

MAINE STATE LEGISLATURE

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

Volume II

First Regular Session

May 27, 2003 – June 14, 2003

First Special Session

August 21, 2003 – August 23, 2003

Second Regular Session

January 7, 2004 - January 30, 2004

Second Special Session

February 3, 2004 - April 7, 2004

Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
SECOND REGULAR SESSION
8th Legislative Day
Thursday, January 22, 2004

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

Prayer by Chaplain E. Scott Dow, Augusta Mental Health Institute.

National Anthem by The Holmes Family, Allentown, Pennsylvania.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

Pursuant to 8 M.R.S.A. §261-A, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

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

Came from the Senate, **READ** and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

READ and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 298)

**UNIVERSITY OF SOUTHERN MAINE
COLLEGE OF EDUCATION AND HUMAN DEVELOPMENT
CENTER FOR EDUCATION POLICY,
APPLIED RESEARCH & EVALUATION
119 BAILEY HALL
GORHAM, ME 04038**

January 20, 2004

Representative Patrick Colwell
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Colwell,

The Maine State Legislature requested the Maine Education Policy Research Institute, University of Southern Maine Office, to compile and publish a comprehensive description of public education in Maine each year. Appropriately, the recently completed book is entitled *The Condition of K-12 Public Education in Maine 2004*.

We would like to provide you and your staff with copies of the book for use in your daily deliberations. We hope you will find the information broad yet focused on the many aspects of K-12 public education.

Sincerely,
S/David L. Silvernail
Director
S/Paula B. Gravelle
Research Analyst

READ and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: (S.P. 676)

**STATE OF MAINE
121ST MAINE LEGISLATURE**

January 16, 2004

Sen. Bruce S. Bryant
Senate Chair, Joint Standing Committee on
Agriculture, Conservation and Forestry
Rep. Linda Rogers McKee
House Chair, Joint Standing Committee on
Agriculture, Conservation and Forestry
121st Legislature
Augusta, ME 04333

Dear Senator Bryant and Representative McKee:
Please be advised that Governor John E. Baldacci has nominated George McHale of Orrington for appointment as a member of the State Harness Racing Commission.

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 40)

ORDERED, that Representative Mary Black Andrews of York be excused Wednesday, January 21st for legislative business.

AND BE IT FURTHER ORDERED, that Representative Joan Bryant-Deschenes of Turner be excused Thursday, January 15th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Harold A. Clough of Scarborough be excused Thursday, January 15th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Robert W. Duplessie of Westbrook be excused Wednesday, January 14th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Paul R. Hatch of Skowhegan be excused Tuesday, January 13th, Wednesday, January 14th and Thursday, January 15th for health reasons.

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

AND BE IT FURTHER ORDERED, that Representative Thomas R. Watson of Bath be excused Thursday, January 15th for personal reasons.

READ and **PASSED**.

REPORTS OF COMMITTEE

Change of Committee

Representative SULLIVAN from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships" (EMERGENCY)

(H.P. 1289) (L.D. 1767)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

Sent for concurrence.

Representative KOFFMAN from the Committee on **NATURAL RESOURCES** on Bill "An Act To Provide Assistance to Municipalities Regarding Downtown Rehabilitation Building Codes"

(H.P. 1239) (L.D. 1663)

Reporting that it be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent for concurrence.

Divided Report

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Require All Health Insurers To Cover the Costs of Hearing Aids"

(S.P. 359) (L.D. 1087)

Signed:

Representatives:

- O'NEIL of Saco
- BREAULT of Buxton
- GLYNN of South Portland
- YOUNG of Limestone
- SNOWE-MELLO of Poland
- VAUGHAN of Durham
- WOODBURY of Yarmouth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-358)** on same Bill.

Signed:

Senators:

- DOUGLASS of Androscoggin
- MAYO of Sagadahoc

Representatives:

- CANAVAN of Waterville
- PERRY of Bangor
- PERRY of Calais

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

READ.

Subsequently, the Bill and all accompanying papers were **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

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

ENACTORS

Acts

An Act To Protect Consumer Privacy Rights

(H.P. 509) (L.D. 692)
(C. "B" H-627)

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

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

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

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

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

ROLL CALL NO. 265

YEA - Adams, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan,

Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Curley, Daigle, Davis, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Glynn, Greeley, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lessard, Lewin, Lundeen, Mailhot, Makas, Marley, McCormick, McGlocklin, McGowan, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Smith W, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Usher, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - NONE.

ABSENT - Andrews, Canavan, Cummings, Dudley, Dugay, Eder, Gerzofsky, Goodwin, Grose, Hatch, Kane, Lerman, Maietta, Marraché, McKee, Muse, Peavey-Haskell, Perry J, Rines, Snowe-Mello, Young.

Yes, 129; No, 0; Absent, 21; Excused, 0.

129 having voted in the affirmative and 0 voted in the negative, with 21 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Resolves

Resolve, To Direct State, County and Local Departments and Agencies To Coordinate a Single-point Referral and Resource Service Related to Drug Issues in Washington County

(H.P. 38) (L.D. 31)
(C. "A" H-624)

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

On motion of Representative **BLANCHETTE** of Bangor, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 266

YEA - Adams, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Curley, Daigle, Davis, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Greeley, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lessard, Lewin, Lundeen, Mailhot, Makas, Marley, McCormick, McGlocklin, McGowan, McKenney, McLaughlin, McNeil, Millett, Mills S, Moody, Moore, Murphy, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil,

Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Twomey, Usher, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Sykes.

ABSENT - Andrews, Cummings, Dudley, Dugay, Eder, Goodwin, Grose, Hatch, Kane, Lerman, Maietta, Marraché, McKee, Mills J, Muse, Peavey-Haskell, Perry J, Rines, Treadwell, Young.

Yes, 129; No, 1; Absent, 20; Excused, 0.

129 having voted in the affirmative and 1 voted in the negative, with 20 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-623)** - Minority (5) **Ought Not to Pass** - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Permit Small Game Hunting on Private Property on Sunday in Unorganized Territory"

(H.P. 308) (L.D. 388)

TABLED - January 8, 2004 (Till Later Today) by Representative DUNLAP of Old Town.

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

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. I ask you reluctantly today to defeat the pending motion and to move on to the Ought Not to Pass report. I can tell you first hand that my seat mate and sponsor of this legislation as done a tremendous job trying to find a way to make this legislation palatable to all the committee and the people of this state.

Unfortunately, there are some things, and you have seen them come before this Legislature in the past, that no matter how you package them, they are just not supported by our constituents. I believe this is one of them. There has been a flyer on your desk that depicts that this is a blue law. That might have been years ago, but I don't believe that is true today. I hope that today I can convince you of that.

First of all, in this state we have the largest private landownership than any other state in the nation. Those private landowners, some of them only owning a few acres of land all the way up to hundreds of thousands of acres of land. Many of those landowners don't take part in hunting, but they do take part in a lot of other things, including cross country skiing, nature watching, snow shoeing and on and on and on. Not allowing Sunday hunting is not a religious blue law, but part of their everyday life, part of their heritage, part of their everyday life. It

may have started as a blue law, but it has evolved into something much different. Those people have sent a very clear message to me in my community and that is they do not want Sunday hunting in any version. I know that the sponsor has tried to depict this as taking place in a very small area, but it was very clear to our committee and it was stated very clearly by the commissioner that if this did not have any negative impacts, that it would be expanded statewide. In other words, a foot in the door. For that reason, I believe we should defeat this.

I have been a member of this Legislature now and a member of the Inland Fisheries and Wildlife Committee for six years. I was also a member of the Inland Fisheries and Wildlife Advisory Council before that. During that tenure, eight years as a whole, I have done and those committees have done as much as they could possibly do to expand hunting opportunities. Those hunting opportunities include turkey hunting, both spring and fall, September archery season where people can shoot multiple deer. We have Youth Hunter Day. We have expansions of muzzleloader hunting. We have done all that we can to expand opportunity and I think there is potential for more, but not on Sunday.

This is one of those issues, ladies and gentlemen, that comes before the Legislature that I call a sleeper issue. We are caught up here in our busy lives and it is easy to be convinced in the halls that something is a good idea, but if you fail to know your district, that position that you take can be a painful one later.

I hope that many of you when you cast your vote have asked your constituents how they feel about Sunday hunting. When I asked my constituents, and I got on my questionnaire 550 people who responded, over 90 percent, said no to Sunday hunting. Along with that came not so nice notes, if I did support it. I encourage you to know your district when you vote on this.

Last and finally, ladies and gentlemen, I look at hunting much different than most. I am happy that I have six days and six months a year to hunt. I appreciate that. I hope that others do as well. We have great opportunity to hunt in this state. I just think this is one time where we have to say no. Mr. Speaker, when the vote is taken, I request a roll call.

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

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

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. This is actually a very interesting and historical issue. It was one of the original blue laws of the State of Maine, enacted in the early 1880s, amidst a wave of some of the early game laws that we passed in the State of Maine as well. It is important to frame what hunting was in the State of Maine in the 1880s. It was not primarily a recreational activity. Quite the contrary, it was primarily a commercial activity. Market hunting was a primary economic activity in the Maine woods at that period of time. At the same time that the first hunting laws were being enacted in the State of Maine, so to, were some of the early temperance laws, blue laws, not conducting business on the Sabbath. Hunting was seen as a business activity.

In that wave we prohibited Sunday hunting in Maine. Also, in the 1880s there were no closed seasons. You could hunt deer year round. You could hunt small game year round. It was only in the 1890s that we saw the closed seasons for hunting deer of three months out of the year when you could not hunt deer. Of course, now we have narrowed that down a little bit more. You

can only hunt deer with a rifle in the State of Maine for about four weeks, depending on how the Thanksgiving holiday falls.

Hunting today is a much different thing than it was 125 years ago. It is now primarily a very highly regulated recreational activity.

My good friend from Waldoboro accurately points out that most of this activity is dependent upon the largest of our private landowners. However, it is also important to point out that many of those private landowners are themselves recreational sportsmen and are denied the opportunity to engage in their favorite activities on their own property one day out of the week.

What has been proposed, and I had proposed legislation similar to this in the past, is actually a very narrow experiment to see exactly how this will work. One of the major protests of Sunday hunting is that of those private landowners who say they like to have one day out of the week when they can have the woods to themselves. Remember we are talking about a four-week deer season out of a 52-week year. Now, I think part of that is a little bit of collective memory of days when hunter's safety was not something that we promoted very much in this state. There were a tragic number of fatal and near fatal hunting accidents that occurred every year in the Maine woods. That is a thing of the past. I don't think I can remember the last fatality that happened in the State of Maine during a hunting season. It has been in the last few years, but it is now an occurrence. These types of accidents happen by the handful and fatalities happen every few years, unlike 50 years ago when we had half as many hunters in the woods and we had as many as 20 fatalities a year.

I don't think the public would accept that. I think the collective memory is reflective of that. I think that hunter's safety being what it is a today; this is a fairly modest proposal. You have numerous distributions on your desk about it. The state is divided for the purposes of wildlife management into 30 wildlife management districts. These are clearly defined districts. In fact, they are so clearly defined that if you are in the woods, you cannot miss the border of one. It is done by recognizable geographic features so someone in the woods knows or should know pretty much what wildlife management district they are in.

This proposal calls for the opening of the four wildlife management districts in the northwest corner of the state, which comprises much of the territory behind the gates of the north Maine woods. It is a collective management association for large landowners in the north Maine woods. It is a corporation that manages recreational activity for those landowners on their land. You have four wildlife management districts. It is small game only. We are not talking about deer hunting or bear hunting or moose hunting, caribou hunting or any other type of hunting you can dream of. We are only talking about small game on Sunday during hunting season. It is a fairly modest proposal. It has a two-year sunset. If there is a social reaction to this, it does, in fact, go away without any further work on your part. I would encourage you to consider this very strongly and give this a chance and see how it goes. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Annis.

Representative ANNIS: Mr. Speaker, Ladies and Gentlemen of the House. I have a problem with this bill. It goes against everything that I teach as a hunter safety instructor. Please let me explain. My areas of expertise as a hunter safety instructor are the use of black powder and ethics. I encourage the use of black powder while hunting because it is far more competitive than a semi-automatic firearm. I usually chide my students that a real hunter will use black powder creating a real contest between the hunter and the game he or she is hunting. In the area of ethics, I refer mainly to a well-written book called *Beyond Fair*

Chase. It is written by Jim Posewitz. We give a copy to every single student upon graduation. It deals with the ethic and tradition of hunting. I generally quote, "Although some people may not consider wildlife to be a part of human nature, it is a part of the hunter's culture. Nothing is more important to the hunters than the animals they hunt. To be a hunter you must, above all else, know and respect the animals and their needs. With this in mind, the definition of an ethical hunter becomes a person who knows and respects the animals hunted, follows the law and behaves in a way that will satisfy what society expects of him or her as a hunter. Know and respect the animals and their needs." Think about it. How about a day of rest? Continually hunted seven days a week, is that fair chase? No time to rest. No time to recuperate and feed. Is that fair chase?

I sent out a questionnaire to my constituents some time ago. On it was the question, should the residents of Maine be allowed to hunt on Sundays? A resounding 78 percent of the 350 respondents replied with an unequivocal no. I find this response to clearly guide me to vote against this bill. This is from the people of Piscataquis County, a real hunting county where hunting is a way of life.

God gave us six days. We can give him one hour, or in the case of the games we hunt, a day of rest and recuperation, a time to eat, a time to sleep, a time to prepare for the next six days attempting to avoid the hunter. This, fellow legislators, is fair chase. Thank you Mr. Speaker.

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

Representative BUNKER: Mr. Speaker, Men and Women of the House. As many of you folks know, I live in the unorganized territory where the woods, the trees, the moose and the deer and a few people happen to live, but that is not the issue that I wanted to bring forth to the body. Many of you folks know as the prior chair of Agriculture and Forestry, I am very concerned about what goes on up in the great Irving territory up north. My father-in-law, God love him, he has now passed away was a logger and woodcutter. He was one of them guys that went out there. He didn't work Monday through Friday, ladies and gentlemen, he worked Monday through Saturday. You work when you had to work. You were out there doing what you had to do when the weather conditions were proper. The companies in the need of making a living for your family drove the train of you being able to provide for your family and you really have no choice whatsoever. If you get up north in that small sector that the good Representative McGlocklin has outlined, those folks up there are working seven days a week to scratch out a \$25,000 a year job. When do they get a chance to chase them fine little critters around seven days a week? They don't. They don't have that chance, ladies and gentlemen. This bill is a wonderful tool to allow those folks that have no other time than that one day of the week that somebody from religious backgrounds decided is the day of rest. Too many of my mill workers and too many of my woodcutters and many of my rural people, that is the day that they would be able to enjoy a little recreation and small game hunting. Small game, no big guns is recreation. It is a great tradition in the State of Maine. I would like to restore the right of those rural people that live in the very harsh areas of the state the right to be able to recreate the one day they are allowed to not toil in the woods to try to raise a living for their families. I encourage you to support this Ought to Pass motion.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House. I am reminded of the song by Bob Dylan some years back, *The Times They Are a Changing*. They

have changed. Worker's schedules have changed a lot. Look at what stores have done. They are mostly open on Sundays to accommodate the workers who cannot really shop any other day but Sunday. Church services have become more accommodating. In my parish and in the neighboring parish there is a 7 o'clock Sunday mass to accommodate the mill workers who work on shifts.

Some cannot, as pointed out already, hunt except for Sunday. The bill is very limited. I think it is well written as presented today. It is a very sensible bill with safeguards. It will sunset in two years. It can be amended or discontinued after two years. It is for small game only. Small game, shotguns only, no rifles. I think that is very sensible. I thank the good Representative from Embden for introducing this common sense bill. My district includes a good part of these zones. I feel that they should be listened to and they should be respected for the work that they do and their need for recreation. I urge you to vote for LD 388. Thank you.

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

Representative **CARR**: Mr. Speaker, Men and Women of the House. This is an issue that I have really struggled with. As a hunter and a registered guide, it is an issue that I have spent quite a lot of time discussing with other people. Most recently I had an opportunity to discuss this with some of the wardens who actually work in the areas of the unorganized territories. I told the sponsor early on that I would give considerable consideration, but I did want to talk with some of the wardens who actually deal on a day-to-day basis with hunters in these areas. I have done that.

One of the things that I wanted to try to get straightened out in my own mind was the issue of whether or not this would have a negative impact upon the game itself. I haven't heard that discussed at all. That concern also is a concern of some of the wardens who work these areas.

I am going to be voting against this, although I have struggled with the issue. The reason is I am afraid it is going to have a negative impact upon the game. Even though it is only a two-year cycle, that is two years to really have a major strain upon the grouse in those areas. I think that we really need to take this into consideration. At a later date if it is proven to me that this will not have a negative impact, which it hasn't yet, I would vote in favor of it. That is the only concern that I have. Other than that, I think it is certainly a consideration. We all need to take that under advisement before we cast our vote. Thank you Mr. Speaker.

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. I cosponsored this legislation because I think the intent was well. It was well intended. There are number of Maine sportsmen who do work six days a week who would like to have the opportunity to hunt on Sundays.

I voted against it. I am going to vote against it today, because I really didn't like what came out of the committee. If you look at the map that was given to us, you can see that this area is in northern Maine. I live in central Maine. It is at least 75 or 80 miles for me to go hunting on Sundays. I am an avid rabbit hunter and I have an excellent dog right now and I will probably try to be one of the first to take advantage of it.

First of all, I am in central Maine. I would have to drive a couple of hours. Pay \$5 to go through the gate to participate in the rabbit hunt and hopefully get home some time before midnight. What does that tell me and should tell you? Very few sportsmen in the State of Maine are going to be able to take advantage of this. If you happen to have a camp up in that area, which I do, I have a camp on the St. John River and unfortunately

I don't get up there no where as often as I would like to, you would be able to take advantage of it. If you are an out-of-stater and you are hunting deer during deer season, you could take your shotgun and go out and hunt on Sundays. I would venture to say that probably less than 10 percent of the hunters in the State of Maine would have an opportunity to participate. That is why I am voting against this bill this morning. Thank you.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative **PINEAU**: Mr. Speaker, Ladies and Gentlemen of the House. I also am on the Inland Fisheries and Wildlife Committee and I will be supporting this legislation for the very reason that my good friend from Dexter, Representative Tobin, indicated. The fact that people in the State of Maine work hard. They work seven days a week, 24 hours a day just about. Any opportunity that they have to enjoy some of the resources we have should be made available to them. Also, in going back to something that my good friend from Waldoboro indicated, we recently in the committee had a chance to have a Catholic priest on the advisory council for Inland Fisheries and Wildlife. One of the first questions, as a matter of fact the first question asked of this individual was, what is your position on Sunday hunting? The individual indicated that he doesn't have a problem with card playing on Sunday and therefore he doesn't have a problem with somebody hunting on Sunday.

For these reasons, I will be supporting the legislation.

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise just to clarify some things that have been said during the debate. First and foremost, hunting season in this state begins in September with September archery season and goes through December. That is a lot longer than a month. A couple of other things that need to be clarified, just recently in the North Woods Sporting Journal it was revealed that a poll was taken of the north Maine woods landowners and asked if they would support Sunday hunting. It was not a unanimous vote. It was divided. That group took the position that they would not oppose it. They would allow it to move forward and not take a position.

Another thing that I think needs to be clarified is that this is a small game season, but it started as a statewide Sunday hunting bill. This was pared down. It was said to our committee that if in two years there were no negative affects that it would expand or potentially expand. I will tell you why this will set the groundwork for exactly that. There are very few people that use that area. I am one of them. The way that hunting is done in this area, for the most part, is people ride the roads, the back roads, the dirt roads, looking for places to hunt, but also looking for game, birds to shoot. There are very few landowners, just a handful in most areas. There most likely will not be a conflict with landowners. There won't be any cross-country skiers out. There won't be any landowners cutting Christmas trees or pruning their Christmas trees or walking down to check on their property. They won't be there. There won't be any conflict. Most likely what will happen are those few people who use it will love it. Those few landowners who are there won't have any conflict and we will see a proposal based on that to expand it statewide. That is when you will have your problem.

I think it is important that that be clarified. You know up front that this could very well lead to a statewide Sunday hunting bill. Thank you ladies and gentlemen.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. It would be superfluous of me to point out that a statewide Sunday hunting bill has already been introduced in this Legislature and was voted down unanimously by the Committee on Inland Fisheries and Wildlife. There is nothing to prevent any member of any future Legislature from submitting such legislation in any case regardless of your vote today. I would encourage you to not consider possible future legislation, because it is going to come anyway regardless of your vote today. Thank you Mr. Speaker.

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House and for the gentleman from Old Town. I will try to make this point again. I believe this legislation is before us to lay the groundwork. You design a system where there is no conflict and then you come forward later and you use that new system to lay the groundwork and the argument for an expanded season. It is not a true measure of a Sunday hunting proposal. It doesn't affect the whole state. My point is, this is the groundwork and it is not a good measure for an expanded season. I want to make that point here today. Thank you.

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

Representative **JACKSON**: Mr. Speaker, Ladies and Gentlemen of the House. This bill, obviously, is going to affect my area. I do have some thoughts on it. I am not sure if I have some of the real strong opinions that some of the people who spoke here already have, but I just thought I would add my two cents. I didn't do any extensive research as far as surveying people, but I did talk to a couple of the people here and there and asked them what they thought. I never really got one way or the other. Some people like it and some didn't. What I do know is when I got here, some people that approached me about putting in a Sunday hunting bill, I thought it was a great idea. I thought I had one of the best ideas that ever probably come across here. What I did find out is that I think it has been introduced every year. This year I think it was introduced three times.

I guess this is probably always going to be somewhat of an argument. What I do know is that for a lot of guys in my area, they do work Saturdays. It does seem hard to find time to go out bird hunting. I know this year hunting season started on Wednesday. The first three days of the hunting season I watched guys go by all day hunting while we were working. That is not to say that that is wrong or anything, but it certainly would be nice to have an extra day to do this for a lot of people in my area. I know that there could be some issues, but I think with the fact that it is only going to be shotguns; you are not going to see the accidents that you might have with high-powered rifles. I just would like to have this. I would like you to support it. Thank you.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I rise reluctantly. I greatly respect the good Representative McGlocklin and certainly understand where she is coming from and what the needs are of a particular area. I would agree that this is the first step. We should nip it in the bud now.

I will speak for my own district and you can speak from your own district too. I spoke to people about this also. We have a

large number of people in our central Maine community who do their wreath tipping for Christmas in late October and early November. Sunday is the day that they go out. They go out very early and they stay out very late. The families go out with them to bring in the grain bags filled with tips in order to come back and to make their wreaths. I have joined them on many occasions.

I also speak for the families of my district. I have four children. I know many families who also keep their children inside six days a week during hunting season. They fear for their children going out to the edge of the woods and being mistaken for an animal. It has happened on our farm, not during deer season, but hunters who were on our farm and we had to stop and say that we have children and we would appreciate it if you would hunt elsewhere. I cannot imagine what a family would do with children all through the hunting season, keeping them in rural Maine, seven days a week. It is enough that our children have to wear the orange vests themselves. Let's not make that on Sunday also. Thank you.

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

Representative **WATSON**: Mr. Speaker, Men and Women of the House. These are all fine arguments with regard to a statewide Sunday hunting ban. I would submit that that is not what is before us. Be it a camel's nose under the tent or a slippery slope as one legislator described it. This bill relates to a very specific gated area. It relates to very specific small game and not large game. It is an economic issue, in my view. As a guide, I have tried to schedule people from surrounding areas, particularly out of state to come to Maine to hunt. It is very difficult when you have to say, oh yah, get here on Wednesday, but you have to take Sunday off or use Sunday as your travel day because there is no hunting here in Maine.

You should note, and I will stand corrected if I am wrong on this, but as far as I can tell, Maine is the only state in New England that has a Sunday hunting ban of any kind. Maine is one of only seven states in the United States that has a Sunday hunting ban. We are not talking about small game ban related to four wildlife districts, which are gated and controlled of those districts. Access is controlled of those districts. We are talking about statewide now. Maine stands alone in New England. If I have a party coming from New Hampshire who might want to go to the north woods to hunt big game, but understands that Sunday you have to pay for, but can't hunt, even grouse, they are going to stay home or they are going to go to Connecticut or they are going to go to Massachusetts or Pennsylvania where we have a lot more deer and other animals anyway, including a lot more hunting opportunity. This is an economic issue. This is not a camel's nose. It is not a statewide ban. I will submit to you that surveys that we have heard today were constituents who were surveyed as to whether or not they supported Sunday hunting. Had they been asked, do you support Sunday hunting if it is limited to four wildlife districts in the far northern reaches on Maine in a gated community, limited to small game only, would you consider it? They were asked, do you agree with Sunday hunting? Obviously the answers were no. We need to save those survey results for it, and when, the argument for a Sunday hunting statewide ever gets out committee, which is, as you noted, didn't get out of committee this time. This bill instead came out. It was crafted properly. It is important economically and safe. When my constituents understood the ramifications of this bill, they withdrew their objections. I think you should as well. Thank you Mr. Speaker.

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

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

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. This bill is common sense the way it has been refined down. No, I did not do a survey of my district. If I did a survey that asked the question, do you want Sunday hunting, I know it would be a resounding no. If the constituents understood what this limited trial basis would do, I believe many citizens would support this. I did have some concern and I will support this wholeheartedly. I do have one concern about it. If we passed this bill, many towns will be rushing to Augusta to de-organize because they will be able to hunt rabbit, rough grouse, woodchuck and squirrel, the four animals listed in this bill. We may have that problem, de-organization of more towns. Those four species are what people will want to hunt to feed their families.

You heard it very clear. It is common sense. It has been whittled down and narrowed down. I also believe last year the Sportsmen's Alliance of Maine did a survey and it was 52 percent yes and 48 percent no on this limited specific proposal that is before you. That is why I will support it. Thank you Mr. Speaker.

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

Representative **USHER**: Mr. Speaker, Men and Women of the House. As a former member of the Fish and Wildlife Committee and also hunts in Section 4, this past fall I was hunting up in that area the week before Thanksgiving and knowing a few people in that area and down in southern Maine that have camps in the area and they rent these lodges up there by the week. We had a brief discussion. They asked if the committee was going to come out with a Sunday hunting law. Most of them supported it, but some of them didn't. They said if you have one, try to have it under control. The way I look at it on this yellow sheet in front of us, there is a lot of control right here. It is worth a two-year trial. This is for small game only. There are so many people down in York County and Cumberland County that hunt in that area. You would be surprised. You drive down the road and you meet people from Scarborough and Buxton and Hollis, Westbrook, Portland, Gorham, Windham and they all spend their money up there. They go up there for a week of hunting and rest. It is worth the trial for two years. Please support this.

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

Representative **RICHARDSON**: Mr. Speaker, Ladies and Gentlemen of the House. This discussion up to this point has been all about hunters. There are a million more people that live in this state that aren't hunters. The time of year that you are talking about is the most beautiful time of year in the State of Maine and those among those people who want to go out and enjoy the outdoors. This is the time they want to do it. While I am not a hunter, I have been and we give the hunters about two months of the year to do their sport. I do think that this is the time of year to let other people have at least one day in which they can go out and enjoy the outdoors. I agree with the good Representative Trahan. This is really a little bit like planting bamboo. Once you get it started, it will be hard to control it. Thank you.

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

Representative **ASH**: Mr. Speaker, Men and Women of the House. I am going to tell you why I am going to support this bill. I come from the midcoast. We have a lot of people in our area that have hunting camps in the north woods and the surrounding areas. They spend a lot of money for those camps. They are avid hunters. I have hunted in those north woods myself. I feel where this is a just a trial for two years that I really feel strongly that we should support this bill.

The second reason that I am supporting it, every dollar that is spent turns around about seven times. In an area that really needs some dollars spent. I think that is a good area that we may have a trial case of this hunting on Sundays of small game.

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

Representative **MOODY**: Mr. Speaker, Ladies and Gentlemen of the House. I am in kind of a strange position here. I have guided up in this territory. I am also a pastor. One of my seatmates suggested that this be amended to include only those who have a stamp from their local parish. I am not much for hidden agendas and camel's nose. I know the good Representative Trahan will be there with an axe on the other side of the curtain. I just don't see that as a problem. This is a small business bill. There are guides up there and there are outfitters who are almost starving to death. I have clients up in that area, business clients, in and out of Chapter 11, Chapter 13. These people need the business. They are trying to make a living up there and there are stores, gas stations. I think that we ought to take a shot at this. I am going to vote in favor of it. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldoboro, Representative Trahan. Having spoken three times now requests unanimous consent to address the House a fourth time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, just to clarify a fact earlier that was brought out. SAM did a poll of its members, which include out-of-state membership. To take a poll like that, you really need to know that out-of-state people are included in that and they don't vote here, ladies and gentlemen.

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

Representative **GERZOFSKY**: Mr. Speaker, Men and Women of the House. This is the first time I have risen all year. I live in the midcoast, southern Maine. I have a lot of constituents down there who are concerned about this bill. They like to go walking on Sundays. They like to ride their horses on Sundays. None of them are going to go up to the great north woods of Maine to do it. I also have a lot of people that work in Brunswick. They like to take their beagles out and go looking for some rabbits. They have no problem waking up at 4 o'clock in the morning and taking a ride up the coast, cutting inland and going to the small spots in the great north woods to hunt some rabbits, take the dog out and work on some birds. They are working Saturday until noontime, most of them. They need Sunday. This is not the bugga boo of a slippery slope that I keep hearing about. I will fight the slippery slope next year when it becomes slippery. There is no reason to fight it this year. Vote for this bill. It is a good bill for up north. It is a good bill for my people in Brunswick that want to use it. It is a good business bill. We keep talking about small businesses. We ought to do something to help them a little. I am going to vote for this bill. I hope the rest of you will. Thank you very much.

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

Representative **KETTERER**: Mr. Speaker, Ladies and Gentlemen of the House. This bill doesn't affect most of the people that sit in this body. It affects a small number of people who live in a very remote area in northern Maine. I don't know how one can say that this Sunday hunting small game in this particular area is going to lead to a Sunday hunting bill all over the state. That is ludicrous. I don't understand why someone would think that the people of Maine would let that happen. I don't think we would. I don't think the Legislature would let that happen. We are talking about a very remote area. That is small-gated area up in northern Maine. I suggest that some of the people in this body are not putting themselves in the place of the people who live in the very northern part of the state. A lot of the reason why they hunt this small game is for food. I understand we need to protect our wildlife, but if it comes to protecting our wildlife or feeding our people, I am for feeding the people. I think New Hampshire and Vermont have the same Sunday hunting. All we are doing is sending people that would like to come to Maine somewhere else. It affects the businessmen and it affects the very livelihood of the people who live there.

I had the privilege of substituting in the Madison School District for 12 years. I can't tell you in the grammar schools how many kids missed a week of school because they went hunting. They weren't going hunting so they could get a 6-point buck or anything like that. Folks, they were hunting for food. These people count on this food. They live from the meat of the deer and the moose. That is the way it is in Maine. I took a safety hunter's course. I have a hunter's license. I hunt small game. I don't think it is as dangerous as hunting larger animals. I think we are losing the point of this area. You have a map. You see the small area up there. I bet some of you people have never even been up there. This is woodland. This is where the companies get their wood. We are not talking about jeopardizing people's back yards. Sunday hunting is a lousy bill. This is not Sunday hunting. I suggest that the people of Maine will not let Sunday hunting come into play if this bill is passed. I ask you to reconsider and think about where this is. It is not in the middle of our state. It is way up north. The people up there, believe me there are very few, need this bill. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Kittery, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I live in the southern part of the state, as far as you can go. I voted in favor of this bill. I am on the committee. Right across the bridge from where I live they hunt Sundays and they have been hunting Sundays for years. We got a lot of people in my area that buys licenses in New Hampshire and hunts there on Sundays. That is the only day they have off. Myself, I hunt in Washington County, but I have hunted up north a few times with my friend, Ray Warden. We have been out bird hunting. I can't see any problem on a two-year basis not to try this out. Same as Representative Moody said, it gives the guides money. They could use the money up there in that part of the country. They are really hurting. I am in favor of this bill.

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. 267

YEA - Ash, Barstow, Bennett, Bliss, Brannigan, Breault, Bunker, Canavan, Clark, Craven, Cummings, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder,

Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Hotham, Jackson, Jennings, Jodrey, Ketterer, Koffman, Landry, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGlocklin, McGowan, McLaughlin, Mills J, Mills S, Moody, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Richardson E, Richardson J, Rogers, Sampson, Saviello, Simpson, Smith N, Smith W, Sukeforth, Sullivan, Tardy, Thomas, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton.

NAY - Adams, Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cowger, Cressey, Crosthwaite, Curley, Duprey B, Fletcher, Glynn, Greeley, Heidrich, Honey, Hutton, Jacobsen, Joy, Kaelin, Ledwin, Lemoine, Lewin, McCormick, McKee, McKenney, McNeil, Millett, Moore, Murphy, Norbert, Nutting, O'Brien J, Rector, Richardson M, Rosen, Sherman, Shields, Snowe-Mello, Stone, Suslovic, Sykes, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey.

ABSENT - Blanchette, Goodwin, Grose, Hatch, Kane, Lerman, Maietta, Muse, Norton, Peavey-Haskell, Perry J, Rines, Vaughan, Young, Mr. Speaker.

Yes, 72; No, 63; Absent, 15; Excused, 0.

72 having voted in the affirmative and 63 voted in the negative, with 15 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-623)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, January 27, 2004.

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

SENATE PAPERS

The following Joint Order: (S.P. 677)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 27, 2004, at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

ORDERS

On motion of Representative **CARR** of Lincoln, the following Joint Order: (H.P. 1357)

ORDERED, the Senate concurring, that:

1. The Joint Standing Committee on Education and Cultural Affairs shall review the feasibility of establishing blueprint guideline plans for state-financed school construction. The committee shall conduct the study during authorized interim committee meetings.

2. The committee shall:

A. Review the feasibility of establishing from 2 to 5 blueprint plans for state-financed school construction based on school population and the ages of students. These blueprints may be locally amended for construction of any variations at the municipality's expense; and

B. Request input from the Department of Education.

3. The committee shall submit a report, together with any necessary implementing legislation, to the Legislature no later than March 1, 2004.

READ.

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

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

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

Representative **MCLAUGHLIN**: Thank you Mr. Speaker. In number one, it says the committee shall conduct a study during authorized interim committee meetings. In number three, it says that the committee shall submit a report back to the Legislature no later than March 1, 2004. I am not aware that we are going to have interim between now and March 1st. I would welcome one, but I am wondering if there is a typo or a misunderstanding here?

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

Representative **CARR**: Mr. Speaker, Ladies and Gentlemen of the House. I believe that that may be '05 or maybe it was a typo. I am not really sure.

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

REPORTS OF COMMITTEE
Change of Committee

Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Enhance Pine Tree Development Zones"

(S.P. 624) (L.D. 1692)

Reporting that it be **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **UTILITIES AND ENERGY** in concurrence.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative O'Neil who wishes to address the House on the record.

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. I just made an error on Unfinished number two, which was LD 388. We had a roll call. I didn't not get the roll call number. As some of you may know, my yellow page light works intermittently, so I tend to use Representative Kane's button whenever I need it. Just as you were closing the vote on that roll call, Mr. Speaker, I inadvertently voted for Representative Kane who was not in his seat. I would like the record to reflect that he should not have voted. Thank you.

The SPEAKER PRO TEM: The roll call is number 267, the small game-hunting bill. The Record will so reflect.

On motion of Representative MAKAS of Lewiston, the House adjourned at 11:37 a.m., until 10:00 a.m., Tuesday, January 27, 2004 pursuant to the Joint Order (S.P. 677).