

MAINE STATE LEGISLATURE

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

Volume II

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First Special Session

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Second Regular Session

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Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
FIRST REGULAR SESSION
70th Legislative Day
Friday, June 13, 2003

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

Prayer by Dr. Stanley A. Moody, North Manchester Meeting House.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 591)

**JOINT RESOLUTION DECLARING JUNE 5TH AS
MAINE STATE MUSIC THEATRE DAY**

WHEREAS, the Brunswick Summer Playhouse started out as a dream of Victoria Crandall in 1959 in the Pickard Theatre on the Bowdoin College campus; and

WHEREAS, in 1967 its name was changed to Brunswick Music Theatre and in 1988, to show the commitment to the entire State, the name was changed again to the Maine State Music Theatre; and

WHEREAS, in the late 1960s Maine was filled with summer playhouses, but few were exclusively musical houses; and

WHEREAS, in the 1970s the theater became a nonprofit organization focused on developing and expanding an internship program to educate and train young artists in theater crafts. Each season, 30 to 40 interns and apprentices hone their skills in the areas of performance, technical management and theater management; and

WHEREAS, the Maine State Music Theatre is the only resident, professional musical theater operating in the United States and the largest performing arts organization in the State; and

WHEREAS, the Maine State Music Theatre is the State's oldest continuing professional music theater; and

WHEREAS, in the last 44 years nearly 2 million patrons have attended the Maine State Music Theatre's performances, representing all 50 states and numerous foreign countries; and

WHEREAS, over 350 volunteers, named "the Angels," work together each season to provide assistance to the theater and help reduce operating costs; and

WHEREAS, starting with the June 5th opening night, the Maine State Music Theatre is celebrating its 45th season; now, therefore, be it

RESOLVED: That We, your Memorialists, in a gesture of support of the theater, proclaim that June 5, 2003 is "Maine State Music Theatre Day" in the State of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine State Music Theatre.

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

READ and **ADOPTED** in concurrence.

Non-Concurrent Matter

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)

FINALLY PASSED in the House on May 29, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464) AS**

AMENDED BY SENATE AMENDMENT "A" (S-281) thereto in **NON-CONCURRENCE**.

On motion of Representative KANE of Saco, the House voted to **RECEDE**.

The same Representative **PRESENTED** House Amendment **"B" (H-585)** to **Committee Amendment "A" (H-464)** which was **READ** by the Clerk and **ADOPTED**.

Senate Amendment "A" (S-281) to **Committee Amendment "A" (H-464)** was **INDEFINITELY POSTPONED**.

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

Representative KANE: Mr. Speaker, Ladies and Gentlemen of the House. I want to let the members of the House know that the amendment basically strips an emergency provision. Thank you Mr. Speaker.

Committee Amendment "A" (H-464) as Amended by **House Amendment "B" (H-585)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-464)** as Amended by **House Amendment "B" (H-585)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

ORDERS

On motion of Representative **WHEELER** of Kittery, the following House Order: (H.O. 33)

ORDERED, that Representative Louis B. Maietta, Jr. of South Portland be excused Monday, June 9th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lois A. Snowe-Mello of Poland be excused Friday, June 6th and Monday, June 9th for personal reasons.

READ and **PASSED**.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine Related to the Taxation of Personal Property

(H.P. 167) (L.D. 208)

Signed:

Senators:

STANLEY of Penobscot
STRIMLING of Cumberland
NASS of York

Representatives:

LEMOINE of Old Orchard Beach
SUSLOVIC of Portland
McCORMICK of West Gardiner
SIMPSON of Auburn
PERRY of Bangor
CLOUGH of Scarborough
TARDY of Newport
LERMAN of Augusta

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

Pass as Amended by Committee Amendment "A" (H-581) on same RESOLUTION.

Signed:
Representative:
COURTNEY of Sanford
READ.

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

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

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict an Increase in the Growth of the State Budget to No Greater than 75% of the Rate of Growth of Per Capita Income

(H.P. 864) (L.D. 1167)

Signed:
Senators:
CATHCART of Penobscot
ROTUNDO of Androscoggin

Representatives:
BRANNIGAN of Portland
MAILHOT of Lewiston
COWGER of Hallowell
DUDLEY of Portland
PINGREE of North Haven
FAIRCLOTH of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-582)** on same RESOLUTION.

Signed:
Senator:
TURNER of Cumberland

Representatives:
ROSEN of Bucksport
MILLS of Cornville
O'BRIEN of Augusta
MILLETT of Waterford

READ.

Representative BRANNIGAN 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.

UNFINISHED BUSINESS

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

Bill "An Act Concerning Recognition of Qualified Political Parties"

(H.P. 991) (L.D. 1349)
(C. "A" H-379)

TABLED - May 16, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - PASSAGE TO BE ENGROSSED.

On motion of Representative CLARK of Millinocket, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

**ENACTORS
Emergency Measure**

An Act To Make Minor Technical Changes to the Maine Biomedical Research Program and To Amend the Calculation of Funds To Be Transferred to the Maine Research and Development Evaluation Fund

(S.P. 436) (L.D. 1345)

(H. "A" H-579 to C. "A" S-158)

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. 105 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

UNFINISHED BUSINESS

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

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

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

(H. "A" H-553 to C. "A" S-182)

TABLED - June 11, 2003 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - FINAL PASSAGE. (Roll Call Ordered)

On motion of Representative DUPLESSIE of Westbrook, 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.**

The same Representative **PRESENTED House Amendment "A" (H-590)** which was **READ** by the Clerk and **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 and House Amendment "A" (H-590) in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

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

(H. "A" H-552 to C. "A" S-185)

TABLED - June 11, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - FINAL PASSAGE.

On motion of Representative DUPLESSIE of Westbrook, 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) as Amended by House Amendment "A" (H-552)** thereto was **ADOPTED.**

The same Representative **PRESENTED House Amendment "B" (H-591) 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) and House Amendment "B" (H-591) 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) and House Amendment "B" (H-591) thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Preserve the Fund for a Healthy Maine

(H.P. 1188) (L.D. 1612)

(C. "A" H-568)

TABLED - June 12, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - Motion of same Representative to **RECONSIDER** whereby the **RESOLUTION FAILED OF FINAL PASSAGE.**

Representative O'NEIL of Saco moved that the **RESOLUTION** and all accompanying papers be **COMMITTED** to the Joint Select Committee on **HEALTH CARE REFORM.**

Representative RICHARDSON of Brunswick **REQUESTED** a roll call on the motion to **COMMIT** the **RESOLUTION** and all accompanying papers to the Joint Select Committee on **HEALTH CARE REFORM.**

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 **Commit** the **Resolution** and all accompanying papers to the Joint Select Committee on **Health Care Reform.** All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 246

YEA - Adams, Ash, Barstow, Bennett, Blanchette, Bliss, Bowen, Brannigan, Breault, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Hatch, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGowan, McKee, McLaughlin, McNeil, Mills J, Moody, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Rector, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Trahan, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, 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, Daigle, Duprey B, Fletcher, Glynn, Goodwin, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Kaelin, Ledwin, Lewin, Maietta, McCormick, McKenney, Millett, Mills S, Murphy, Muse, O'Brien J, Peavey-Haskell, Richardson E, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Treadwell, Vaughan, Young.

ABSENT - Davis, Dugay, Hutton, Joy, McGlocklin, Moore, Nutting, Perry A, Richardson M.

Yes, 83; No, 59; Absent, 9; Excused, 0.

83 having voted in the affirmative and 59 voted in the negative, with 9 being absent, and accordingly the Bill and all accompanying papers were **COMMITTED** to the Joint Select Committee on **HEALTH CARE REFORM** and sent for concurrence.

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

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

SENATE PAPERS
Non-Concurrent Matter

An Act To Provide Affordable Health Insurance to Small Businesses and Individuals and To Control Health Care Costs (EMERGENCY)

(H.P. 1187) (L.D. 1611)

(C. "A" H-565)

FAILED of **PASSAGE TO BE ENACTED** in the House on June 12, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-565) AS AMENDED BY SENATE AMENDMENT "B" (S-288)** thereto in **NON-CONCURRENCE.**

Representative COLWELL of Gardiner moved that the House **RECEDE AND CONCUR.**

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

Representative **GLYNN:** Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to rise to point out a piece of information to the members of the House. I understand the first check for an installment of the \$116 million in aid for Maine that Senator Collins and President Bush secured as part of the Jobs for Growth Package legislation, that \$25 million in aid. It is coming to the State of Maine and part of that money will be used to fund the Dirigo. I thought that piece of information might be

valuable to the members voting. Mr. Speaker, I request the yeas and nays.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 247

YEA - Adams, Annis, Ash, Barstow, Bennett, Bierman, Blanchette, Bliss, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Collins, Cowger, Craven, Cummings, Daigle, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Greeley, Grose, Hatch, Hotham, Jackson, Jennings, Jodrey, Kaelin, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGowan, McKee, McLaughlin, Millett, Mills J, Mills S, Moody, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Rosen, Sampson, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Trahan, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Andrews, Austin, Berry, Berube, Bowen, Bowles, Bryant-Deschenes, Clough, Courtney, Cressey, Crosthwaite, Curley, Duprey B, Fletcher, Goodwin, Heidrich, Honey, Jacobsen, Ledwin, Lewin, McKenney, McNeil, Murphy, Muse, O'Brien J, Peavey-Haskell, Rector, Richardson E, Rogers, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Tobin D, Tobin J, Treadwell, Vaughan.

ABSENT - Davis, Hutton, Joy, McGlocklin, Moore, Nutting, Perry A, Richardson M.

Yes, 105; No, 38; Absent, 8; Excused, 0.

105 having voted in the affirmative and 38 voted in the negative, with 8 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

UNFINISHED BUSINESS

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

Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws (EMERGENCY)

(H.P. 797) (L.D. 1079)

(S. "A" S-280 to C. "A" H-326)

TABLED - June 13, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - FINAL PASSAGE. (Roll Call Ordered)

On motion of Representative KOFFMAN of Bar Harbor, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-326) Amended by Senate Amendment "A" (S-280)** thereto was **ADOPTED**.

The same Representative **PRESENTED** House Amendment **"A" (H-592)** to **Committee Amendment "A" (H-326)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-326) as Amended by **House Amendment "A" (H-592)** and **Senate Amendment "A" (S-280)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-326)** as Amended by **House Amendment "A" (H-592)** and **Senate Amendment "A" (S-280)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

Representative DUNLAP of Old Town assumed the Chair. The House was called to order by the Speaker Pro Tem.

SENATE PAPERS

Bill "An Act Concerning Illegal Introduction of Fish into Maine Waters" (EMERGENCY)

(S.P. 592) (L.D. 1635)

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED**.

Under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill was **READ TWICE** and **PASSED TO BE ENGROSSED** in concurrence. **ORDERED SENT FORTHWITH**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Limit the Growth of Government Spending"

(S.P. 453) (L.D. 1383)

Signed:

Senators:

CATHCART of Penobscot
ROTUNDO of Androscoggin

Representatives:

BRANNIGAN of Portland
MAILHOT of Lewiston
COWGER of Hallowell
DUDLEY of Portland
PINGREE of North Haven
FAIRCLOTH of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-283)** on same Bill.

Signed:

Senator:

TURNER of Cumberland

Representatives:

ROSEN of Bucksport
MILLS of Cornville
O'BRIEN of Augusta
MILLETT of Waterford

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

READ.

Representative BRANNIGAN 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.

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-284)** on Bill "An Act Regarding Conformity with the Federal Jobs and Growth Tax Relief Reconciliation Act of 2003"

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

Signed:

Senators:

STANLEY of Penobscot

STRIMLING of Cumberland

Representatives:

LEMOINE of Old Orchard Beach

SUSLOVIC of Portland

SIMPSON of Auburn

PERRY of Bangor

LERMAN of Augusta

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-285)** on same Bill.

Signed:

Senator:

NASS of York

Representatives:

TARDY of Newport

McCORMICK of West Gardiner

CLOUGH of Scarborough

COURTNEY of Sanford

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-284)**.

READ.

Representative LEMOINE of Old Orchard Beach moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. This bill, LD 1633, will prevent state tax conformity with the Jobs in Growth Act. In this case the federal increase in business expenses would be from \$25,000 to \$100,000 and it is a particularly key provision affecting small businesses. This provision may do more than any other to help the cash flow and growth opportunities in small businesses. Given that thousands of small business owners pay tax on their business income at a personal income tax level and that Maine has one of the relatively highest marginal tax rates in the nation, Maine's lack of conformity will have an amplified affect. This also holds for many small businesses taxed at the corporate income level. LD 1633 will increase taxes and increase tax compliance cost on small businesses in Maine at the expense of the Maine economy. There is also a portion of this that would take us out of conformity with the federal government on taxation on joint filers on their income tax. I would ask that you would vote against the pending motion and allow us to be in conformity with federal law on these two issues.

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

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. I urge that you join me in voting green on this Ought to Pass as Amended report. The conformity issue we have with the federal government is one that is basic to our tax system. We have a piggyback system. In Maine your income tax depends on what the result is of federal tax 1040 process. What happens is the federal government changes the federal code from time to time. That has different impacts on our system, not only in the 1040, but on other areas as well. If we do not update our system, we become further and further out of compliance or into an area of uncertainty as to where we are visa vi the federal government. This effort, it is the second time we have done it this year. There have been so many major tax bills coming through the federal government and enacted into law, but it brings us up to date to the recent changes and it does so in a way that creates a certainty for Maine taxpayers and it allows the Bureau of Revenue Services to proceed to develop the brochures and the filing forms that will be needed next year. They start to do that in September so our failure to do so before adjournment this time will leave a lot of things up in the air. If Maine Revenue Services guesses wrong, it will cost about \$600,000 to correct that error and put out corrected versions. I would urge you in the interest of saving money down the line and the reality of the world we live in now, which is we cannot afford to conform entirely to the federal code to follow my light and vote green. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bucksport, Representative Rosen.

Representative **ROSEN**: Mr. Speaker, Men and Women of the House. Before this bill passes by, I just want to make sure that everyone is perfectly clear what this measure does. As you know, the recently passed federal fiscal relief act included two temporary tax stimulus measures to inject into the economy the kind of stimulus that we hope would provide tax relief and investment. There are two components in this bill. One eliminated the marriage penalty for filers in the next two years and the other provided an accelerated appreciation as outlined by the Representative from Scarborough, Representative Clough, for small business investment. In fact, to stimulate the right write down of depreciation for small business investment to stimulate that type of investment for the next two years. It is a temporary measure and it is provided to you through this federal fiscal tax relief package. The State of Maine must conform if we are to allow the benefit to go forward on the state income tax line to the citizens and to the taxpayers of the State of Maine. This bill says we choose not to conform and in effect deny the benefit of this temporary stimulus, this tax reduction to the economy in Maine. In fact, it is a tax increase.

I hope that you defeat the Ought to Pass and I would request a roll call.

Representative **ROSEN** of Bucksport **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 PRO TEM**: 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. 248

YEA - Adams, Ash, Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Clark, Courtney, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie,

Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Hatch, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGowan, McKee, McLaughlin, Mills J, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Watson, 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, Cressey, Crosthwaite, Curley, Daigle, Dugay, Duprey B, Fletcher, Glynn, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Kaelin, Ledwin, Lewin, Maietta, McCormick, McKenney, McNeil, Millett, Mills S, Moody, Murphy, Muse, O'Brien J, Peavey-Haskell, Rector, Richardson E, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

ABSENT - Davis, Goodwin, Hutton, Joy, McGlocklin, Moore, Nutting, Perry A, Richardson M, Wheeler.

Yes, 78; No, 63; Absent, 10; Excused, 0.

78 having voted in the affirmative and 63 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-284)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-284)** in concurrence.

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

**ENACTORS
Emergency Measure**

Resolve, To Reestablish the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

(S.P. 446) (L.D. 1358)
(S. "B" S-271 to H. "A" H-97)

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. 118 voted in favor of the same and 10 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

**CONSENT CALENDAR
First Day**

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

(H.P. 976) (L.D. 1322) Bill "An Act To Make Supplemental Highway Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-589)**

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

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

**ENACTORS
Acts**

An Act To Provide Affordable Health Insurance to Small Businesses and Individuals and To Control Health Care Costs
(H.P. 1187) (L.D. 1611)
(S. "B" S-288 to C. "A" H-565)

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

The Speaker resumed the Chair.
The House was called to order by the Speaker.

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

**ENACTORS
Emergency Measure**

An Act Concerning Illegal Introduction of Fish into Maine Waters
(S.P. 592) (L.D. 1635)

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. 111 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**.

**ENACTORS
Acts**

An Act Regarding Conformity with the Federal Jobs and Growth Tax Relief Reconciliation Act of 2003
(S.P. 589) (L.D. 1633)
(C. "A" S-284)

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. **ORDERED SENT FORTHWITH**.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-587)** on RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Create Municipal Service Districts To Reduce the Cost of Local Government, To Provide Property Tax Relief and To Increase Economic Competitiveness (H.P. 1209) (L.D. 1629)

Signed:

Senators:

STANLEY of Penobscot
STRIMLING of Cumberland

Representatives:

LEMOINE of Old Orchard Beach
SUSLOVIC of Portland
SIMPSON of Auburn
PERRY of Bangor
LERMAN of Augusta

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-588)** on same RESOLUTION.

Signed:

Senator:

NASS of York

Representatives:

TARDY of Newport
McCORMICK of West Gardiner
CLOUGH of Scarborough
COURTNEY of Sanford

READ.

On motion of Representative LEMOINE of Old Orchard Beach, the RESOLUTION and all accompanying papers were **COMMITTED** to the Committee on **TAXATION** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

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

HOUSE DIVIDED REPORT - Majority (11) Ought Not to Pass - Minority (1) Ought to Pass as Amended by Committee Amendment "A" (H-581) - Committee on **TAXATION** on RESOLUTION, Proposing an Amendment to the Constitution of Maine Related to the Taxation of Personal Property (H.P. 167) (L.D. 208)

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

On motion of Representative LEMOINE of Old Orchard Beach, the RESOLUTION and all accompanying papers were **COMMITTED** to the Committee on **TAXATION** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**ENACTORS
Resolves**

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. "B" H-585 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. **ORDERED SENT FORTHWITH.**

**ENACTORS
Resolves**

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

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

(H. "A" H-553 to C. "A" S-182; H. "A" H-590)

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

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

(H. "A" H-552 and H. "B" H-591 to C. "A" S-185)

Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws

(H.P. 797) (L.D. 1079)

(H. "A" H-592 and S. "A" S-280 to C. "A" H-326)

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

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

**SENATE PAPERS
Non-Concurrent Matter**

Resolve, To Study the Policies of the Department of Administrative and Financial Services, Bureau of Revenue Services Regarding Tax Collection Practices

(H.P. 359) (L.D. 467)

(C. "A" H-235)

FINALLY PASSED in the House on May 12, 2003.

Came from the Senate with the Resolve and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**. The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act To Prohibit Personal Watercraft on Lake St. George in the Town of Liberty"

(H.P. 477) (L.D. 647)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389) AS AMENDED BY HOUSE AMENDMENT "A" (H-461) thereto in the House on May 20, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-286)** in **NON-CONCURRENCE**.

Representative COLWELL of Gardiner moved that the House **RECEDE AND CONCUR**.

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

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. In previous sessions I seem to remember that we have passed legislation to allow towns to ban

personal watercraft on various lakes. I would like to ask, why are we doing this ban from here? Is there a departure from that process? Can somebody explain that to me?

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. The answer to the Representative's question is we did have a process in place that allowed municipal participation. However, the final results were always enacted by the Legislature. That process itself has sunsetted. It is no longer in place. Requests from individual municipalities now come on their own to the Legislature. This bill when it was entertained by the Committee on Inland Fisheries and Wildlife, we actually took a fair amount of time discussing the process that the community around Lake St. George had undertaken. It mirrored the old process. They are concerned that they wanted to have as much assurance of passage as possible. As a result of that, the committee also had in its Committee Amendment the provision that would reinstate the Great Ponds Act. Again, Mr. Speaker, I cannot impugn the motives of the other body, because that would, in fact, be against the rule. Nonetheless, that amendment is now gone. What has happened now in with this legislation is simply adding to the current list of lakes, great ponds where personal watercraft cannot be utilized. Lake St. George in the Town of Liberty has an emergency preamble so that the prohibition will go into effect this year. That is where we are right now. It is sort of a tenth of a loaf. We are attempting to find some vehicle to address the process as we speak. This is fine the way it is.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. It is my understanding that this was supposed to, as has been stated, to sunset and now there is an emergency preamble on it to take part, but my largest concern is there is also a public boat ramp there. It is not a pond or a lake that is surrounded on by private people, but the state has actually spent the money to put in a public ramp. Therefore, it should be open to the public and for us to decide which constitutes watercraft and enjoyment for one may not be the same. We have laws to require that. Seeing that the law is sunsetted and they are trying to circumvent that piece and seeing that it is a preamble to take in now with a public ramp put in, I will vote against the Recede and Concur.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. If you look at the statute as it has been amended over time, you will find many great ponds, which are home to public boat launches that have this very same prohibition. That is precisely why these proposals come before the Legislature. As you know without me reminding you, Great Ponds in the State of Maine and in the commonwealth of Massachusetts come under the Kings Law, the Great Ponds Act as was put into the Charter of the Commonwealth of Massachusetts that was granted by King Charles. This is unique in the United States that Great Ponds over 10 acres are held in common by all the people. That is precisely why these types of proposals come before the full Legislature because they are public domain. Nonetheless, given the thin resources that we have to police bad behavior we have, through a very, very laborious public process, in fact, when we created the Great Ponds Act, I remember 18 work sessions that were held between

the Committees of Inland Fisheries and Wildlife and the Natural Resources that dealt with this very issue. We crafted a public process that would allow municipalities to bring forward proposals. That was something that I had already talked about. We have done everything humanly possible to protect the interests of all users and the Town of Liberty followed that process, even though it had been sunsetted. All users have had input into this process and they have been well represented and the feeling on the committee, unanimously, on this one proposal was to include the body of water known as Lake St. George in the Town of Liberty into this list. I would urge you to adopt the Recede and Concur motion. Thank you.

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

Representative **WATSON**: Mr. Speaker, Ladies and Gentlemen of the House. I rise on a point of order. I very reluctantly point this out. I think my distinguished colleague, the Representative from Old Town was mistaken. It was King George and not King Charles.

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the committee chair on this bill. We worked hard on this piece of legislation. We all knew on the committee that the process had ended, but we also knew that problems with these watercraft would not end with that piece of legislation. For me, when I heard this legislation I have measures before I will agree to such a requirement. It is that the towns show that there is a true problem and that without addressing that problem, it could lead to violence, problems on that body of water that could lead to a greater crisis. In this situation the surrounding community proved that to me on the committee that this was a real problem and it had to be done. I ask you to support the committee chair on this one. Thank you.

Representative **SULLIVAN** of Biddeford **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Just to make clear here that the Great Ponds law does not refer just to personal watercraft. It gave communities during this tiny window that it had to make surface use recommendations. The opportunity to spend time in a process and to come up with community recommendations regarding not just personal watercraft, but the type of watercraft, the use of the watercraft and the operation of the watercraft. It is a very affirming law of our communities. It improves our tax base in our lake districts because we are protecting not only the environmental parts of our lakes because sometimes communities actually protected coves where there are waterfowl nesting sites. Some communities, because of the depth of the pond, limited the kind of boat that could be on it and the kind the motor. Communities learned a heck of a lot about their lakes during the process. We trusted them and they took responsibility for the monitoring of the lake too, thus easing our warden problem as well. I urge you to support the Recede and Concur and I am also looking forward to further developments from the good chair regarding the process, which I hope can be instituted for all communities. We need not be afraid of what our communities know about our lakes. Thank you.

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

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the motion to Recede and Concur. I also do not want to stand here and impugn what has occurred on the other side, but I had a bill similar to this that I brought in for a constituent involving another Great Pond and understood that the process had expired and was told by the good Representative from Old Town that the right approach was to come and bring my bill to committee. It looked like I was going to get it out of committee and then all of a sudden things happened and I did not. The reason why I didn't is because we had not gone through this process out in Orland where the good gentleman lives. I have a constituent in Prospect who is very concerned about the dangerous situation from personal watercraft and high speed boats on this small pond. The man is such a good man that he has not bothered to call the authorities to complain in the past. We didn't have a record about the safety issues. Since then I have given him the name of Paul Jacques and his home telephone number so hopefully over the summer we will be getting some complaints directly to the department to benefit my constituent. My point in rising today is that this bill has gone through that process where the people on Lake St. George have fully vented their concerns and I urge my colleagues to support this bill. I am looking forward also to the development of that process so that I can help my constituent in Prospect understand how best to deal with his problem in Orland. Thank you Mr. Speaker.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. Whatever the outcome of this vote, after session I would like to see Representative Watson outside and he can leave his jacket in here.

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

ROLL CALL NO. 249

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Campbell, Canavan, Churchill E, Churchill J, Clough, Collins, Courtney, Cowger, Craven, Crosthwaite, Cummings, Curley, Daigle, Dudley, Dugay, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gerzofsky, Glynn, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Mailhot, Makas, Marley, Marraché, McCormick, McGowan, McKee, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Murphy, Muse, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry J, Pineau, Piotti, Rector, Richardson E, Richardson J, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Stone, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Twomey, Usher, Vaughan, Walcott, Watson, Woodbury, Wotton, Mr. Speaker.

NAY - Carr, Clark, Cresssey, Jodrey, Maietta, McNeil, Sukeforth, Sullivan, Treadwell.

ABSENT - Bunker, Davis, Gagne-Friel, Goodwin, Greeley, Joy, Laverriere-Boucher, McGlocklin, Moore, Norbert, Peavey-Haskell, Perry A, Pingree, Richardson M, Wheeler, Young.

Yes, 126; No, 9; Absent, 16; Excused, 0.

126 having voted in the affirmative and 9 voted in the negative, with 16 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

ENACTORS

Acts

An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda

(H.P. 309) (L.D. 389)
(C. "A" H-354)

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

On motion of Representative ADAMS of Portland, was **SET ASIDE**.

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

Representative **ADAMS**: Mr. Speaker, Men and women of the House. Mr. Speaker, I move that this bill and all accompanying papers be Indefinitely Postponed. The bill before us tonight is going to make more lawyers happy than the Martha Stewart Grand Jury.

Men and women of the House, in this body I am only a blushing freshman, like 69 or 70 other members of my kind. I am not used to the wily ways of the big city; but I do know enough that now is the time in our session when bad ideas and important concepts, both alike, are most at risk. When we are tired, when the time is short, when the lobbyists are heaped up against the doors of this body, and the other, like leaves blown against your barn in the fall. I intend to follow your laughter and I hope you will follow my light.

Men and women of the House, we are alone here now. The lobbyists are outside. Let's talk. Men and women of the House, I am going to ask you, from the debris upon your desk for which forests were defoliated, to pick out only a few papers and let us walk through them tonight to explain to you why I bothered to rise to speak about this particular item.

First, I would draw your attention to the yellow sheet, the letter from the Attorney General of the State of Maine, which declares that upon review he found this bill to be in its presented form and in its amended form, Unconstitutional, by the meanings of the Maine State Constitution.

Number two, I would draw your attention to the salmon colored sheet, which is direct correspondence to this body, by their right of petition that comes from two towns, that of Pittston and that of Scarborough, making points which I think are important for us to consider in this argument.

Number three, another yellow sheet presented by Representative Patrick, which also delineates a good number of reasons why the bill before us this evening should not pass.

I live in the City of Portland. In the City of Portland there is nothing too crazy not to happen eventually and nothing so odd that you won't find a lawyer willing to do it eventually. In our good city, which suffers the same difficulties with affordable housing as does any of the towns where you live or the very tiny town in Oxford County where I come from originally, we face the same challenges about affordable housing as do you. If I felt the document now before us tonight actually affected, assisted and improved the opportunities for affordable housing, I would stand here telling you to pass it. Pass it with flying colors. I regret to tell you that I believe it does not.

Those of you who have the majority amendment before you will see that it bespeaks of banning retroactively all citizen petitions that would affect, alter, change, any form of land permitting, any form of site zoning, etc., you may read it for yourselves, once "final approval" has been granted. Think about it. What is "final approval"? Is it the last approval in line if you have seven approvals that you need? The bill does not say that. If I were a lawyer, I would love to argue with you about what is "final" in your opinion and in mine.

If there are multiple permits, which one do you determine is the "final" one? If I am producing a large condo development, I would argue that it is the water permit, because, after all, once I get all that, all the others should follow into line behind it. The bill does not say. What kind of land permitting is covered? Ladies and gentlemen of the House, the word "all" means "all". It means ash fills for the Town of Scarborough, whose letter is before you on the orange sheet. It means all other land permitting of any kind that falls within that definition. If I felt the bill before us tonight was only about affordable housing, I would be for it, but you will search the verbiage in vain for those very words.

Another vain search that I conducted just recently was through the morgue newspaper archives of Portland, Bangor and of Lewiston for examples of where a citizen's petition has held up affordable housing-not condominiums-affordable housing, for anybody, anywhere in the State of Maine. I drilled that hole and came up dry, except for these examples.

Almost 15 years ago, now near almost 20, in the City of Portland, a condominium development was the subject of a citizen petition, which desired to halt it and to put into place a better method of citizen's having something to say about petitioning their government. That was passed overwhelmingly by the citizens of Portland and was taken immediately to the Maine State Supreme Court where in the year 1998 in the Fisherman's Wharf decision, so called, the Maine State Supreme Court upheld the supreme right of the people, number one to petition their government and number two, to petition retroactively if the people so felt necessary.

LD 389 before us tonight would overturn a Maine State Supreme Court decision and this Legislature should never do that lightly. Those of you who have had the fortune or misfortune to be here last year for the Kotch decision know what it is like to be on the griddle to overturn a unanimous Supreme Court decision when both sides are pumping the charcoal and the fluid underneath you twenty-four/seven.

Men and women of the House, before we consider overturning a Supreme Court Decision, I think we should look most closely. Let us take a quick look at that example that I have cited. In the Fisherman's Wharf decision, the citizens of Portland did not wish to have condominiums, not affordable housing, built upon one of the warves on our working waterfront. The petition went into place. It went to the court. The court upheld the citizen's action, but the condominiums were built. You may go down there and look at them to this day, but the citizen action to put in place a better process was upheld. It is that process, which has stood us well.

The only other example I could find of a retroactive citizen petition was another attempt in the City of Portland whose lawyers I have defined as best I could in a previous part of these comments. Those lawyers in response to a legitimate citizen petition filed what is called the only SLAPP, Strategic Lawsuit Against Public Participation-lawsuit ever filed in the State of Maine. Meaning to utterly bankrupt the citizens who dared initiate that petition against that condominium development-not just beat them, men and women of the House; bankrupt them,

destroy them so that what you had remaining was what was once a citizen standing in the ruins of what was once his rights, as a warning always for anyone who ever dared to ever attempt that again. Quite rightly the courts struck it down, chastised those attorneys and it is now illegal in the State of Maine to file that kind of lawsuit.

If you would think after that, that the citizens of Portland and our own governing body of Portland, our city council, would be happy to see LD 389 to come forward, despite all they had endured, you would be wrong. You may also look upon your desk to find the letter, I believe also on yellow paper, dated the 21st of March, 2003 from the good citizens who serve on the City Council of Portland who say, "Despite all that we have endured in those two examples, we are writing in opposition to LD 389. We find the minimal disruption and delays caused by citizen initiative completely justified by the need for a democratic method to enforce community standards. Collaboration and consensus are not always easy to achieve, but they are the preferred method." Collaboration and consensus in a democracy does not mean that things will be easy. If things were meant to be easy in a democracy, there would be no Maine House of Representatives. There would only be the other body, but because the wisdom of our founders were that both voices need be heard, we have two. Democracy takes itself by steps.

Banning citizen participation for any reason in that democracy or overturning Maine Supreme Court decisions that uphold it should never be taken lightly.

My friend and colleague from South Portland, Representative Glynn, often rises to these points in the document we call the Constitution. I listen because he is interesting, and frequently he is right, whether or not we vote in accordance with him is of no matter. The man has read the document and cared about it. What better could you and I ask? What better could you and I ask than to paw through the debris on our desk and hopefully bring to the surface the various other bills that we have, such as LD 203, "An Act to Establish the Full Right of Petition and Redress in Local School Board Decisions." LD 859, "An Act to Establish a Municipal Affordable Housing Development District Tax Increment Financing Program", which is where our thoughts and money might well have gone, or LD 1304, "An Act to Provide a Municipal Process for an Initiative to Impose a Property Tax Cap." All these things are ideas that the citizens thought worthy enough to bring forward to us. Why on earth are we attempting to stifle them? Looking at the vagueness of the terms in the LD before us and to the Attorney General decision regarding the LD before us, think for a moment about its broad term implications, which are in no way limited or defined in the bill. Why, without pause, would you let loose such a devil in your own living room without understanding fully that which it means? Why do we attempt to pass legislation, which immediately defines our fellow citizens as fervid enemies? People who must be put down, shut up or sued, instead of neighbors who have a difference of opinion, and who through a very difficult process used so far as I can find only twice in 25 years, neither time successfully or completely-a process which followed their own hearts and petitioned their government?

Is it our desire to go home and say that tax reform, we juggled in the air and we are not quite sure where that one is going to come down yet? Dirigo Health Plan, man, we gave everybody in the House black eyes and tripped them all out the door on the way home, but we didn't quite get that one done either? Other kinds of reform, no, we didn't get to those, partisanship always got in the way, but by God, we sure as heck stripped you of your right to petition the government! I am putting that right on the front of my literature when I run next time.

Men and women of the House, I grew up in a tiny town in Oxford County. It traces its roots directly back to the field at Concord and Lexington in April of 1775 when a man forgotten to history, Major Pitcairn, the British Commander of the Troops rode onto the field facing the American militiamen and disparagingly laughed at them and said, "Disperse, ye rabble, disperse." Some of the most famous last words in American history. Major Pitcairn was later shot from his horse by a gentleman who, because he got a land grant in the wilderness of Maine, moved to Oxford County and there lived to a grand old age. His son was one of those sent to the wooden church in the City of Portland where in 1819 our forbearers wrote the Constitution of the State of Maine about liberty and land, each equally precious in their eyes and in ours too, for other reasons, but for the same spirit.

Men and women of the House, it seems to me that you can either climb up on the horse behind Major Pitcairn and vote for this bill and try to disperse the rabble or number two, follow the fellow who sat down to scribble out the document that our Attorney General has, I think, wisely and shrewdly interpreted for us and who has put that interpretation upon our desks tonight. Two simple choices because you can either vote red or you can vote green, those are the only choices you have. If you vote yellow, it only brings you more trouble.

Men and women of the House, if I felt that this bill in any way assisted affordable housing for those who face the challenge of mental illness or physical handicap or the misfortune of having served time in an institution and now in a halfway house, out making their way back into society or were just faced with the consequences of being poor in this world, if I felt it did anything for any one of them, I would vote for it because there is no district in the State of Maine like mine, which is the smallest physically, the most ethnically and religiously diverse, has more half-way homes of all those kinds I have described and others I have not, than any other district in the State of Maine. And we all get along fine. We respect each other's rights. Nothing in this bill would help there be more of that kind of housing. Indeed, when citizens, back again in my own City of Portland, assist a developer to build housing, want it to happen, agree with him, work with him, help on the site, have arguments, reach resolution and the place is built as I can point out in an article that appeared in the *Portland Press Herald* of Wednesday, May 28, 2003, what is the result? A one-bedroom apartment defined as "affordable" in the City of Portland, one bedroom, which shall rent for \$940 a month. This was with a wonderful developer and welcoming citizens. It is not citizens nor NIMBY-ism nor any of those other things that rise up like sheeted ghosts to try to scare us to vote for LD 389 that keep affordable housing from being built. It is the cost, and for that reason, I think we should be looking to good things like LD 472, which is a plan to study barriers to affordable housing in the State of Maine. It is tabled in the body we cannot mention and I hope will come back here so that we can mention it and do something good with it and get at the root cause of these things. Or shall we deliver our fellow citizens a good swift kick in the ankle by saying that their voices shall be muted and their petitions shall be dead before they are raised?

Without stigmatizing developers or stigmatizing those in need of affordable housing, I encourage you, men and women of the House, to devote our good energies and those of the good people who have brought forward those other LDs that I mentioned to them and not to this. I encourage you to vote to Indefinitely Postpone this bill and all accompanying papers. I look forward to hearing your comments. I hope you will look forward to hearing more of mine should the debate continue this evening. I encourage you please, for the sake of people on all

sides of this question, to respect your neighbor's rights and we respect yours. Follow my light and vote against LD 389. Thank you. Mr. Speaker, a roll call, please.

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

Representative RICHARDSON of Brunswick assumed the Chair.

The House was called to order by the Speaker Pro Tem.

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

Representative CLOUGH: Mr. Speaker, Ladies and Gentlemen of the House. I don't know how wise it was for me to agree to follow my good friend from Portland, Representative Adams, but I am going to give it a try. I rise to speak in support of this motion. I think there are many of us that can see that there are some good things that could be accomplished with this bill, but as it sometimes is the case, there is also the law of unintended consequences. You may know, or you may not, that Scarborough has over the years had a number of contract zones. I think they have five that are in operation right now. One that probably everybody has heard about was the Piper Shores Development and that went through a process that lasted a couple of years. It didn't get to the stage where there was a citizen's referendum, but it did spend a lot of time in the courts. One that did go for a citizen's referendum was an ash plant that was approved for the Pleasant Hill area. I think the council assumed that they had done due diligence, but the neighbors learned some things that apparently weren't known at the time and the only process that they could go through to correct that situation was a citizen's initiated referendum and they did get it turned around. They did change the law and the problem was eliminated. Some of today's councilors were people who helped support that citizen's initiative back then. They are quite sensitive to the fact that a decision that they might be making now could be very unpopular with the voters even after they had spent a great deal of time in going through all of the hearings and going through zoning board changes, planning board hearings, council hearings and making a decision that they felt comfortable with. They are not comfortable with making a decision if the people who live in the town have no way to express their opposition to it should they want to do so. I have heard from people who live in the town in both my district and in Representative Curley's district. I have heard from councilors. I have heard from the town manager and they are all concerned that this LD 389, if passed, would not be in the best interests of the Town of Scarborough. For that reason, I ask you to support the pending motion. As I stated earlier, the law of unintended consequences could come your way at any time.

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

Representative CUMMINGS: Mr. Speaker, Ladies and Gentlemen of the House. When we heard this a few weeks ago Representative Mills of Cornville gave us an excellent scenario of you building your dream house and democracy having the mordacity to get in the way. Let me pose just an opposite scenario for you. You lived in a home for your entire generation,

as your father and grandfather did and your grandmother and mother did. You are now finding out you have a new neighbor. This is what is happening all over the state. You found out you have a nice neighbor. You like them. They begin to build their dream house and you welcome that, but you find out on the first day of construction that they are building the road too close to your property and they shouldn't. You then find out that they are building the house too close to the lake and they shouldn't. You then find out that the house is too big for that lot and they shouldn't. You walk down to the City Hall and you say, what are my rights? They say, I am sorry, but the 121st Legislature took them away from you. Not only did they take them away from you, but some legislators think you are a slacker citizen because you didn't have the wherewithal to find out the details of that blueprint of your next door neighbor. You may say that you were trying to keep your family fed, keep your marriage strong and go to baseball practice with your kids, but that doesn't qualify for having an excuse for not knowing the details of every zoning decision in your community.

Let's keep this simple. There are 69 new people in this chamber. That is a lot, maybe a record. Let me just offer one small advice for somebody who hasn't been in here much longer. When I am confused on an issue, in my mind I get rid of all 151 of you and I put 150 random people from my constituency right in your seats and I stand up there at the podium and I say, what do you think of my idea to strip away your rights? You cannot repeal a zoning board decision no matter how bad. How many of you are going to press that green light? If you think about that, we can apply some common sense and defeat this bill and support this motion. I hope you will.

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

Representative MILLS: Mr. Speaker, Men and Women of the House. There is a balance in human affairs that requires each of us to respect the rights of others. We must respect the rights of our neighbors, the rights of Wal-Mart, yes, they have them and the rights of the people who want to institute affordable housing projects, the rights of people who want to build dream houses. The only way to effectuate those rights rationally is to have a common set of rules that we may all abide by. They are rules that are written down, rules that we can count on, rules that we can go to banks with and get mortgages based on them, rules that are sufficient that we can buy property and know the value of that property based on the rules that we know apply to that property.

The opinion from the Attorney General in regard to the proposed bill that lies before you says expressly that the Legislature does have the power to prohibit municipalities from retroactively vetoing the types of municipal actions that are the subject of the LD. Indeed his interpretation is based on the Constitution itself. The amendment we are looking at wasn't passed in 1819 during the drafting of the original Constitution, it was passed in 1909 and it seems to apply to cities only and the last sentence of it says that the Legislature may, at any time, provide a uniformed message for the exercise of the citizen's rights of initiative and referendum and municipal affairs.

We have not only the right, but also the duty, I think, as a Legislature to make sure there are uniformed methods by which these rights are exercised. I have no quarrel with a group of citizens who may, if they so choose, to petition a municipality for a change in the zoning ordinance so that a Wal-Mart is prohibited from a given territory or a given area. They can petition to have the zoning ordinances changed to suit any desire that they wish to put forward as long as it is rational and constitutional.

This bill, however, says that if somebody gets a building permit based on the laws or the zoning regulations that are then in place and the city gives you that permit and you presumably have a right to rely on that permit to go get a bank loan, hire a contractor, employ a bulldozer that once you get embroiled in your project that the city, whether it is in the form of a council or a group of citizens really doesn't have the right to take your property away, to take away your rights in that property because they were freely granted pursuant to an open process.

I think citizens deserve the right to petition their city councils. They have the right to enact ordinances, but they need to be enacted prospectively so that everyone in town, not just the favored citizens, but that everyone in town knows what the rules are that define the value of the property that they own. Make no mistake about it, zoning rules and city ordinances are the name of the game when it comes to defining the value of property. They can make your property worth \$1 million one day and they can make it worth zip de zoo the next. You have all seen it happen. We always have a bill in every year in the Legislature talking about how the state, perhaps, should embark on the project, a rather dubious project, in my view, of compensating landowners for these losses, because often times they daily, frankly, occur because of the way in which ordinances are changed, altered, modified, reviewed and so forth.

All this bill does is to try to effectuate our duty under the Constitution to provide some uniformity of method. That is all we are trying to do. You can quarrel with whether it has been artfully drafted or whether it should be amended in some form, I don't know. The intent of the legislation seems abundantly clear. It is simply to say that no matter who you are, whether you are a simple homeowner or you are a Wal-Mart or you are an affordable housing project or you are just Joe Blow, you too have a right to know what the rules are. When someone gives you a permit to go building something, that you can rely on the validity of that permit. You can rely on its finality. You can know there is a uniformed method or system by which that permit was issued and you can take stock in it. That is American democracy in action. Those are the rules by which we usually play. Those are the rules by which municipalities should play as well. It is simply a matter of fairness, due process and knowing what the rules are in advance.

It is not an effort to take away a citizen's right to protest. They can protest. They can file petitions. They can get signatures. They can change ordinances. They can do all of that, but they can't do it in a way that prefaces the minority in many cases who may own a piece of property that may not be most favored in the public eye. I just think this is a simple bill. It is a fairness bill. I don't really understand what the motives are of those who are opposing it. Thank you.

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

Representative CURLEY: Mr. Speaker, Men and Women of the House. I appreciate the hypothetical situations that Representative Cummings and Representative Mills have brought to us this evening. That is not my reality in Scarborough. In my district we would have an ash plant with 90 to 100 truckloads of ash going through a neighborhood to be loaded and unloaded every day within a mile of an elementary school with 400 students. If this bill passes, the citizens in Scarborough would not have been able to stop that development. That is not hypothetical. That is real. I have heard that this is a fairness bill. I don't really think it is fair for my children to be going to an elementary school with an ash plant close by. What is fair is the citizens of Scarborough having the opportunity to have the kind of

development that is safe and the kind of development that they want in their community.

We have another pending case of a housing development with 400 units that is being proposed and it was ready to be passed for my district. I apologize to anyone in this body who has been working on that project. The people in Scarborough feel that they have not had input. Maybe they have had meetings. Maybe there has been opportunities to have petitions, but even when they make their views known, they have not been heard by town government. Four hundred units without consensus is a large development. People don't like it. To be fair, they have the choice. I am not taking that away. I ask you not to take that right away from the people of Scarborough. I support Indefinitely Postponing as the motion has been made. Thank you.

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

Representative **BOWEN**: Mr. Speaker, Men and Women of the House. There is a scene in the Godfather Part II in which Michael Corleone is arranging for a series of hits against his various enemies. One of his henchmen says, "Why do you feel you have to wipe everybody out? Why are you taking this so personally?" He says, "It is not personal. It is business." I think we have gotten a little off track with the personal things there and not focusing on what this is about. This is about rules. This is about the rules we put into place and when we put them in place and when should follow them. I will take the advice of my colleague, Representative Cummings, about keeping it simple. I teach eighth grade and my job is to try to make stuff simple. We are not trying to take away people's rights, despite what we seem to hear. People still have the right to petition. The only question before us with regard to this issue is when, when can they step forward and make their voice heard? As I said the last time that we went through this bill, they can do that any time. You can't go as soon as we get out and go home for the weekend, take a couple of days off and then go into your town office on Monday and start looking at the zoning ordinances and figure out what needs to be changed. If you need a citizen's referendum to do that, then do that. The question is, when does the point come where it is too late? Where people have already invested? People have put money into it? Time, effort, hope and everything else that you have put into property or a project. It is too late for the people to come in and simply take that away from them. That is what we seem to be advocating in here for what I can see. You can go in after the fact and just take something without paying for it. I understand that there are situations that we run into where people aren't looking carefully enough. People didn't imagine that such a thing could happen in their town and they never even thought to put it in the zoning ordinances. Who would have imagined they would have tried to build that here? The lesson to take from that is not that we are going to make it so that we keep it available to take this from everybody, but that we should go on Monday to our town offices and look to see what is possible to have done in the town. The day to change these ordinances and make sure they are what they want is right now, not after somebody has already put their life's work into this.

As my colleague, Representative Mills said, it is just simple fairness. You have rules. This is not mob rule. We put rules into place and we follow them. We do it through an open process. We can change them. We have that power. This bill does not take that power away from anyone. It is a question of when it makes it fair to these people, but unfair to these other people. I think this bill has a place. I know there are tremendous amount of pressures. We are going through it my district in Rockport and Camden and Rockland. All the talk in my town around the comprehensive plan is what do we do about this development?

What do we do to make sure we don't turn into another, I won't even name it? What we understand in Rockport is that if we are going to keep that from happening, then we need to be involved. We need to get our comprehensive plans. We need to look at our ordinances. We need to be proactive as the Representative from Cornville said and we need to get it done now, not after the fact. Don't change the rules after the game has already begun. That is really all we are talking about here. Thank you Mr. Speaker.

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

Representative **WALCOTT**: Mr. Speaker, Men and Women of the House. I rise today in opposition to LD 389 and urge you to vote to Indefinitely Postpone this LD. I am happy to see that my seatmate on the Health and Human Services Committee, Representative Curley, is on our side. That is always good. I am not going to discuss the constitutionality of this bill. As you have already heard, the Attorney General has given an opinion that it is not. I will leave that discussion to others whom I think are probably more qualified.

I am told this bill is about affordable housing and I agree with the good Representative from Portland, Representative Adams. If I truly thought that this bill was about affordable housing, I believe he and I would probably be in a battle to see who could first support it. As anybody who knows me, knows that must be the case. After reading the bill as amended and seeing no mention of affordable housing and knowing the history of this bill, it is clear to me that it has nothing to do with affordable housing and everything to do with the state government stripping more rights from Maine citizens and the municipal governments. It has everything to do with the loss of local control over more issues. Maine citizens hold their right close to the heart. Rightfully and justifiably get angry when those rights are taken away. Tonight we run the risk of doing just that. We are taking away the rights of citizens to protect themselves from a sometimes overzealous government.

I understand the argument that there is already local control involved with the issues that this bill covers. Further, I understand that there is citizen involvement in the approval process for development including public notices and public hearings. I can tell you where I live in Lewiston it is hard for people to be involved. In my district in Lewiston people don't have time to take off from work to attend a series of meetings. They work often for low wages and live day to day trying to support their families. To say that it is too bad and that they should just pay more attention and be more involved if they missed an issue or a newspaper ad about a public hearing is very disrespectful of them and their day to day hardships. People in my district, as in the most of the rest of Maine, are busy hardworking people. Often they work more than one job just to get by. They expect their elected officials, both local and state, will do what is right by the community and the state. You know what, and this may be a surprise to some of you, but it happens to elected officials in both the local and state level don't always do what the citizens want or expect. Sometime even if citizens are involved, we don't always listen. In these cases the people should have the right to petition and change what the government has done, even retroactively. In Maine, the only real interest is the people's interest. All other interests are just special interests.

I urge you today to maintain the people's right to petition their government. I urge you not to take this step to restrict local control. I urge you today to Indefinitely Postpone LD 389. Thank you.

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

Representative **EDER**: Mr. Speaker, Men and Women of the House. This is a Portland bill. Come and get it. This is a bad bill. This is a Portland fight that has been brought to your door. The municipalities have the power to change this in those municipalities and in those towns. Let that fight happen in those towns and in those municipalities. I don't think that those municipalities would dare to strip the citizen's of their rights because they know that they would be ridden out on a rail. Instead the responsibility has been brought to our doorstep.

Mr. Speaker, my blueprint for my activity here is not the Godfather. It is the Constitution. I was sent here to protect the rights of the people, not to tell them that it is their responsibility to continually be on the watch and to be vigilant. I was sent here to represent the people, for the people, by the people, not for the developers and by the developers.

My colleague from Cornville would suggest that this process is outside of the rules. Clearly any developer who is worth his salt and knows his work knows that this is part of the rules. In fact, this gives that developer the onus to make sure that the process is done correctly.

The good Representative from Portland, Representative Adams, spoke of a piece of development in Portland that had recently had its hearings in the public and is moving forward successfully. That piece of development is right down the block from me. He spoke of that, you may remember. That was the affordable housing units at \$940 a month for a one bedroom. Granted, we need housing in Portland. My district desperately needs housing. Like the good Representative from Portland, Representative Adams, if I thought this would bring my district affordable housing, I would never stand up here and speak in opposition against it. Back to that process, it worked well. That developer had hearings and he invited people in and they participated. They willingly participated in the process and they helped him to make a better product that would be the best interests of the neighborhood. It was because he knew part of the rules was that if he did not do that, if he did not do that part of the process to the best of his abilities to invite people in, then the possibility that the neighborhood if they felt that he had gone against their wishes, the possibility was there that the citizens would have the right for redress if they felt that they were not heard. That happened on Munjoy Hill.

The citizens did raise a referendum petition and it did go on the ballot and it did not succeed. Those citizens who were once against that particular development now are in favor of it because they felt invested in the process. This is part of the process. Let's not fool ourselves and be misled that this is somehow outside of that process.

Mr. Speaker, men and women of the House, I ask that you Indefinitely Postpone LD 389 and all of its accompanying papers. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Cape Elizabeth, Representative McLaughlin.

Representative **MCLAUGHLIN**: Mr. Speaker, Men and Women of the House. I want to be very brief in some of my comments. I am trying to hold them to responses to comments I have heard during the course of this discussion. They are comments that I must respectfully, in most cases, disagree with. We have heard some very, very eloquent comments this evening and we have been delightfully amused by them. However, I cannot be amused when people are not putting forth the full truth. We heard comments about condos. Those are not affordable housing. In fact, condominiums may be affordable housing.

Condominium is a form of ownership. It is not a form of housing. You can have a condominium office. You can have an condominium affordable house. You can have a condominium apartment. It is a form of ownership. It can or cannot be affordable housing.

We also heard reference to a former court case that came out of the City of Portland, the Fisherman's Wharf case. A couple of years ago I took it upon myself to look into all of the information available about that case because we had a similar bill a couple of years ago. If you do that kind of digging and look into the entire information, what you find was that it was not a comparable situation. Why, you may ask? Because the permit had not been granted. That is day and night from what this bill is proposing. It is not comparable. Even if LD 389 had been in place, that decision would have gone forward. LD 389 would have no impact whatsoever on that court decision. I don't want you to be confused. I don't want you to misunderstand the finality of that.

Reference was made to a piece of paper in the mountains on your desk, a yellow piece of paper. It happens to be a letter purportedly from a number of the city councilors in Portland. Please notice that letter is not signed. Please take note of that.

When we were discussing LD 389 a month ago, folks asked for examples of retroactive petitioned referendum. I gave you an example in the Town of Yarmouth. I want to give you another example with a bit of deference to my seatmate from Yarmouth. I didn't warn him about this one. We heard a question tonight from one of the previous speakers. What if after your house were built it was discovered it was too close to the lake? I had an instance like that when I was employed by the Town of Yarmouth. It was too close to the shoreline. I had the dubious distinction of having to go to that property owner and tell them they had to move it. They had to make adjustments because it was too close. That happened, ladies and gentlemen.

I have heard this most recently referred to as a Portland bill. Get rid of the stigma, all you Portland folks. It is not all about Portland. Sorry, you ask Representative Barstow and he will tell you that it is all about in Gorham. It is not all about Gorham either. This bill came out of CPACc. Well what the heck is CPAC? Community Preservations Advisory Committee. It is not all about Portland. We may have been better off if we put this bill under the sponsorship of somebody other than a Portland Representative. If you are misled to believe it is a Portland bill because of that, please get over it, quickly. I encourage you. I encourage you not to support the pending motion, but to get on to go forward to support the bill. Thank you Mr. Speaker.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I would like to respond to some people who have spoken before. First of all, I want to respond to the good Representative from Scarborough, Representative Curley and Representative Clough because it was the people of Scarborough who gave to me, who sat on the Natural Resources Committee for four years, the story of my tenure in this place. It was a Walt Disney story. There were heroic people who somehow kept an ash recycling plant out of this state when no other state in the entire United States would accept them. These people came to our state and said that we are going to do it here and then the ash is going to be put on our roads throughout the state, toxins leaking into our groundwater. Those people in Scarborough hung on despite the fact that those people spent thousands and thousands of dollars to try to get that ash recycling plant permitted here in this state. One of the persons from that company came up to me and said, we will get it here. Don't you worry. I said that I wasn't sure. There is compelling

evidence that this isn't a good thing for our state. He said that you will in end say that is fine. You know why you will say it is fine? You are a poor state and you need us. I looked him square in the eye and said, "Sir, we may be indeed poor, but we are not dumb." The people of Maine are not. The people of Scarborough were not. They were heroes.

In response to the good Representative from Cornville, Representative Mills, I would say if the people who sponsored this bill want it to happen, then come in next session with an amendment to the Constitution. The bill as drafted is flawed. It is inequitable to farmers. We can give developers escape, but we can't give farmers escape. Look at those last few lines. If you have a farm in your neighborhood that is currently spreading sludge or spreading other things, those last few lines take away the same rights that developers are going to have. It says that citizens can come back in retroactivity against them. The bill is flawed. Would that we could look prospectively, but we cannot always predict what people are going to do. I am not going to get over it. I am not going to get over the stripping of my rights as a citizen.

I don't live in Portland. I live in another part of the state that will be affected. If Portland wants to pass this ordinance, then let them pass it, but don't come to the Legislature and ask that we all accept this. Please join the rest of us in voting against this very bad bill. Thank you.

Representative CLOUGH of Scarborough inquired if a Quorum was present.

The Chair ordered a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brewer, Representative Rogers.

Representative ROGERS: Mr. Speaker, Men and Women of the House. I rise to speak against the motion to Indefinitely Postpone. I have been a realtor in this state for 25 years. I have watched this develop over a period of time and it seems to me that the people that actually own the land want to develop the land, want to enjoy the land, are having their rights taken away by those who want to control what goes on. They want to control a lot of growth and there is some growth that I do support and some I don't support. There has got to be finality. When you go through all the rules, all the hearings, all the meetings, at some point when you are the owner of the land and you are moving ahead with your financial ability to do what you want to do. You should be able to say, I have the permits and I am going to move ahead and people from outside of the town, there are groups that try to control the whole state. You know who they are. I think there has to be some sense of responsibility on our part to see to it that those who have enjoyed the land, I am talking about people who have owned it two and three generations. This is not a Wal-Mart situation. This is about the people of the State of Maine. I deal with them everyday in buying and selling real estate. When they come to me and say, am I going to buy that lot? Am I going to be able to do with it what the town rules say today? I have to say now, after the Portland situation, I can't guarantee you that. Ethically I have to put a cloud of doubt there. We hope you can do it. You can spend a lot of money having a site plan, a survey and maybe even break ground and get a foundation partially going and then all of a sudden they come along with a referendum and tie you up for one or two years.

Ladies and gentlemen, we expanded the turnpike down here to bring people in and increase trade and business in this state. If we don't pass this, we should make that four lane southbound and two northbound, so we who live here can sort of get back and forth. Business will be leaving, some of the tourists will be

leaving. People building some of the beautiful homes, let's face it, there is a big tax base there, will be leaving. I vote that we not support the Indefinite Postponement.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockland, Representative McNeil.

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

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

Representative MCNEIL: Mr. Speaker, Ladies and Gentlemen of the House. I am really confused about this. I feel both ways. Can somebody tell me that if I go to my city council and I am following process and I am even doing the right thing and following along and in the end they vote to allow a project that I feel has clearly not followed the law, laws in the zoning of our community, at what point do I have to, under present law and at what point would I have to under this bill, file my petition to stop this?

The SPEAKER PRO TEM: The Representative from Rockland, Representative McNeil has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Adams.

Representative ADAMS: Mr. Speaker, Men and Women of the House. I am glad to attempt to answer the question of the good Representative. I very much enjoyed in answering that question the comments of her near seatmate, the good Representative from Rockport, Representative Bowen. In answer to both of them, I would say that government should always be very careful and should never pass a law that allows government to go in and strip the life, the livelihood and the possessions of any man or woman unless you call it free trade or NAFTA. No community in Maine can be prevented from passing any of the laws it so chooses on the local level to ban, if they choose, retroactive citizen petitions. Every community in Maine is guaranteed under the Constitution the right, if it chooses, to create a petition process and to create an initiative process. Not all of the communities in Maine have done so. South Portland has, for example. Many towns up the coast have not. Depending upon the circumstance in the individuals hometown there may be no opportunity for citizens to file anything retroactive or to recall the decision of their town council or to recall an ordinance once passed. That is entirely a local decision. It is entirely the local right of the municipality and because the Constitution protects it so fiercely, that is why the LD before us is declared unconstitutional by the Attorney General. We were treading upon the rights of municipalities who may, or may not, if they choose, enact such an ordinance at home. The only answer to your question would be available at your own town hall because there is only one uniform state set of regulations that cover it on the local level. Because this bill attempts to usurp the Constitution and impose one limit on one fragment of action at that local level, the Attorney General declared it to be unconstitutional. Thank you.

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

Representative SIMPSON: Mr. Speaker, Men and Women of the House. I am thankful to be recognized, but I think the good Representative in the front of the room had a series of questions and I didn't want to take her time.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockland, Representative McNeil.

Representative MCNEIL: Mr. Speaker, Ladies and Gentlemen of the House. What is retroactive, the next morning after the meeting when they say, yes, you can put an ash pit next

to me? The next morning I go to court and I go to file and I couldn't file. I would have to have done it that night. I realize every community is different, but what does retroactive mean? Does retroactive mean if I went 60 days later or 10 days later, could I file and be legal under this bill?

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

Representative **MILLS**: Thank you Mr. Speaker. Retroactive means exactly in the law what it means in Webster's Dictionary. Citizens, your neighbor, for example, if you got a permit to go build a house or put a structure on your property and the permit was lawfully granted and there was no appeal taken to the Superior Court to challenge that your right was violated. Some citizen or group of citizens could take out a petition and try to change the law by which your permit was granted, to actually not just challenge your permit, but change the rules by which the permit was issued to you and you may have been involved in that permit process for several months and according to this statute there must have been at least a public hearing process. Even though you play by those rules to the end and fend off all challenges that are legally made to your proposed permit and when you get your permit they would have the power to go back and actually change the law, change the rules and retroactively amend the process by which your permit was issued and deprive you of your permit in the process.

Your first question was also very interesting. I don't think it was answered. You said if I am a neighbor to a project and you have the sense as the process is going on to approve this project that it violates the town ordinances or that it is some other way detrimental to your own property rights. Suppose someone is going to put an ash pit in next to your property and you have the sense that it violates the rules by which your community does business. You have every right under almost all ordinances to participate as an intervener to make your position known to the selectmen or the council that is hearing that case or that permit process. If you feel that a permit is granted to that person or that property owner in violation of your rights or in violation of the ordinance, you have the right to take an appeal to Superior Court and challenge it. This is done not uncommonly. Lots of times these permits are overturned because they are sometimes improperly granted by city fathers. You have rights as an intervener to participate in the process. The bill that we are dealing with this evening is this very awkward situation where a group of people decide to impose, perhaps the will of the majority, on a minority who has played by the rules and it is the purpose of the Constitution, frankly, to protect the minority against those abuses.

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

Representative **SIMPSON**: Mr. Speaker, Men and Women of the House. I spoke on this bill the last time it came forward and I am afraid I have to speak again. In answer to the good Representative from Cornville that said that the Constitution says we can create a uniform method for the exercise of this municipal initiative and referendum process. I submit to you that taking away that right is not a uniform method for how you do it. It is saying that you can't. To the good Representative from Rockport who says we can go on Monday to our town hall and we can create a comprehensive land use plan and proactively set our zoning, we can do that. Our city council can change that. If we pass this legislation, you can't undo it. To the good Representative McNeil who asked the question, if you get up in the morning and you found out there is going to be an ash pit two buildings away and they have changed that zoning, you can't

undo that unless you go to court if we pass this bill. If you go the next day, it is too late.

I think there is merit to having an end, a place where developers know they can move forward, but the end should not be at the beginning. The only people who are notified when land use is changed are the immediate abutters in some communities. If you are two houses away, they don't have to tell you what they up to. You won't find out until you see it in your morning paper.

I am on the Taxation Committee and we recently heard a bill from the Governor to have municipal service districts. It is a way to cut down costs of government. I started to read the bill and I got to the fifth page and I see they are putting land use decisions for municipal service districts. I spoke to the people from the Executive Branch who came down and I said, nobody is going to go for this. We live here in Maine in the highest taxed state. We have low wages. People have poor health, but we live here because we love this land. People want to have a say in what happens in their community. Please don't take it away. Thank you.

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

Representative **WATSON**: Mr. Speaker, Men and Women of the House. I would like to cut to the chase if I might. This bill and this debate have raised a couple of very valid, although opposite points of view. There is a significant commercial need for such legislation. People invest in site plans and invest in the process and find themselves permitted to build and then find themselves blocked by citizen's initiatives. On the other hand, the citizen's initiative is at the very foundation of our rights. As I say, to cut to the chase, this legislation does not solve either or those problems. The Attorney General's opinion in any way you can read it, says that this body is empowered to establish a method, a uniform method, to apply to every case, every municipality to establish how citizen's initiatives are run and what topics they can cover. We have not done so. What we are trying to do in LD 389 is to choose one specific municipal activity and say you can't have a citizen's initiative against that. That is unconstitutional.

I would suggest, ladies and gentlemen, that the proponents of this legislation return to the drafting table, bring us a uniform method that we can impose if we so choose onto the municipalities telling them precisely how these referendums and citizen's petitions are to be handled. If we do so, we are doing so in accordance with our constitutional powers. On the other hand if we try and do what LD 389 tries to do, which is say you can petition for anything but this one thing, then we are in violation of our own Constitution. I would join in the motion to Indefinitely Postpone this and get on with it. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

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

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

Representative **KOFFMAN**: Thank you Mr. Speaker. If a municipality were to put in its ordinance, a process by which the citizenry could retroactively, that is after a permit process has been completed, retroactively appeal or petition government to overturn a permit or to reconsider a permit, would the Representative from Cornville consider that to be a legitimate part of governance process or the rules of the game which he described in his first floor speech? Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Madison, Representative Ketterer.

Representative **KETTERER**: Mr. Speaker, Ladies and Gentlemen of the House. I am in State and Local Government.

That is my committee. My recollection is that the day we heard testimony about this bill people from the Town of Pittston came in very upset and emotional about a sludge dump that was going into their town and that the people that were bringing this in jumped through all the proper hoops, but it is a small town. Up in northern Maine as many of you know, the towns aren't that populated. Most of the people in the town did not know what was going on until it started happening. I am not against business coming into the State of Maine certainly. I think we need that. I can't help but think that we don't need businesses in Maine that are trying to duke the people in these towns. I hope that you will go along with me and vote to Indefinitely Postpone this.

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

Representative **WALCOTT**: Mr. Speaker, Men and Women of the House. I will be very brief. I just wanted to reaffirm a little bit of the local control issue. The good Representative from Portland, Representative Eder, said that this was a Portland bill. I don't know whether that is true or not. What I can tell you is that it is not a Lewiston bill. I have heard other people, the Representative from Scarborough say it is not a Scarborough bill. What concerns me is we run the risk of doing something tonight that the Attorney General says is unconstitutional. What would be constitutional is if Lewiston or your community wanted to get together and ban retroactive initiatives, they could do so. We should not be doing it for everyone. I urge you. I hear so much about local control. I urge you to go with local control and let the local municipalities decide what they want to do with this issue. I urge you to Indefinitely Postpone LD 389. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Mr. Speaker, Ladies and Gentlemen of the House. My question wasn't intended to be flippant. I was actually hoping he might rise to the occasion. I do believe that the way we maintain local control is to respect local processes that have been established by duly elected officials. If those officials were to put into the process yet another step of the process that were a public process of some sort of a petitioning process, I would respect that.

I think the founding fathers if they could be in the gallery, all of whom were men, of course, all of whom were property owners, of course, listening to this discussion, they probably would be proud of us, because they, too, wrestled fiercely over the question of property rights that they very much wanted to protect from democracy and political rights and public rights. Personally, I am pleased to see that we have moved over the centuries more and more to exercising our political rights across genders and race and ethnic groups. Those invested in property and those not, are having rights that are more equal than they have ever been before. Protecting that process means respecting both sides of the debate, those who have made an investment and gone through a process. They are protected in their due process rights and those who are aggrieved. It is a balancing act. I don't feel myself heavily invested in either side. I am invested in both sides of this argument. I am going to vote against the Indefinite Postponement.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brewer, Representative Rogers.

Representative **ROGERS**: Mr. Speaker, Ladies and Gentlemen of the House. I realize that I am only speaking to half the House. I hope it is the half that is with me. LD 389 recognizes the actions of municipal planning boards, code enforcement officers and appeal boards that are acting in accordance with the law established by this Legislature and local codes. It prevents those actions from being overturned by

political actions, which may be a popularity contest for particular projects for individuals. We should not support such actions, rather we should support the municipal processes that the Legislature and the local boards have put into place. I think by voting this in, it is firing a shot across the bow of every municipality to take a look at what they have and get their house in order so when they finally give a final permit, it is final. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. We have heard very little since the fine Representative from Portland opened this debate tonight about the opinion from the esteemed Attorney General that I have the utmost respect for. He has offered an opinion that we should respect. I voted for the committee report when it first appeared on the House calendar some three to four weeks ago. Tonight I will vote yes to Indefinitely Postpone because the Attorney General has far more legal expertise than I do. The fine, honorable Representative from Portland, Representative Adams, gave us such an eloquent history lesson on citizen's rights to petition that we have in our fine democracy, supported by the Maine Constitution that a gentleman from Oxford County helped write when Maine broke away from Massachusetts.

I stand before you tonight and ask that you uphold the citizen's rights to petition so that in the future when I move to my home for retirement in the County of Oxford where Mr. Adams started his life, I hope to spend many years before the conclusion of mine. I do hope to enjoy those years feeling proud that I did the right thing on a night in June in the year of 2003. Please follow my green light tonight for believing and upholding the legal opinion of the Attorney General of this state. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. I have heard the reference tonight many times to the issue of constitutionality and the opinion of the Attorney General. The Attorney General is an extremely bright man and an excellent attorney and has shown that many, many times, even before that individual was elected Attorney General. However, I have read the Constitution of the State of Maine and I have noted frequently that it is not written in sand script or in Latin or in Greek or in any kind of hieroglyphics known to human history. It is written in English. The Attorney General, while his opinion carries great weight, nonetheless does not sit on the Supreme Court of the State of Maine. That is where the opinion on the issue of constitutionality really carries weight. To that end, I do not believe, despite the fact that the Attorney General is a good friend of mine and is a very bright and intelligent man, that his opinion on constitutionality is really worth no more than mine. I think we should consider the merits of the bill and not the merits of others opinions outside of this chamber. Thank you Mr. Speaker.

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

Representative **JACKSON**: Mr. Speaker, Ladies and Gentlemen of the House. I am awful glad that Representative Dunlap got up just a moment ago, because I have been waiting for a chance just to say a little bit of what happened to me last week. I won't get into it very much, but we had a bill that came through here and was overwhelmingly supported in this House and in the Senate. Someone on the second floor felt it was unconstitutional. Because of that, it was vetoed. Even though the Attorney General still today does not feel it was unconstitutional. He went so far as to send someone to search

me out to make sure that I knew they had nothing to do with saying it was unconstitutional. I do know, and I know a lot more than I did when I came here in January, is that there are two floors over in the Cross Building that the Attorney General occupies. There is a whole lot of people that work for him. They all make a lot more than I probably will in three or four years of doing what I do. Even though they make more that doesn't mean that they probably do know more. I think that their opinion should be taken very highly. I do think that they definitely do know more than I do about it. Even though I lost a bill that I am sure wasn't unconstitutional, if the Attorney General would have said that it was, I would have let it go at that. I believe the man knows more about it than I do. In this bill today, he has ruled against it and it is something that I have spoken on here before with the casino gambling. I believe that citizen's initiatives are the most dearest thing that we can have. I believe that in my hometown, I will probably get the people in my hometown to pass this citizen's initiative to do what I wanted LD 284 to do. I won't need to come back next time and do it here. I hope you will support the Indefinite Postponement.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cape Elizabeth, Representative McLaughlin.

Representative **MCLAUGHLIN**: Mr. Speaker, Women of the House. I, too, have seen the letter from our very esteemed Attorney General's Office. I am saying Attorney General's Office because I saw this probably a bit earlier than most folks in this chamber did. I had asked to be copied on this letter as soon as it was issued. You will notice the date on it is June 3rd. I read it. I went back and I read it again. I went back and I read it for a third time. I was still scratching my head. I asked to sit down with the person who wrote this opinion in the Attorney General's Office. I said, "Help me understand what it is you are saying here. I remain confused." I remain confused especially by something literally in the fine print. Look at footnote number one on the second page of that letter. This opinion should not be read to suggest that retroactive modifications are repealed or municipal actions are constitutionally sound simply because they were affected by an initiative or people's veto. For example, due process or property interests of private parties may provide a basis for a successful constitutional challenge of such an initiative or people's veto. The door is left wide open on this.

If you had given this to me three, four or five or ten years ago, I would have said it is from the Attorney General's Office, bow down the Holy Grail. I have learned to question since then. It is probably one of the best things that I have learned since I have been in this body. I have learned to go to the source and say what did you really, really mean here. I found out what they meant was, they are talking about your municipal officers when they are acting in a legislative mode. They are not always acting in a legislative mode. Sometimes municipal officers act in a quasi-judicial mode. That is what we are addressing in LD 389 when they act in a quasi-judicial mode, not in their legislative mode. The Attorney General's opinion does not fully address all the ways municipal officers act.

The argument is that it violates Article IV, Part 3, Section 21 of the Constitution, which permits a municipality to establish a direct initiative and people's veto for the elector in regard to its municipal affairs. Municipal affairs have been defined by the law court. Those are the big guys who hand down the definitions when things go to them. It has been defined as the internal business of a municipality and affects only those ordinances or resolutions that are municipal legislation. We are not asking for that in LD 389. What we are seeking to do with LD 389 is to protect the municipality's ability to take quasi-judicial action where municipal officers reach a decision affecting a specific individual

interest. These actions are not legislative actions by those municipal officers. They do not involve municipal affairs. Therefore, they do not come under that section of the Maine Constitution. Those of you who serve or have served or will serve as municipal officers will receive a handbook on your duties and the different kinds of duties that you have, which will help you understand this if you are ever so privileged to join those ranks.

What I have come away with is that this opinion from the Attorney General's Office and they have done their best to help me explain it and they have sat there and said that this is for the legislative operation of the municipal officers, that is not what LD 389 is talking about. What I have also learned is it is an opinion. It does not carry the weight of law. Thank you.

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

Representative **MILLS**: Mr. Speaker, Men and Women of the House. Very briefly, two concerns I have had listening to the debate that have caused me to change my mind about the bill in view of my prior votes on this issue. One is the Attorney General's opinion, which points out more clearly than anything else it points out, that the Constitution kind of envisions that local municipalities enact such regulations of people's vetoes, not the state. Secondly, I have heard debate about people building swimming pools, housing developments, malls and being prohibited ex post facto, so to speak, from engaging in their businesses. That is not the case. Without this bill that is before you, there is a natural limitation to the point in which a people's veto can take affect and enact a new ordinance to declare new rights. That is addressed in the law court opinion and in the City of Portland versus Fisherman's Wharf. In that case the developer suggested that it had vested rights that couldn't be disturbed by the people's ordinance proposal. They said under the criteria we set forth in a previous case, the developer had not demonstrated any acquired vested rights that would overcome the application of the initiated ordinance. That is important to me. Once you do dig the dirt, build the building, start the project, the people's veto does not have any affect because you have vested rights. There is a natural limitation to the time frame that we are talking about here without any statute taking affect. I would suggest that the people concerned about this go back to the towns and cities and have a proper ordinance designed to regulate people's vetoes in their localities and not bother the Legislature any further.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 250

YEA - Adams, Ash, Bennett, Berry, Blanchette, Bowen, Brown R, Bull, Campbell, Canavan, Churchill E, Clark, Clough, Craven, Cummings, Curley, Dudley, Duplessie, Duprey G, Earle, Eder, Faircloth, Gerzofsky, Grose, Hatch, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kane, Ketterer, Landry, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marraché, McCormick, McKee, McNeil, Millett, Mills J, Murphy, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Percy, Pineau, Piotti, Richardson J, Rines, Sampson, Saviello, Sherman, Simpson, Smith N, Smith W, Stone, Sykes, Thomas, Thompson, Trahan, Twomey, Usher, Vaughan, Walcott, Watson, Wotton.

NAY - Andrews, Annis, Austin, Barstow, Berube, Bliss, Bowles, Brannigan, Breault, Browne W, Bruno, Bryant-Deschenes, Carr, Churchill J, Collins, Courtney, Cowger, Cressey, Crosthwaite, Daigle, Dunlap, Duprey B, Finch, Fischer, Fletcher, Glynn, Heidrich, Honey, Kaelin, Koffman, Lewin, Maietta, Marley, McKenney, McLaughlin, Mills S, Moody, Nutting,

O'Brien J, Pellon, Rector, Richardson E, Rogers, Rosen, Shields, Snowe-Mello, Sukeforth, Sullivan, Suslovic, Tardy, Tobin D, Tobin J, Treadwell, Woodbury.

ABSENT - Bierman, Bunker, Davis, Dugay, Gagne-Friel, Goodwin, Greeley, Joy, Laverriere-Boucher, McGlocklin, McGowan, Moore, Muse, Peavey-Haskell, Perry A, Perry J, Pingree, Richardson M, Wheeler, Young, Mr. Speaker.

Yes, 76; No, 54; Absent, 21; Excused, 0.

76 having voted in the affirmative and 54 voted in the negative, with 21 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

ENACTORS

Emergency Measure

An Act To Prohibit Personal Watercraft on Lake St. George in the Town of Liberty

(H.P. 477) (L.D. 647)
(S. "A" S-286)

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. 105 voted in favor of the same and 16 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

REPORTS OF COMMITTEE

Committee of Conference

Report of the Committee of Conference on the disagreeing action of 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)

has had the same under consideration, and asks leave to report:

That the House **RECEDE** from **Passage to be Engrossed as Amended by Committee Amendment "A" (H-546)** and **COMMIT** the Bill and accompanying papers to the Committee on Legal and Veterans Affairs.

That the Senate **RECEDE** and **CONCUR** with the House.

Signed:

Representatives:

CLARK of Millinocket
THOMPSON of China

Senators:

MARTIN of Aroostook
BENNETT of Oxford
DOUGLASS of Androscoggin

The Committee of Conference Report was **READ** and **ACCEPTED**.

The House voted to **RECEDE**.

The Bill and all accompanying papers were **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and sent for concurrence.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

CONSENT CALENDAR

First Day

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

(H.P. 217) (L.D. 274) Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-593)**

On motion of Representative NORBERT of Portland, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-593)** was **READ** by the Clerk.

On motion of Representative NORBERT of Portland, Joint Rule 311 was **SUSPENDED** for the purpose of offering an amendment.

The same Representative **PRESENTED House Amendment "A" (H-596)** to **Committee Amendment "A" (H-593)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-593) as Amended by **House Amendment "A" (H-596)** thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-593)** as Amended by **House Amendment "A" (H-596)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH.**

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Enact the School Finance and Tax Reform Act of 2003"

(I.B. 3) (L.D. 1372)

Signed:

Senators:

STANLEY of Penobscot
NASS of York

Representatives:

LEMOINE of Old Orchard Beach
TARDY of Newport
McCORMICK of West Gardiner
SIMPSON of Auburn
PERRY of Bangor
CLOUGH of Scarborough
COURTNEY of Sanford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-594)** on same Bill.

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

SUSLOVIC of Portland
LERMAN of Augusta

READ.

Representative LEMOINE of Old Orchard Beach moved **INDEFINITE POSTPONEMENT** of the Bill and accompanying papers.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. About 22 hours ago we were talking about essential

services was a long-term concept and that we would be working it a long time. I agree with this Indefinite Postponement. The committee amendment on the bottom of Page 1, top of Page 2, surprise, essential programs and services. I would urge you to vote to Indefinitely Postpone, 22 hours.

Subsequently, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

The following Joint Order: (S.P. 594)

ORDERED, the House concurring, that Bill, "An Act to Authorize the State to Establish a Multi-jurisdictional Lottery or Lottery Games," S.P. 515, L.D. 1536, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

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

READ and **PASSED** in concurrence. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

The following Joint Resolution: (S.P. 593)

**JOINT RESOLUTION ACKNOWLEDGING
JUNE 15, 2003 AS FATHER'S DAY**

WHEREAS, on Sunday, June 15, 2003, the Nation and the State of Maine will continue the time-honored tradition of celebrating Father's Day; and

WHEREAS, the celebration of Father's Day is a call upon all Americans to thank and honor fathers for their love, nurturance and guidance and for the sacrifices they have made on behalf of their daughters and sons; and

WHEREAS, fathers are an important thread in the social fabric that binds together the citizens of the State of Maine and the United States; and

WHEREAS, psychologically, emotionally and spiritually the continued presence and commitment of fathers and father figures are important for the well-being of children; and

WHEREAS, Maine's private and public sectors have joined to raise public awareness of the importance of fatherhood and the impact of a father's engagement with his children and family; and

WHEREAS, the well-being of our State depends, to a large extent, on fathers' participation in their children's lives; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the First Regular Session, on behalf of the people we represent, take this occasion to urge all citizens to join in this observance on June 15, 2003 to acknowledge, encourage and celebrate the role of fatherhood with gratitude and respect.

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

READ and **ADOPTED** in concurrence. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

Non-Concurrent Matter

An Act to Repeal the Presidential Preference Primary Elections Process (EMERGENCY)

(H.P. 109) (L.D. 100)

PASSED TO BE ENACTED in the House on April 10, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-34)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-34) AND SENATE AMENDMENT "A" (S-289)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide Energy Opportunities to Northern Maine (EMERGENCY)

(S.P. 86) (L.D. 163)

PASSED TO BE ENACTED in the House on May 5, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-48)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-48) AS AMENDED BY SENATE AMENDMENT "A" (S-290)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, Regarding the Operation of the Maine Registry of Certified Nursing Assistants

(H.P. 224) (L.D. 281)

FINALLY PASSED in the House on June 3, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-542)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-542) AS AMENDED BY SENATE AMENDMENT "A" (S-292)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation and Parole

(H.P. 254) (L.D. 311)

PASSED TO BE ENACTED in the House on May 8, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-210)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-210) AND SENATE AMENDMENT "A" (S-293)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education

(H.P. 284) (L.D. 364)

PASSED TO BE ENACTED in the House on April 7, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-33)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-33) AS AMENDED BY SENATE AMENDMENT "A" (S-294)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Implement the Recommendations of the Task Force on Rail Transportation and Correct an Inconsistency (S.P. 208) (L.D. 599)

PASSED TO BE ENACTED in the House on May 20, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136) AND HOUSE AMENDMENT "A" (H-400)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136) AND HOUSE AMENDMENT "A" (H-400) AS AMENDED BY SENATE AMENDMENT "A" (S-295)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Study the Effects of NAFTA and Other Cross-border Issues on Maine Businesses (S.P. 216) (L.D. 607)

FINALLY PASSED in the House on April 16, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-22)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-22) AS AMENDED BY SENATE AMENDMENT "A" (S-296)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Implement the Recommendations of the Legislative Youth Advisory Council (EMERGENCY) (H.P. 557) (L.D. 751)

PASSED TO BE ENACTED in the House on May 14, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295) AS AMENDED BY SENATE AMENDMENT "A" (S-297)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act Concerning Retirement Benefits for State Employees (H.P. 730) (L.D. 1009)

PASSED TO BE ENACTED in the House on May 30, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-441) AS AMENDED BY HOUSE AMENDMENT "A" (H-517)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-441) AS AMENDED BY SENATE AMENDMENT "A" (S-298)** thereto in **NON-CONCURRENCE**.

Representative COLWELL of Gardiner moved that the House **RECEDE AND CONCUR**.

Representative SMITH of Van Buren moved that the House **ADHERE**.

The same Representative **WITHDREW** his motion to **ADHERE**.

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

Non-Concurrent Matter

An Act Concerning Age Requirements for Student, Apprentice and Noncommercial Lobster Licenses (H.P. 1003) (L.D. 1368)

PASSED TO BE ENACTED in the House on May 15, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-276)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-276) AS AMENDED BY SENATE AMENDMENT "A" (S-299)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, Amending the Commissioner of Administrative and Financial Services' Authorization To Convey a Portion of the Kennebec Arsenal in Augusta Pursuant to Resolve 1999, Chapter 56 and To Direct Proceeds from the Sale of the Maine State Prison Property in Thomaston (H.P. 1069) (L.D. 1464)

FINALLY PASSED in the House on May 28, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-502)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-502) AND SENATE AMENDMENT "A" (S-300)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Improve Access by the Department of Corrections to Federal Funds under Title IV-E of the Federal Social Security Act (S.P. 498) (L.D. 1498)

PASSED TO BE ENACTED in the House on May 14, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-118)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-118) AS AMENDED BY SENATE AMENDMENT "A" (S-301)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Create the Maine National Guard Education Assistance Program (EMERGENCY) (H.P. 1126) (L.D. 1533)

PASSED TO BE ENACTED in the House on May 23, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455) AS AMENDED BY SENATE AMENDMENT "A" (S-302)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Fund Municipal Collection of Household Hazardous Waste

(H.P. 1135) (L.D. 1549)

PASSED TO BE ENACTED in the House on June 3, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-494) AS AMENDED BY HOUSE AMENDMENT "A" (H-526)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-494) AS AMENDED BY SENATE AMENDMENT "A" (S-303)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Improve the State's Returnable Bottle Law and Adjust Handling Fees

(S.P. 326) (L.D. 985)

PASSED TO BE ENACTED in the House on June 4, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-217) AS AMENDED BY SENATE AMENDMENT "B" (S-250)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-217) AS AMENDED BY SENATE AMENDMENT "C" (S-307)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Clarify Immunity and Workers' Compensation for Search and Rescue Volunteers

(H.P. 1054) (L.D. 1435)

PASSED TO BE ENACTED in the House on May 23, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-452)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-452) AS AMENDED BY SENATE AMENDMENT "A" (S-310)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located in Hallowell

(H.P. 1070) (L.D. 1465)

FINALLY PASSED in the House on May 8, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-224)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-224) AND SENATE AMENDMENT "A" (S-311)** in **NON-CONCURRENCE**.

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

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

After Midnight

ENACTORS
Emergency Measure

An Act to Repeal the Presidential Preference Primary Elections Process

(H.P. 109) (L.D. 100)
(C. "A" H-34; S. "A" S-289)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Provide Energy Opportunities to Northern Maine

(S.P. 86) (L.D. 163)
(S. "A" S-290 to C. "A" S-48)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Emergency Measure

An Act To Implement the Recommendations of the Legislative Youth Advisory Council

(H.P. 557) (L.D. 751)
(S. "A" S-297 to C. "A" H-295)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 1 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 Implement the Recommendations of the Task Force on Rail Transportation and Correct an Inconsistency

(S.P. 208) (L.D. 599)
(C. "A" S-136; S. "A" S-295 to H. "A" H-400)

Resolve, To Study the Effects of NAFTA and Other Cross-border Issues on Maine Businesses

(S.P. 216) (L.D. 607)
(S. "A" S-296 to C. "A" S-22)

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Strengthen State Investment in the University of Maine System for Applied Research and Development

(S.P. 119) (L.D. 337)

PASSED TO BE ENACTED in the House on May 6, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-66)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Promote Economic Growth by Retaining Engineers in Maine

(S.P. 334) (L.D. 993)

PASSED TO BE ENACTED in the House on May 12, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-97)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Renew the Veterans' Emergency Assistance Program

(S.P. 350) (L.D. 1021)

FINALLY PASSED in the House on May 6, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-74)**)

Came from the Senate with the Resolve and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Amend the Laws Governing the Quality Child Care Tax Credit

(H.P. 923) (L.D. 1249)

PASSED TO BE ENACTED in the House on May 27, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-480)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

Resolve, To Authorize the State To Purchase a Landfill in the City of Old Town

(H.P. 1205) (L.D. 1626)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563) in the House on June 13, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563) AS AMENDED BY SENATE AMENDMENT "A" (S-312)** thereto in **NON-CONCURRENCE**.

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

REPORTS OF COMMITTEE**Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Concerning Multiple Item Bond Issues"

(H.P. 590) (L.D. 813)

Signed:

Senators:

CATHCART of Penobscot

ROTUNDO of Androscoggin

Representatives:

BRANNIGAN of Portland

MAILHOT of Lewiston

COWGER of Hallowell

DUDLEY of Portland

PINGREE of North Haven

FAIRCLOTH of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-598)** on same Bill.

Signed:

Senator:

TURNER of Cumberland

Representatives:

ROSEN of Bucksport

MILLS of Cornville

O'BRIEN of Augusta

MILLETT of Waterford

READ.

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

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

Representative CLOUGH: Mr. Speaker, Ladies and Gentlemen of the House. This is a bill that I put in. I am really hopeful that we can pass it. There is a lot of interest as I talked with almost anybody that I meet, whether it is in my district or in Augusta or anywhere else. This bill would require that the bonds be separated if they contain multiple items, be separated so that the voter could elect to vote on each individual unrelated items. I want to report to you that from 1910 through 1998 there was never a multiple item bond issue on the ballot. Since November 1998, we have had six issues ranging from in 1998 four items on a single bond, five items on a single bond in November 1999, another \$12 million bond in November 2001 with two items. In November 2001, a \$17,500 bond had 10 items. In June 2002, we had an 11 item bond for \$34 million with 11 items and in November 2002 we went to 14 for \$24 million. Just recently on June 10th, I think we had 12 items on a bond.

Most people object to this and I find many people who just don't vote for the bond. For example, this last bond that we had had \$500,000 to construct water sources to avoid damage to costs. It had \$500,000 to clean up tire stockpiles, which has shown up on four bonds out of these six that I mentioned for a total of \$2,500,000. It also had a \$500,000 for repair, along with some other items that were higher in nature, a \$5 million bond to construct and upgrade water pollution control facilities.

The point I am trying to make is that we include a whole hodge podge of items in these bonds with anywhere up to 14 items and expect them to get passed with a single vote. Voters are objecting to it and we had a couple of bonds that have just narrowly passed as a result of it. A bond in June 2002 had a

\$30,000 item in a \$35 million bond, for assisting the Moosehead Marine Museum in the renovation of its flag ship the Katahdin. We shouldn't even be bonding a \$30,000 item. That should be just an expense item. It had a similar item of \$500,000 to renovate the Center Theatre in downtown Dover-Foxcroft. Those are the kinds of things that are going to be turning people off on these bonds. I would ask you to vote against the pending motion and to support this bill. Mr. Speaker, I request the yeas and nays.

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

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

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

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House. The way we have done bonds for many, many years is to group them in related ways. We had transportation bonds. We have education bonds. We have environmental bonds. It depends on what you mean by unrelated. If, by unrelated it may be meant here, that everything is separate so that people can pick and choose every different item. I think that is wrong. I think it would be a very difficult thing for Chief Executive and the Legislature to put together bonds that would properly serve the State of Maine. It is by balancing our spending on bonds that we are able to keep our three ports, for example. It is on balancing that we are able to do a variety of things relative to highways. It depends on what you mean by unrelated. I believe we, on the whole, do a good job of balancing the related bonds so that people can vote on them as a group and what is fair to all parts of the state. I hope you will follow the motion and defeat this measure. Thank you.

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

Representative CLOUGH: Mr. Speaker, Ladies and Gentlemen of the House. I know the hour is late and I won't belabor this, but I do want to read a section from testimony given by Julie Flint from the Department of the Secretary of State. It is as follows: "In recent years the Legislature has changed the format of some of the bond issues from the traditional paragraph format to a multiple part format with several numbered items. Although some voters have told us that this format makes it easier for them to see where the money will be spent, other voters have complained that they should be able to vote on each part of a multiple part bond question separately since they may have a different opinion on one part than another. Additionally, the formatting of these multiple part items often makes the ballot questions several times larger than the traditional paragraph format. For purposes of creating a ballot for the printer, one bond question may actually take the space of three or four questions, yet because it is a single question, it can't be separated for printing on two sides of the ballot should that become necessary due to space constraints. That created problems from time to time."

I would ask you still to consider voting for this. I think it is a good idea and I would ask you to oppose the pending motion and go on to pass this bill.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative BROWNE: Mr. Speaker, Men and Women of the House. I think this is probably the single most talked about issue in my first time campaigning this fall. People are objecting to having all these grouped together. Furthermore, it makes no sense from a financial standpoint. The budget over 10 years,

\$30,000 to \$500,000 items. I, again, would back voting against this motion and support the issue.

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. 251

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

NAY - Andrews, Annis, Austin, Berry, Blanchette, Bowen, Bowles, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Duprey B, Eder, Fletcher, Glynn, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Kaelin, Ledwin, Lewin, Maietta, McCormick, McKenney, McNeil, Millett, Mills S, Moody, Murphy, Muse, Nutting, O'Brien J, Rector, Richardson E, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Woodbury, Wotton.

ABSENT - Berube, Bierman, Brown R, Bunker, Davis, Dugay, Gagne-Friel, Goodwin, Greeley, Joy, Kane, McGlocklin, McGowan, Moore, O'Neil, Peavey-Haskell, Perry A, Richardson M, Tardy, Wheeler, Young.

Yes, 69; No, 61; Absent, 21; Excused, 0.

69 having voted in the affirmative and 61 voted in the negative, with 21 being absent, and accordingly the Majority Ought Not to Pass Report was **ACCEPTED** and sent for concurrence.

SENATE PAPERS

Non-Concurrent Matter

An Act To Authorize the State To Establish a Multi-jurisdictional Lottery or Lottery Games

(S.P. 515) (L.D. 1536)

(C. "A" S-147)

- In House, **PASSED TO BE ENACTED** on June 11, 2003.
- In Senate, **PASSED TO BE ENACTED** on June 14, 2003, in concurrence.
- **RECALLED** from the Governor's Desk pursuant to Joint Order 2003, S.P. 594.

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in **NON-CONCURRENCE**.

On motion of Representative CLARK of Millinocket, the House voted to **RECEDE AND CONCUR**.

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

Non-Concurrent Matter

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

(H.P. 1036) (L.D. 1414)

PASSED TO BE ENACTED in the House on May 22, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-428)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-428) AND SENATE AMENDMENT "B" (S-315)** in **NON-CONCURRENCE**.

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

ENACTORS

Acts

An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation and Parole

(H.P. 254) (L.D. 311)

(C. "A" H-210; S. "A" S-293)

An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education

(H.P. 284) (L.D. 364)

(S. "A" S-294 to C. "A" H-33)

An Act To Improve the State's Returnable Bottle Law and Adjust Handling Fees

(S.P. 326) (L.D. 985)

(S. "C" S-307 to C. "A" S-217)

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. **ORDERED SENT FORTHWITH**.

Acts

An Act Concerning Retirement Benefits for State Employees

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

(S. "A" S-298 to C. "A" H-441)

An Act Concerning Age Requirements for Student, Apprentice and Noncommercial Lobster Licenses

(H.P. 1003) (L.D. 1368)

(S. "A" S-299 to C. "A" H-276)

An Act To Clarify Immunity and Workers' Compensation for Search and Rescue Volunteers

(H.P. 1054) (L.D. 1435)

(S. "A" S-310 to C. "A" H-452)

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. **ORDERED SENT FORTHWITH**.

ENACTORS

Emergency Measure

An Act To Create the Maine National Guard Education Assistance Program

(H.P. 1126) (L.D. 1533)

(S. "A" S-302 to C. "A" H-455)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Improve Access by the Department of Corrections to Federal Funds under Title IV-E of the Federal Social Security Act

(S.P. 498) (L.D. 1498)
(S. "A" S-301 to C. "A" S-118)

An Act To Fund Municipal Collection of Household Hazardous Waste

(H.P. 1135) (L.D. 1549)
(S. "A" S-303 to C. "A" H-494)

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.

**ENACTORS
Resolves**

Resolve, Regarding the Operation of the Maine Registry of Certified Nursing Assistants

(H.P. 224) (L.D. 281)
(S. "A" S-292 to C. "A" H-542)

Resolve, Amending the Commissioner of Administrative and Financial Services' Authorization To Convey a Portion of the Kennebec Arsenal in Augusta Pursuant to Resolve 1999, Chapter 56

(H.P. 1069) (L.D. 1464)
(C. "A" H-502; S. "A" S-300)

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

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located in Hallowell and To Enter into Lease-purchase Agreements for School Bus Acquisition

(H.P. 1070) (L.D. 1465)
(C. "A" H-224; S. "A" S-311)

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

On motion of Representative CARR of Lincoln, was **SET ASIDE**.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

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

The SPEAKER: The Representative may pose his question.

Representative **CARR**: Thank you Mr. Speaker. Could I have an explanation on the lease or sale? Because that is a sale of real estate, is that going to require a two-thirds vote?

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

Representative **CUMMINGS**: Mr. Speaker, Men and Women of the House. The purpose behind this, if I am accurate here, is that the Department of Education found out this year that a number of the carpenter buses that had been made over the late 1980s, 1990s had welding problems. As a result, we ended up having to recall 31 buses. Because of that the state needed unallocated language to help make it possible to help reimburse those communities that were affected by this.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Ladies and Gentlemen of the House. My question would be, if there is a sale of real estate, I believe by Constitution that requires a two-thirds vote. My question would be directed to your Mr. Speaker.

Representative CARR of Lincoln asked the chair to **RULE** if a two-thirds vote was required.

The SPEAKER: The Chair would respond to the Representative's question, it is a good one. It is Article 9, Section 23 of the Constitution of the State of Maine. It deals with state park land, public lots or other real estate held by the state for conservation or recreation purposes and designated by legislation implementing this section. The Chair would rule that property that is referenced in this Resolve does not rise to the level nor meet the concerns of the Constitution under that section. Does the Representative have a different section of the Constitution that he is concerned with?

The Chair **RULED** that a two-thirds vote was not required.

Representative **CARR**: Thank you Mr. Speaker. I was mistaken on that parks and lands. However, I would like to have an answer to my question as to what the real estate would be. There apparently seems to be a real estate transfer and a lease involved. Somebody here must know what that is about. I think we all should know what that is.

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. The property in question is a large parcel of land in Hallowell. As part of the master plan that was developed for all of the state's facilities over the last several years, the state determined that it is costing more money to maintain this property with a lot of very old buildings, very historic buildings that was once known as the Stevens School for Girls. This property, the state has determined it wants to sell for market value or lease it at a market rate to some developer who will develop it into tax paying property for the community and for the state. It is a fairly large parcel of land in Hallowell. It does fit in with the state's master plan. It is a long-range plan to sell this property. It is not park land. It is an old school. I hope that answers the Representative's question.

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

**ENACTORS
Emergency Measure**

An Act to Correct Errors and Inconsistencies in the Laws of Maine

(H.P. 217) (L.D. 274)
(H. "A" H-596 to C. "A" H-593)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Resolves

Resolve, To Authorize the State To Purchase a Landfill in the City of Old Town

(H.P. 1205) (L.D. 1626)
(S. "A" S-312 to C. "A" H-563)

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

ENACTORS

Emergency Measure

An Act To Make Supplemental Highway Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005

(H.P. 976) (L.D. 1322)
(C. "A" H-589)

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. 118 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.

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

Acts

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

(H.P. 1036) (L.D. 1414)
(C. "A" H-428; S. "B" S-315)

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. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

Non-Concurrent Matter

Resolve, To Prepare Maine's Students for Active Citizenship (EMERGENCY)

(H.P. 333) (L.D. 425)
(C. "A" H-239)

FINALLY PASSED in the House on May 27, 2003.

Came from the Senate **FAILING** of **FINAL PASSAGE** in **NON-CONCURRENCE**.

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

The same Representative **PRESENTED** House Amendment "A" (H-599) to Committee Amendment "A" (H-239) which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-239) as Amended by House Amendment "A" (H-599) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-239) as Amended by House Amendment "A" (H-599) thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Non-Concurrent Matter

An Act to Extend the Authority of the Health Care System and Health Security Board

(H.P. 27) (L.D. 20)

PASSED TO BE ENACTED in the House on May 12, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-113) AND HOUSE AMENDMENT "A" (H-143)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-113) AS AMENDED BY SENATE AMENDMENT "A" (S-279)** thereto **AND HOUSE AMENDMENT "A" (H-143)** in **NON-CONCURRENCE**.

Representative COLWELL of Gardiner moved that the House **RECEDE AND CONCUR**.

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. This bill would extend the reporting deadline of the Health Security System and Health Security Board to January 15, 2003 with all of the various amendments. This committee was charged with the responsibility of reporting back to the Legislature a bill dealing with single-payor systems, which is essentially universal health care system. This bill is already drafted. The charge of this board as been complete, but yet we have before us legislation to extend the reporting deadline so that they can continue to have public hearings even though their charge has been met. I would urge my colleagues to stick with our previous position and not pass this bill. Mr. Speaker, when the vote is taken, I request the yeas and nays.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 252

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

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

ABSENT - Berube, Bowen, Brown R, Bunker, Davis, Gagne-Friel, Goodwin, Greeley, Joy, Kane, Marraché, McGlocklin, McGowan, Moore, Peavey-Haskell, Perry A, Perry J, Richardson J, Richardson M, Wheeler, Wotton, Young.

Yes, 71; No, 58; Absent, 22; Excused, 0.

71 having voted in the affirmative and 58 voted in the negative, with 22 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

Non-Concurrent Matter

An Act to Repeal the Presidential Preference Primary Elections Process (EMERGENCY)

(H.P. 109) (L.D. 100)
(C. "A" H-34; S. "A" S-289)

PASSED TO BE ENACTED in the House on June 14, 2003.
Came from the Senate **FAILING** of **PASSAGE TO BE ENACTED** in **NON-CONCURRENCE**.

On motion of Representative CLARK of Millinocket, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "A" (H-600)** which was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-34), House Amendment "A" (H-600) and Senate Amendment "A" (S-289)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

ORDERS

On motion of Representative RICHARDSON of Brunswick, the following Joint Order: (H.P. 1212)

ORDERED, the Senate concurring, that the following specified matters be held over to any special or regular session of the 121st Legislature.

Agriculture, Conservation and Forestry

S.P. 120, L.D. 338 - An Act to Stabilize the Maine Dairy Industry.

H.P. 544, L.D. 738 - An Act To Save Maine Dairy Farms.

H.P. 1110, L.D. 1518 - An Act To Improve Harvest Standards for Lands Purchased and Harvested within an 8-year Period.

Appropriations and Financial Affairs

H.P. 10, L.D. 3 - An Act to Amend the Membership of the Revenue Forecasting Committee.

H.P. 55, L.D. 47 - Resolve, to Fund Scholarships to the Seeds of Peace Camp.

S.P. 87, L.D. 164 - An Act To Authorize a General Fund Bond Issue in the Amount of \$30,000,000 To Fund Healthy Schools Through the School Revolving Renovation Fund.

H.P. 126, L.D. 167 - An Act To Fund the Matching Requirement for Maine's Successful NASA EPSCoR Award.

H.P. 149, L.D. 190 - An Act to Expand Funding and Services to Students of Limited Proficiency in English.

H.P. 153, L.D. 194 - An Act to Increase the Adult Education State Subsidy by a Specific Percentage.

H.P. 187, L.D. 228 - An Act To Authorize a General Fund Bond Issue in the Amount of \$20,000,000 To Provide Maine's 7 Technical Colleges with Essential Facilities Improvements and Classroom Equipment.

H.P. 222, L.D. 279 - An Act To Support the Regional Library System.

S.P. 118, L.D. 336 - An Act to Fund the Endowment Incentive Fund.

S.P. 119, L.D. 337 - An Act to Strengthen State Investment in the University of Maine System for Applied Research and Development.

H.P. 276, L.D. 356 - An Act To Build a Prison in Washington County.

H.P. 314, L.D. 394 - An Act To Authorize a General Fund Bond Issue in the Amount of \$2,700,000 for Maine Maritime Academy.

S.P. 204, L.D. 595 - An Act To Appropriate Funds for a Study To Determine the Feasibility of a Medical School in Maine.

H.P. 464, L.D. 634 - An Act To Provide Funding for the Maine-Canada Trade Ombudsman.

S.P. 241, L.D. 677 - An Act To Authorize a General Fund Bond Issue in the Amount of \$6,000,000 To Enable LifeFlight of Maine to Fully Implement a Statewide, Dedicated Air-medical Response System.

S.P. 254, L.D. 716 - An Act To Continue Necessary State Funding of Freestanding, Nonprofit Psychiatric Hospitals for Services Provided to Indigent Patients and for Other Purposes.

S.P. 270, L.D. 791 - An Act To Fully Fund Retirement Benefits for Game Wardens and Marine Patrol Officers.

S.P. 304, L.D. 908 - An Act To Authorize a General Fund Bond Issue in the Amount of \$1,000,000 To Provide Funds to Riverfront Municipalities To Develop Riverfront Cultural Heritage Centers.

S.P. 334, L.D. 993 - An Act To Promote Economic Growth by Retaining Engineers in Maine.

S.P. 350, L.D. 1021 - Resolve, To Renew the Veterans' Emergency Assistance Program.

S.P. 361, L.D. 1089 - An Act To Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Energy Conservation in State Buildings and Facilities.

S.P. 373, L.D. 1149 - An Act To Support Maine's Franco-American Heritage and the Kennebec-Chaudiere International Corridor.

H.P. 923, L.D. 1249 - An Act To Amend the Laws Governing the Quality Child Care Tax Credit.

S.P. 423, L.D. 1292 - An Act To Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for Capital Projects and Major Maintenance at State and Municipal Parks and Historic Sites, for Acquiring Land for Coastal and Inland Waterway Access and for Capitalizing a Revolving Loan Fund for Land Trusts and Municipalities To Acquire Land and Conservation Easements for Public Access.

S.P. 528, L.D. 1569 - An Act To Authorize a General Fund Bond Issue in the Amount of \$16,800,000 To Construct and Upgrade Water Pollution Control Facilities, To Remediate Solid Waste Landfills, To Clean Up Uncontrolled Hazardous Substance Sites and To Make Drinking Water System Improvements.

S.P. 531, L.D. 1572 - An Act To Authorize Department of Transportation Bond Issues in the Amount of \$75,000,000 for Improvements to Highways; Bridges; Airports; State-owned Ferry Vessels; Ferry and Port Facilities; Port and Harbor Structures; Development of Rail Corridors; Improvements to Railroad Structures and Intermodal Facilities; Investment in Public Transportation Fleet and Public Park and Ride and Service Facilities; and Statewide Trail and Pedestrian Improvements.

S.P. 546, L.D. 1591 - An Act To Authorize a General Fund Bond Issue in the Amount of \$13,300,000 To Address Health, Safety and Compliance Deficiencies in the University of Maine System; To Expedite the Creation of a Community College System; To Make

Improvements to State Parks; To Make Cultural Improvements; and To Modernize the State Court System.

Business, Research and Economic Development

S.P. 97, L.D. 263 - An Act to Define a Scope of Practice for Acupuncture.

H.P. 311, L.D. 391 - An Act To Provide Consumers at Chain Restaurants with Accurate, Accessible Nutrition Information.

H.P. 509, L.D. 692 - An Act To Protect Consumer Privacy Rights.

S.P. 356, L.D. 1025 - An Act To Ensure Uniform Code Compliance and Efficient Oversight of Construction in the State.

S.P. 376, L.D. 1152 - An Act To Authorize Collaborative Practice for Emergency Contraception.

H.P. 931, L.D. 1257 - An Act To Increase Returnable Beverage Container Redemption Rates.

S.P. 427, L.D. 1325 - An Act To Encourage and Support Maine Owner-operated Small Businesses.

S.P. 468, L.D. 1410 - An Act To Eliminate State Licensing of Boxers, Wrestlers and Transient Sellers.

H.P. 1137, L.D. 1551 - An Act To License Home Building and Improvement Contractors.

Criminal Justice and Public Safety

H.P. 38, L.D. 31 - An Act to Establish a Seamless Strategic Drug Abuse Model for Addressing Criminal Enforcement, Treatment, Education and Public Advocacy within Washington County.

H.P. 114, L.D. 105 - An Act to Further the Productive Use of Land Held by the Department of Corrections.

S.P. 226, L.D. 617 - An Act Amending the Time by Which a Sex Offender or Sexually Violent Predator Must Register.

S.P. 286, L.D. 891 - An Act To Require the Videotaping of Police Interrogations.

H.P. 674, L.D. 917 - An Act Regarding the Sale of Weapons at Gun Shows.

S.P. 390, L.D. 1186 - An Act to Revise the Reimbursement by the County Jail Prisoner Support and Community Corrections Fund and To Provide Additional Support to County Jails.

Education and Cultural Affairs

H.P. 113, L.D. 104 - An Act to Help Public Schools Promote Public Health and Address Childhood Obesity.

S.P. 72, L.D. 149 - An Act to Transfer Bureau of General Services School Construction Functions to the Maine Department of Education.

H.P. 136, L.D. 177 - An Act to Ensure that Emergency Medical Help is Available to All School Children and Personnel.

H.P. 154, L.D. 195 - An Act To Facilitate Summer Employment for Youths.

S.P. 89, L.D. 230 - An Act Concerning Restructuring of School Districts.

H.P. 800, L.D. 1082 - An Act Regarding Habitual Truants.

H.P. 990, L.D. 1344 - An Act To Give Teachers a Greater Voice in School Improvement.

H.P. 1000, L.D. 1365 - An Act To Assist Maine Educators in Meeting the Quality Requirements of the Federal Elementary and Secondary Education Act of 1965.

Health Care Reform (Joint Select Committee)

H.P. 1188, L.D. 1612 - RESOLUTION, Proposing an

Amendment to the Constitution of Maine to Preserve the Fund for a Healthy Maine.

Health and Human Services

H.P. 67, L.D. 59 - An Act to Adjust MaineCare Reimbursement Rates.

H.P. 81, L.D. 73 - An Act to Make the Children's Ombudsman Program an Independent Office.

S.P. 79, L.D. 156 - An Act to Require that Patients in Private Mental Hospitals Be Afforded the Same Rights As Patients in State Mental Institutions.

S.P. 82, L.D. 159 - An Act To Refine the Criteria for Issuing a Certificate of Need.

H.P. 134, L.D. 175 - An Act to Ensure Parity Among Mental Health Professionals Under Medicaid.

S.P. 175, L.D. 535 - An Act To Strengthen Health Data Information and Health Planning.

H.P. 447, L.D. 584 - An Act To Strengthen the Maine Certificate of Need Act of 2002.

H.P. 448, L.D. 585 - An Act to Establish a Statewide Primary and Preventive Health Care Program.

S.P. 220, L.D. 611 - An Act To Obtain Substance Abuse Services for Minors.

S.P. 225, L.D. 616 - An Act To Provide Safe Staffing Levels for Patients and To Retain Registered Nurses.

S.P. 251, L.D. 713 - An Act to Support Health Care Safety Net Programs.

H.P. 784, L.D. 1066 - An Act to Address the Temporary Maximum Levels of Assistance for General Assistance Established in 1991.

S.P. 362, L.D. 1090 - Resolve, To Promote Recruitment and Retention of Direct Care Workers in Long-term Care in Maine.

H.P. 830, L.D. 1127 - An Act To Require Fire-safe Cigarettes in the State.

S.P. 422, L.D. 1291 - An Act To Establish a System of Advocacy and Oversight To Benefit Persons with Mental Retardation and Autism.

H.P. 987, L.D. 1341 - Resolve, Directing the Department of Human Services To Adopt Rules To Reduce Regulatory Burdens on Home Health Agencies.

H.P. 1145, L.D. 1563 - An Act Regarding Standard Contracts for Assisted Living Services.

S.P. 572, L.D. 1621 - An Act To Amend the Structure of the Office of Advocacy.

S.P. 587, L.D. 1631 - An Act To Prevent the Sale of Water Laced with Nicotine in Maine.

Inland Fisheries and Wildlife

S.P. 81, L.D. 158 - An Act to Limit Agent Fees to the Number of Transactions.

H.P. 132, L.D. 173 - An Act To Provide for the Passage of Anadromous Fish Species into the Little River.

H.P. 308, L.D. 388 - An Act To Permit Small Game Hunting on Private Property on Sunday in Unorganized Territory.

H.P. 316, L.D. 408 - An Act Regarding the Presumption of Violations of the Hunting-on-Sunday Prohibition.

H.P. 338, L.D. 446 - An Act Regarding Bear Hunting.

H.P. 604, L.D. 827 - An Act Regarding Wildlife Habitat Conservation.

H.P. 631, L.D. 854 - An Act To Amend the Laws Governing the Operation of All-terrain Vehicles.

Insurance and Financial Services

H.P. 172, L.D. 213 - An Act To Assist Maine's Infertile Citizens.

S.P. 146, L.D. 428 - An Act To Eliminate the Department of Professional and Financial Regulation, Bureau of Insurance Travel Restrictions for Obtaining Health Care.
 S.P. 169, L.D. 497 - Resolve, To Study the Feasibility and Effectiveness of Providing Consumers with Consumer Reports on Health Care Services.
 S.P. 231, L.D. 667 - An Act To Amend the Maine Insurance Code.
 S.P. 359, L.D. 1087 - An Act To Require All Health Insurers To Cover the Costs of Hearing Aids.
 S.P. 385, L.D. 1181 - An Act To Provide Fair Hearings in Health Insurance Rate Proceedings.
 S.P. 394, L.D. 1190 - An Act To Create the Comprehensive Health Insurance Risk Pool Association.
 H.P. 913, L.D. 1239 - An Act Concerning Universal Health Insurance.
 H.P. 995, L.D. 1353 - An Act To Ensure Women's Health Care Coverage for All Maine Women.
 S.P. 554, L.D. 1601 - An Act To Authorize the Superintendent of Insurance To Establish a Fair Access to Insurance Requirements Plan.

Judiciary

S.P. 266, L.D. 787 - An Act To Limit the Damages Recoverable in Accidents Involving Snowmobile Clubs' Trail-grooming Activities.
 H.P. 678, L.D. 921 - An Act To Enact the Uniform Trust Code.
 S.P. 343, L.D. 999 - An Act To Ensure Fairness in Payment of Superior Court Witness Fees by Counties.
 H.P. 756, L.D. 1039 - An Act Concerning Passamaquoddy Indian Territory in Washington County.
 S.P. 426, L.D. 1295 - An Act To Enact the Uniform Mediation Act.
 H.P. 1078, L.D. 1473 - An Act To Amend the Laws Governing Public Easements.
 H.P. 1116, L.D. 1525 - An Act To Clarify the Freedom of Access Laws as They Pertain to the Penobscot Nation.
 H.P. 1152, L.D. 1579 - An Act To Promote the Financial Security of Maine's Families and Children.

Labor

H.P. 79, L.D. 71 - An Act to Ban Strikebreakers.
 S.P. 190, L.D. 550 - An Act Regarding Employment of Workers' Compensation Board Hearing Officers and Mediators.
 H.P. 424, L.D. 561 - An Act To Improve Standards for Public Assistance to Employers in the State.
 H.P. 438, L.D. 575 - An Act To Encourage Workers' Compensation Dispute Resolutions.
 S.P. 237, L.D. 673 - An Act To Increase Maine's Minimum Wage.
 H.P. 524, L.D. 718 - An Act To Create a New Pension System for Newly Hired Teachers and State Employees.
 H.P. 567, L.D. 752 - Resolve, Directing the Department of Labor To Develop the Family Security Fund To Implement the Recommendations of the Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families.
 H.P. 657, L.D. 880 - An Act To Eliminate the Social Security Offset for Unemployment Benefits.
 H.P. 676, L.D. 919 - An Act To Require Public Improvement Projects Contractors and Subcontractors To Meet Certain Criteria.
 S.P. 374, L.D. 1150 - An Act To Protect the Rights of State Workers.

H.P. 972, L.D. 1318 - An Act To Provide Collective Bargaining Rights to Certain Forest Products Workers.
 H.P. 1015, L.D. 1380 - An Act To Promote Safety and Fair Labor Practices for Forestry Workers.
 H.P. 1197, L.D. 1618 - An Act To Clarify the Employment Status of Court Reporters, Stenographers and Videographers.

Legal and Veterans Affairs

H.P. 171, L.D. 212 - An Act to Establish Instant Run-off Voting.
 H.P. 392, L.D. 507 - Resolve, To Allow the Town of Dennysville To Sue the State and the Atlantic Salmon Commission for Breach of Contract.
 H.P. 441, L.D. 578 - An Act To Increase the Sale of Lottery Tickets To Benefit Conservation and Wildlife.
 H.P. 470, L.D. 640 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Voting Age Qualifications by 12 Months.
 H.P. 472, L.D. 642 - An Act To Ensure the Economic Viability of the Harness Racing Industry.
 H.P. 486, L.D. 656 - An Act to Allow Beverage Sales from Mobile Service Bars on Golf Courses.
 H.P. 744, L.D. 1027 - Resolve, Directing the Commission on Governmental Ethics and Election Practices To Adopt Rules Regarding Certain Election Practices.
 H.P. 916, L.D. 1242 - An Act To Recognize the Regional Impact of Casino-style Gambling Facilities.
 H.P. 984, L.D. 1339 - An Act To Amend the Laws Governing Campaign Finance.
 H.P. 996, L.D. 1354 - An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations.
 S.P. 515, L.D. 1536 - An Act To Authorize the State To Establish a Multi-jurisdictional Lottery or Lottery Games.
 H.P. 1177, L.D. 1603 - Resolve, Authorizing Michaela Corbin-Bumford To Sue the State.
 S.P. 567, L.D. 1613 - Resolve, Authorizing Germaine Bell To Sue the State.

Marine Resources

H.P. 219, L.D. 276 - An Act to Allow the Sale of Lobster and Crab Fishing Licenses.
 H.P. 696, L.D. 939 - An Act To Repeal the Fee on Aquacultural Salmon Production.
 S.P. 410, L.D. 1279 - Resolve, Related to Aquaculture Leases in Blue Hill Bay.

Natural Resources

S.P. 378, L.D. 1158 - An Act To Protect Maine's Coastal Water.
 H.P. 927, L.D. 1253 - An Act to Ensure Playground Safety.
 H.P. 1195, L.D. 1617 - An Act To Improve Subdivision Standards.

State and Local Government

H.P. 100, L.D. 91 - Resolve, to Create the Department of Fisheries and Wildlife.
 H.P. 112, L.D. 103 - An Act to Establish the Regional County Corrections Construction Authority.
 H.P. 327, L.D. 419 - An Act To Repeal Outdated and Unfunded Municipal and Educational Mandates.
 S.P. 217, L.D. 608 - An Act to Support Domestic Businesses in Publicly Funded Construction Projects.
 H.P. 699, L.D. 942 - An Act To Create Guidelines To Promote Good Science in Rulemaking.

H.P. 719, L.D. 962 - An Act to Consolidate the Advocacies of the Various State Agencies into an Executive Department and Establish the Office of Inspector General.
 H.P. 722, L.D. 965 - Resolve, to Create a Task Force to Implement the 1991 Report of the President's and Speaker's Blue Ribbon Commission on Children and Families.
 H.P. 884, L.D. 1210 - Resolve, To Establish the Intergovernmental Advisory Commission.
 S.P. 434, L.D. 1332 - An Act To Recognize the Maine Rural Development Council.
 H.P. 1019, L.D. 1393 - An Act To Provide for Meaningful Public Input in the Maine Administrative Procedure Act.
 H.P. 1097, L.D. 1504 - An Act To Clarify the Work Center Purchases Committee Requirements for Work Centers and Competitive Bidding.

Taxation

H.P. 167, L.D. 208 - RESOLUTION, Proposing an Amendment to the Constitution of Maine Related to the Taxation of Personal Property.
 H.P. 274, L.D. 345 - An Act To Reinstate a Milk Handling Fee.
 H.P. 552, L.D. 746 - An Act To Adopt a Streamlined Sales and Use Tax Agreement That Allows for Local Option Taxes.
 H.P. 695, L.D. 938 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Assessment of Lands Used for Long-term Ownership.
 H.P. 708, L.D. 951 - An Act To Establish the Maine Land Bank and Community Preservation Program.
 S.P. 316, L.D. 975 - An Act To Improve the Business Equipment Tax Reimbursement Program.
 H.P. 844, L.D. 1141 - An Act To Provide Property Tax Relief for Maine Residents and Businesses and Implement Comprehensive Tax Reform.
 H.P. 1020, L.D. 1394 - An Act To Modernize the State's Tax System.
 H.P. 1089, L.D. 1492 - An Act To Promote the Production and Use of Fuels Derived from Agricultural and Forest Products.
 H.P. 1209, L.D. 1629 - RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Create Municipal Service Districts To Reduce the Cost of Local Government, To Provide Property Tax Relief and To Increase Economic Competitiveness.

Transportation

S.P. 78, L.D. 155 - An Act to Allow a Business to Obtain a Municipal Permit for One Off-premises Business Advertising Sign.
 H.P. 350, L.D. 458 - An Act Regarding Motorcycle Noise Emission Control Standards.
 S.P. 214, L.D. 605 - An Act To Increase the Bond Limit of the Maine Turnpike Authority.
 S.P. 319, L.D. 978 - An Act To Establish a Rotarian License Plate.
 H.P. 788, L.D. 1070 - An Act To Increase Traffic Fines and Apportion a Part of the Increase to the Issuing Jurisdiction.

Utilities and Energy

H.P. 181, L.D. 222 - An Act Providing for Regulation of the Cable Television Industry by the Public Utilities Commission.
 S.P. 187, L.D. 547 - An Act To Increase Bill Reductions

for Electricity Customers in Maine.
 H.P. 469, L.D. 639 - An Act To Ensure Accurate Electric Rates for the Ski Industry.
 S.P. 235, L.D. 671 - An Act To Facilitate the Development of Cost-effective Distributed Electricity Generation in the State.
 S.P. 377, L.D. 1157 - An Act To Promote Clean and Efficient Energy.
 H.P. 876, L.D. 1201 - An Act To Require the Owner or Operator of a Casino To Improve or Replace Utilities and Infrastructure in the Vicinity of the Casino.
 S.P. 407, L.D. 1261 - An Act To Support Clean and Efficient Energy for the Future of Maine's Economy and Environment.
 S.P. 448, L.D. 1360 - An Act To Create a No-contact List and Prohibit Unsolicited E-mail.

READ and PASSED.
 Sent for concurrence.

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

**ENACTORS
Acts**

An Act to Extend the Authority of the Health Care System and Health Security Board

(H.P. 27) (L.D. 20)
 (S. "A" S-279 to C. "A" H-113; H. "A" H-143)

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

On motion of Representative GLYNN of South Portland, was **SET ASIDE.**

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

The Chair ordered a division on **PASSAGE TO BE ENACTED.**

A vote of the House was taken. 67 voted in favor of the same and 51 against, and accordingly 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.**

SENATE PAPERS

The following Joint Resolution: (S.P. 596)
**JOINT RESOLUTION JOINING THE UNIVERSITY OF MAINE
 AT FORT KENT IN THE CELEBRATION OF ITS 125TH
 ANNIVERSARY**

WHEREAS, the northernmost part of our State, the St. John Valley, formerly part of the Madawaska Territory, has been home to a people with a strong and rich Acadian and Franco-American heritage since 1785; and

WHEREAS, the people of this most unique and picturesque part of our State have long since recognized the value of an educated citizenry, and thus the Legislature, recognizing Maine's good fortune in having a strong Acadian tradition within its borders, approved on February 21, 1878, "An Act to Provide for the Training of Teachers in Madawaska Territory"; and

WHEREAS, the Madawaska Training School has, since its founding 125 years ago, evolved into the University of Maine at

Fort Kent, a modern liberal arts-based university offering innovative and high-quality programs that prepare its students for life in the 21st century; and

WHEREAS, during the 125 years since its founding and under the names of Madawaska Training School, Fort Kent Normal School, Fort Kent State Teachers College, Fort Kent State College of the University of Maine and finally the University of Maine at Fort Kent, this institution has continued to grow and to flourish; and

WHEREAS, the University of Maine at Fort Kent has always been, and remains today, a vital resource for improving the educational, economic, social and cultural development of northern Maine, the entire State and beyond; and

WHEREAS, the university serves hundreds of students of this State with a broad array of undergraduate degrees with programs in liberal arts, natural and behavioral sciences, education, nursing, forestry, business, human services, environmental studies, e-commerce and rural public safety administration; and

WHEREAS, the thousands of men and women educated by this university in the St. John Valley have located throughout the State, country and world contributing to a better society; and

WHEREAS, this institution is an integral part of the friendly community of Fort Kent and the entire St. John Valley region and the campus location across the river from New Brunswick, Canada provides exceptional opportunities for international educational experiences and unsurpassed outdoor activities, including alpine and world-class Nordic and biathlon skiing, hiking, camping, canoeing and fishing; and

WHEREAS, the University of Maine at Fort Kent is located at the center of Acadian history and culture in rural northern Maine and honors the traditions of the region by serving as the home to this State's Acadian Archives, which endeavors to preserve and interpret the culture of the area so rich in traditions and history; and

WHEREAS, the northernmost campus in the University of Maine System is widely recognized as a model of efficiency and as a "shining star" within the State's system of public higher education; and

WHEREAS, the campus community and entire St. John Valley region will commemorate and celebrate the occasion of their 125th anniversary in the 2003-2004 academic year; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the First Regular Session, on behalf of the people we represent, recognize the irreplaceable benefit that the University of Maine at Fort Kent, together with all of those men and women who have served it, has conferred upon our Acadian tradition and upon our State and express our encouragement and best wishes that the university may continue far into the future the success that it has had during the past 125 years; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Dr. Joseph W. Westphal, Chancellor of the University of Maine System and Dr. Richard W. Cost, President of the University of Maine at Fort Kent.

Came from the Senate, **READ** and **ADOPTED**.
READ and **ADOPTED** in concurrence.

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

ENACTORS

Acts

Resolve, To Prepare Maine's Students for Active Citizenship
(H.P. 333) (L.D. 425)
(H. "A" H-599 to C. "A" H-239)

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. **ORDERED SENT FORTHWITH**.

ENACTORS

Acts

An Act to Repeal the Presidential Preference Primary Elections Process
(H.P. 109) (L.D. 100)
(C. "A" H-34; H. "A" H-600; S. "A" S-289)

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.

Representative KAE LIN of Winterport moved that RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict an Increase in the Growth of the State Budget to No Greater than 75% of the Rate of Growth of Per Capita Income

(H.P. 864) (L.D. 1167)

Be **REMOVED** from the table.

Representative RICHARDSON of Brunswick **REQUESTED** a roll call on the motion to **REMOVE** the RESOLUTION from the table.

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 Remove the Resolution from the Table. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 253

YEA - Andrews, Annis, Austin, Berry, Bierman, Bowles, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Courtney, Cressey, Crosthwaite, Curley, Daigle, Duprey B, Eder, Fletcher, Glynn, Heidrich, Honey, Hotham, Jackson, Jacobsen, Jodrey, Kaelin, Ledwin, Lewin, Maietta, McCormick, McKenney, McNeil, Millett, Mills S, Moody, Muse, Nutting, Rector, Richardson E, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan.

NAY - Adams, Ash, Barstow, Blanchette, Bliss, Brannigan, Breault, Bull, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Faircloth, Fischer, Gerzofsky, Grose, Hatch, Jennings, Ketterer, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McKee, McLaughlin, Mills J, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Sullivan, Suslovic, Thomas, Thompson, Twomey, Walcott, Watson, Woodbury, Mr. Speaker.

ABSENT - Bennett, Berube, Bowen, Brown R, Bunker, Collins, Davis, Dugay, Finch, Gagne-Friel, Goodwin, Greeley, Huton, Joy, Kane, Marraché, McGlocklin, McGowan, Moore, Murphy, O'Brien J, Peavey-Haskell, Perry A, Perry J, Richardson M, Smith W, Usher, Wheeler, Wotton, Young.

Yes, 57; No, 64; Absent, 30; Excused, 0.

57 having voted in the affirmative and 64 voted in the negative, with 30 being absent, and accordingly the motion to **REMOVE** the RESOLUTION from the table **FAILED**.

The Speaker appointed Representative RICHARDSON of Brunswick on the part of the House to inform the Senate that the House was ready to adjourn without day.

The Chair appointed the following members on the part of the House to wait upon his Excellency, Governor John Elias Baldacci and inform him that the House was ready to receive any communication that he may be pleased to make.

Representative O'NEIL of Saco
Representative DUNLAP of Old Town
Representative MAILHOT of Lewiston
Representative DUDLEY of Portland
Representative CANAVAN of Waterville
Representative EARLE of Damariscotta
Representative CRAVEN of Lewiston
Representative MILLETT of Waterford
Representative GLYNN of South Portland
Representative SHIELDS of Auburn
Representative CURLEY of Scarborough

Subsequently, Representative RICHARDSON reported that he had delivered the message with which he was charged.

Subsequently, the Committee reported that they had delivered the message with which they were charged.

Governor **BALDACCI**: Thank you very much. Mr. Speaker, what a wonderful session you have had. Your leadership, we appreciate it very much. Representative Richardson, Representative Duplessie, Representative Bruno, Representative Bowles, I have really enjoyed working with all of you. It has been an interesting challenging year since January 8th. We have faced an awful lot of challenges, but what I like about working with you, all of you and the citizens of the state, is that they all work together and put the interests of the state first. You have challenged the budget and you have addressed it. You have not raised state taxes. You have made Maine more competitive. You have a jobs bond that has been received well by the people that will help to get our economy moving. You have also been able to address health care. I just want to, on behalf of the citizens of the state, thank you very much for a job well done. Congratulations to each and every one of you.

On motion of Representative CHURCHILL of Orland, the House adjourned without day at 3:55 a.m., on Saturday, June 14, 2003.