutting, O'Brien J, Richardson M, Rogers, Sherman, Shields, Snowe-Mello, Stone, Sykes, Tardy, Tobin J, Trahan, Treadwell, Vaughan, Wotton, Young.

ABSENT - Bunker, Clark, Dudley, Faircloth, Gerzofsky, Goodwin, Jackson, Jennings, Ketterer, Koffman, Lerman, McGlocklin, Muse, Peavey-Haskell, Perry J, Richardson E, Sampson, Thomas, Usher.

Yes, 74; No, 58; Absent, 19; Excused, 0.

74 having voted in the affirmative and 58 voted in the negative, with 19 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-66)** - Minority (5) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act To Encourage Workers' Compensation Dispute Resolutions"

(H.P. 438) (L.D. 575)

TABLED - June 4, 2003 (Till Later Today) by Representative **RICHARDSON** of Brunswick.

PENDING - Motion of Representative **PERCY** of Phippsburg to **RECONSIDER** whereby the Motion to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**. (Roll Call Requested)

Representative **SMITH** of Van Buren moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **LABOR**.

Representative **TREADWELL** of Carmel **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **LABOR**.

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 to Commit the Bill and all accompanying papers to the Committee on Labor. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 222

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

NAY - Andrews, Annis, Austin, 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, Duprey B, Fletcher, Glynn, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Kaelin, Ledwin, Lewin, Maietta, McCormick, McKenney, McNeil, Millett, Mills S, Moody, Moore, Murphy, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

ABSENT - Bunker, Dudley, Goodwin, Jackson, Jennings, Joy, Kane, Koffman, Muse, Perry J, Richardson E, Sampson, Thomas, Usher.

Yes, 72; No, 65; Absent, 14; Excused, 0.

72 having voted in the affirmative and 65 voted in the negative, with 14 being absent, and accordingly the Bill and all accompanying papers be **COMMITTED** to the Committee on **LABOR** and sent for concurrence.

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

SENATE REPORT - Chief Justice of the Supreme Judicial Court pursuant to the Constitution of Maine, Article X, Section 6 reporting out Resolve, Approving the 2003 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for its Publication and Distribution (EMERGENCY)

(S.P. 585) (L.D. 1630)

- In Senate, Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

TABLED - June 9, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - ACCEPTANCE OF REPORT.

Subsequently, the Committee Report was **ACCEPTED**. The Resolve was **READ ONCE**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED** in concurrence.

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

On motion of Representative RICHARDSON of Brunswick, the following item was **REMOVED** from the Special Study Table:

Resolve, To Create the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals (EMERGENCY)

(S.P. 134) (L.D. 397)

(C. "A" S-40)

Which was **TABLED** on May 16, 2003 by Representative RICHARDSON of Brunswick pending **FINAL PASSAGE** pursuant to Joint Rule 353.

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-40)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-551)** to **Committee Amendment "A" (S-40)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-40) as Amended by **House Amendment "A" (H-551)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-40)** as Amended by **House Amendment "A" (H-551)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

On motion of Representative RICHARDSON of Brunswick, the following item was **REMOVED** from the Special Study Table:

Resolve, To Study the Needs of Deaf and Hard-of-hearing Children and Adolescents (EMERGENCY)

(S.P. 193) (L.D. 553)

(C. "A" S-182)

Which was **TABLED** on May 23, 2003 by Representative RICHARDSON of Brunswick pending **FINAL PASSAGE** pursuant to Joint Rule 353.

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-182)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-553)** to **Committee Amendment "A" (S-182)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-182) as Amended by **House Amendment "A" (H-553)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-182)** as Amended by **House Amendment "A" (H-553)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

On motion of Representative RICHARDSON of Brunswick, the following item was **REMOVED** from the Special Study Table:

An Act To Ensure Equity in Mortgage Volume Fees

(S.P. 310) (L.D. 969)

(C. "A" S-186)

Which was **TABLED** on May 23, 2003 by Representative RICHARDSON of Brunswick pending **PASSAGE TO BE ENACTED** pursuant to Joint Rule 353.

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-186)** was **ADOPTED**.

The same Representative **PRESENTED** **House Amendment "A" (H-554)** to **Committee Amendment "A" (S-186)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-186) as Amended by **House Amendment "A" (H-554)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-186)** as Amended by **House Amendment "A" (H-554)** thereto in **NON-CONCURRENCE** and sent for concurrence.

On motion of Representative **RICHARDSON** of Brunswick, the following item was **REMOVED** from the Special Study Table:

Resolve, To Establish a Task Force Concerning Speech-language Pathologists (EMERGENCY)

(S.P. 330) (L.D. 989)

(C. "A" S-185)

Which was **TABLED** on May 27, 2003 by Representative **RICHARDSON** of Brunswick pending **FINAL PASSAGE** pursuant to Joint Rule 353.

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-185)** was **ADOPTED**.

The same Representative **PRESENTED** **House Amendment "A" (H-552)** to **Committee Amendment "A" (S-185)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-185) as Amended by **House Amendment "A" (H-552)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-185)** as Amended by **House Amendment "A" (H-552)** thereto in **NON-CONCURRENCE** and sent for concurrence. **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" (H-555)** on Resolve, Regarding Legislative Review of Chapter 14: Rules Governing Alternative Methods of Payment of Overtime for Certain Drivers and Drivers Helpers, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards (EMERGENCY)

(H.P. 1206) (L.D. 1627)

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 to Pass as Amended by Committee Amendment "B" (H-556)** on same Resolve.

Signed:

Senator:

BLAIS of Kennebec

Representatives:

CRESSEY of Baldwin

HEIDRICH of Oxford

NUTTING of Oakland

TREADWELL of Carmel

READ.

On motion of Representative **SMITH** of Van Buren, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "B" (H-556)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "B" (H-556)** and sent for concurrence.

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

SENATE PAPERS

Bill "An Act Regarding Conformity with the Federal Jobs and Growth Tax Relief Reconciliation Act of 2003"

(S.P. 589) (L.D. 1633)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** in concurrence.

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

COMMUNICATIONS

The Following Communication: (H.C. 233)

STATE OF MAINE

OFFICE OF THE GOVERNOR

1 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0001

June 9, 2003

Dear Members of the 121st Legislature,

Enclosed please find H.P. 667, L.D. 890, "An Act to Restrict Fingerprinting of Educational Personnel to New Hires," which I am returning without my signature or approval.

The existing law requiring background checks for all school employees is a sensible safeguard to protect our children from individuals with proven criminal records. The law is a carefully crafted measure that was studied by all stakeholders prior to its enactment in 1997. It is a process that is constitutional,

consistent, ensures confidentiality of all criminal records, and is narrowly tailored to focus on recent, serious criminal convictions, which show that an individual poses a serious threat to children.

The Department of Education has long had rules prohibiting individuals with dangerous convictions from working in our schools. Criminal records checks, based on fingerprinting, provide systematic, consistent and accurate means of ensuring the safety of our children. The existing law also sends a strong message to individuals with serious convictions, deterring them from seeking or continuing employment in Maine schools.

Maine's adoption of a background check requirement for school employees makes Maine's practice consistent with that of the national standard. Over eighty percent of the states require background checks. Like Maine, a majority of those states using fingerprints require checks for all school employees without exception.

If L.D. 890 were enacted, by the time it took effect more than 80,000 school employees would have been fingerprinted. L.D. 890 would exempt nearly 15% of current employees from background checks and would ensure that only a fraction of school employees -- new hires-- would have clean records. It is a mistake to alter a sensible policy at this stage. The issue of hiring should not be allowed to confuse the real intent of the current law -- requiring a clean criminal history for basic certification, authorization, or approval of all school personnel.

The most compelling argument, and the ultimate reason I cannot sign this bill, is the stark fact that if we take this step, effectively exempting the remaining current employees from this prudent requirement, some day, two, five, or ten years from now we will awaken to news of a horrendous case that could have been prevented -- and all of us who supported this proposal, including me if I signed it, would bear the full measure of responsibility.

Maine has been recognized for its fine K-12 educational system, in large part because of our spectacularly dedicated, experienced and capable faculty and staff. There is no doubt that the overwhelming majority of teachers are extraordinary educators with an unblemished character. Unfortunately, tragic experience has also taught us that in any group of 90,000 individuals, there are likely to be a small minority who pose a threat to the children entrusted to their care.

I want to end this message with a somewhat unusual plea directed at those skilled and conscientious educators who believe that compliance with this law requires such a compromise of their principles that they feel compelled to leave their honorable and vitally important profession. Please rethink this position -- you are not being accused and you are not being subjected to a process any different from that applied to thousands of your fellow citizens. To those of us who place our children in your care each day, this is neither a brand nor an accusation. Our children need principled leaders, teachers, and mentors.

For the reasons above, I believe that background checks, including fingerprinting, as a safeguard for children should be required in a fair and consistent manner for all school employees. I am in firm opposition to L.D. 890, and I respectfully urge you to sustain my veto.

Sincerely,
S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

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

(H.P. 667) (L.D. 890)

The SPEAKER: A roll call has been ordered. The pending question before the House is shall this bill become law

notwithstanding the objects of the Governor? All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 223

YEA - Adams, Annis, Barstow, Bennett, Blanchette, Bliss, Bowen, Breault, Browne W, Canavan, Carr, Churchill E, Clark, Collins, Cowger, Craven, Cressey, Cummings, Davis, Dugay, Duprey G, Eder, Finch, Fischer, Gagne-Friel, Grose, Hatch, Hutton, Jackson, Ketterer, Laverriere-Boucher, Makas, McCormick, McGlocklin, McNeil, Moody, Murphy, Norton, O'Brien L, Paradis, Patrick, Pellon, Percy, Pineau, Pingree, Rector, Richardson M, Rines, Saviello, Sherman, Simpson, Smith W, Stone, Thompson, Trahan, Treadwell, Twomey, Walcott, Watson, Wheeler, Woodbury, Wotton.

NAY - Andrews, Ash, Austin, Berry, Berube, Bierman, Bowles, Brannigan, Brown R, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Churchill J, Clough, Courtney, Crosthwaite, Curley, Daigle, Dudley, Dunlap, Duplessie, Duprey B, Earle, Faircloth, Fletcher, Gerzofsky, Glynn, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Kaelin, Kane, Landry, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, McKee, McKenney, McLaughlin, Millett, Mills J, Mills S, Moore, Norbert, Nutting, O'Brien J, O'Neil, Peavey-Haskell, Perry A, Richardson J, Rogers, Rosen, Shields, Smith N, Snowe-Mello, Sukeforth, Suslovic, Sykes, Tardy, Tobin D, Tobin J, Vaughan, Young, Mr. Speaker.

ABSENT - Goodwin, Jennings, Joy, Koffman, Marley, Marraché, McGowan, Muse, Perry J, Piotti, Richardson E, Sampson, Sullivan, Thomas, Usher.

Yes, 62; No, 74; Absent, 15; Excused, 0.

62 having voted in the affirmative and 74 voted in the negative, with 15 being absent, and accordingly the Veto was sustained.

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

CONSENT CALENDAR

First Day

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

(S.P. 48) (L.D. 125) Bill "An Act to Promote Fairness and Opportunity for Working Amputees" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-259)**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

CONSENT CALENDAR

First Day

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

(H.P. 1149) (L.D. 1567) Bill "An Act To Implement Recommendations of the MCJUSTIS Policy Board Concerning the Drafting of Crimes and Civil Violations Pursuant to Resolve 1997, Chapter 105, as Amended" Committee on **JUDICIARY**

reporting **Ought to Pass as Amended by Committee Amendment "A" (H-557)**

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

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

**SENATE PAPERS
Non-Concurrent Matter**

An Act To Simplify Calculation of Legal Interest (EMERGENCY)

(H.P. 835) (L.D. 1132)

(H. "A" H-488 to C. "A" H-393)

- In House, **PASSED TO BE ENACTED** on May 27, 2003.

- In Senate, **PASSED TO BE ENACTED** on May 27, 2003, in concurrence.

- **RECALLED** from the Governor's Desk pursuant to Joint Order 2003, S.P. 582.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-261) in NON-CONCURRENCE.**

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

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

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act To Improve Conditions for Inmates with Mental Illness"

(H.P. 367) (L.D. 475)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-548) in the House on June 9, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-548) AS AMENDED BY SENATE AMENDMENT "A" (S-260)** thereto in **NON-CONCURRENCE.**

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

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

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

Representative DUPREY: Mr. Speaker, Ladies and Gentlemen of the House. This past Saturday I attended graduation at a high school in my district. I had the pleasure to meet two individuals from Auburn who are constituents of the Representative from Auburn, Representative Shields. They were very nice people. I would like to stand here today and publicly recognize them for their efforts in assisting the project graduation in both high schools. They are a couple by the name of Ed and Sheila DeRosea. About a month or so ago they held a benefit supper in the Auburn area along with several other individuals. They raised \$3,000 to be donated to the two schools for their project graduations that were held this weekend. Those monies, I can't begin to tell you how much that meant to the seniors at both high schools. On behalf of all those seniors, I would like to thank Ed and Sheila and the entire Auburn/Lewiston delegation for their contributions.

Non-Concurrent Matter

Resolve, to Extend the Reporting Deadline of the Commission to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags (EMERGENCY)

(S.P. 26) (L.D. 40)

FINALLY PASSED in the House on April 2, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-4)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-4) AS AMENDED BY SENATE AMENDMENT "A" (S-266)** thereto in **NON-CONCURRENCE.**

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

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

On motion of Representative HOTHAM of Dixfield, the House adjourned at 12:03 p.m., until 9:00 a.m., Wednesday, June 11, 2003 in honor and lasting tribute to Harding O. Wentzell, of Mexico.