

MAINE STATE LEGISLATURE

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State of Maine

Volume II

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Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
SECOND REGULAR SESSION
10th Legislative Day
Wednesday, January 28, 2004

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

Prayer by Reverend Glenn Peterson, Hope Baptist Church, Manchester.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 302)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

January 15, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

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

L.D. 1393 An Act To Provide for Meaningful Public Input in the Maine Administrative Procedure Act

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

Sincerely,

S/Sen. Margaret Rotundo

Senate Chair

S/Rep. Janet L. McLaughlin

House Chair

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Pursuant to Statute

Department of Marine Resources

Representative BULL for the **Department of Marine Resources** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 25.20: Protected Resources, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY)

(H.P. 1359) (L.D. 1834)

Be **REFERRED** to the Committee on **MARINE RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Gemma Granger, of Sabattus, on her retirement after 22 years of dedicated service with the State. Gemma started as a receptionist for Governor Joe Brennan. She worked as a field representative in Congressman Brennan's Augusta District Office. In 1989, Gemma moved to the legislative branch as the House Majority Office's legislative aide. She is known in the Majority Office as the "constituent service queen" and has mentored many legislative aides. Gemma has served as a tremendous resource to all. We extend our appreciation to Gemma for her dedicated service to the State and wish her many exciting adventures in her new phase of life;

(HLS 1069)

Presented by Representative RICHARDSON of Brunswick.

Cosponsored by President DAGGETT of Kennebec, Speaker COLWELL of Gardiner, Representative DUPLESSIE of Westbrook, Representative ADAMS of Portland, Representative BULL of Freeport, Representative CRAVEN of Lewiston, Representative DUNLAP of Old Town, Representative GERZOSKY of Brunswick, Representative KANE of Saco, Representative MAILHOT of Lewiston, Representative MAKAS of Lewiston, Representative McKEE of Wayne, Representative O'NEIL of Saco, Representative PARADIS of Frenchville, Representative SAMPSON of Auburn, Representative SIMPSON of Auburn, Representative WALCOTT of Lewiston, Senator BLAIS of Kennebec, Representative SMITH of Monmouth.

On **OBJECTION** of Representative RICHARDSON of Brunswick, was **REMOVED** from the Special Sentiment Calendar.

READ

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. There are many special people who work in this institution. Today, I rise to recognize one such special person. We heard that Gemma was a receptionist to Governor Brennan, an aide to Congressman Brennan and has served ably in our House Majority Office since 1989. She retires February 1st. It is reluctantly, unfortunately that I rise to say how much I will miss her and how much we, in this institution will miss her and people like her. She is always helpful. She is always faithful, but due to personal reasons, she is forced to retire here very shortly. You know, the one thing that I think about when I think about Gemma is she always has her priorities set very firmly and very planted in the right direction. With Gemma, setting her priorities with her family coming first is something that we all strive to do.

I applaud her for her decision. We reluctantly accept the fact that she will resign. I will say that this family, the House, will sorely miss her. Thank you Mr. Speaker.

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

Representative **USHER**: Mr. Speaker, Men and Women of the House. I first met Gemma back during the Brennan Administration. She was the receptionist in the office. She was a very delightful person. She has a sparkling personality. When you went down there if you were ready to complain about the Governor, you just forgot everything because she was so graceful to everybody. She treated everybody with respect. It was really a pleasure to go down to the Governor's Office. I noticed it in her other duties here today in the Majority Office. She still has that personality. She is a great person and we will surely miss here.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Makas.

Representative **MAKAS**: Mr. Speaker, Colleagues of the House. I first met Gemma as a colleague and I am now proud to call her my friend. Even though I will miss seeing her here at the State House, I look forward to continuing our friendship. I just want to say thank you.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. I have had the privilege and the good luck to have Gemma as my legislative aide for almost eight years now. While she has been an outstanding legislative aide, and as a new legislator coming in to learn the ropes and do the job well, more than that, she has become a very good friend. She is always available for a wise counsel. She has helped me to be a better legislator and a better person. I thank her for it.

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

Representative **PARADIS**: Mr. Speaker, Ladies and Gentlemen of the House. It is with certain sadness, a lot of mixed feelings that I speak these words. I have had Gemma as my legislative aide for the past year. I got to know her very well. She has also been involved in the Francophone Caucus. Gemma, ça ne sera pas le même ici sans toi. Gemma, it won't be the same here without you. On te souhaite bonne chance et bonne santé. We wish you good luck and good health. Vieuss nous revoir. Come back and see us. Merci. Thank you.

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

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. It gives me great pleasure to arise on this occasion. Like the other Representatives from Westbrook, I first met Gemma Granger when she worked for Governor Brennan as a receptionist. The years since she first worked in that office, Gemma's always dedication and service to legislators and to citizens of the State of Maine. A loss of many years of institutional knowledge of the House of Representatives and service to the citizens of Maine is what we are losing with Gemma's departure. Gemma, my best wishes and God speed.

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

Representative **GERZOFSKY**: Mr. Speaker, Men and Women of the House. Darn good job to a good friend. I also go back to the Brennan days, not as an elected official like my seatmate, but as a staffer. I remember that happy smile in the Governor's Office. I remember how she could be on the phone taking care of business and taking care of people like me. She did it with a smile and good humor. When I first got elected, I sat and talked to my Speaker about my committee assignment and my seat and all the things like that. I said that the one thing that matters to me absolutely the most is the Gemma has got to be my aide. If I want to look good and do good, I need somebody to mentor me. Even though I had worked here for a long time, I hadn't been a legislator. Gemma definitely did that. If you think I have gotten wild in here once or twice before, she kept me from doing it a lot more times. Her happy smile is going to surely be missed by me. I consider myself very fortunate to have her as a friend. I want to say, thank you, Gemma.

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

Representative **BULL**: Mr. Speaker, Ladies and Gentlemen of the House. I will make this short and sweet. Gemma, thank you very much. We will miss you.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. Gemma was not my aide, but I still loved her. She is so beautiful. She lights up the room. I go upstairs and her white outfits, she is just the most gracious person I have ever met up there. She is genuine, not phony. She is real. I love speaking French with her. I am really going to miss her. Gemma, I wish you the best. You were the greatest. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Men and Women of the House. I was one of those fortunate people. I came here on a short year. One of the things that I was to carry here was to ask to have Gemma be my aide. However, there were a long list of people ahead of me and I did not get that privilege. I will tell you that whenever I needed something done or I needed, because I don't have the ability of having someone translate French for me, she was always more than willing to help me. She knew the area that I represented and she assisted me greatly. I want to say thank you, Gemma.

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

Representative **WALCOTT**: Mr. Speaker, Men and Women of the House. I apologize for my lateness today. I rise today to offer my gratitude and thanks for the tremendous help that Gemma Granger has been to me. This sentiment mentions Gemma Granger of Sabattus. That is only true for the past few months. Prior to that, Gemma lived on Horton Street in Lewiston. This placed her in my legislative district. Gemma, while serving as my aide was also a constituent for the first year of my legislative term. I was happy to be her legislator. Gemma has been more than an aide to me. She has been a true friend. There is so much more I could say, but let me say this, Gemma, you will be missed tremendously as an aide, but even more as a friend. I will miss our chats about all manner of subjects. I will miss your calm and thoughtful thinking. The State House will not be quite the same without you. You will be missed for being you. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative **PERCY**: Mr. Speaker, Men and Women of the House. In song, you made us love you. We didn't want to do it. We didn't want to do it. You made us love you and all the time you knew it. We bet you always knew it. You made us happy sometimes, Gemma. You made us sad, but there were times dear, you made us feel so glad. You made us sigh for, we didn't want to tell you. We didn't want to tell ya. We need a love that's true. Yes, we do. Indeed we do. You know we do. Give us, give us, give us what we cry for. You know you got the brand of hugs that we would die for. You know you made us love you.

Subsequently, was **PASSED** and sent for concurrence.

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

**REPORTS OF COMMITTEE
Pursuant to Joint Rule 309**

From the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Make the Children's Ombudsman Program an Independent Office"

(H.P. 81) (L.D. 73)

Received by the Clerk of the House on January 26, 2004, pursuant to Joint Rule 309.

READ.

Representative KANE of Saco moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. I hope you will vote against this motion. This bill has had bipartisan support in our committee from the very beginning. The ombudsmen is a way of providing children and their families a way of dealing with the Department of Human Services and the Behavioral and Developmental Services on a level playing field. The ombudsmen for long-term care of the elderly has been an independent party and has been proved successful over the last several years. The ombudsmen has been working for this past year and has recently gave our committee a rather exemplary report, handling over 100 cases only by himself and two volunteer assistants. Most of the problems were resolved.

The ombudsmen has access to all department records, but maintains confidentiality. It is a Class E crime to obstruct the ombudsmen. This office is sorely needed for our underage clients of the Department of Human Services and Behavioral and Developmental Services so they can cope with the bullies in those departments that exist. They need help in understanding the rules and regulations and the problems that they give them. They need assurance that the rules and regulations are correctly interpreted.

The ombudsmen has been in the Executive Branch until now. There has been a movement to fold it into a large advocacy group in the restructured combined Department of Human Services and Behavioral Development. This is like putting the fox in the hen house.

An amendment will come forward, I hope if you turn down this bill, to put this ombudsmen in an appropriate department. Put away your partisan feeling. This is bipartisan. Support these children and their families. Keep the Department of Human Services and Behavioral Development honest and support this bill. Mr. Speaker, when the vote is taken, I ask for the yeas and nays.

Representative SHIELDS of Auburn **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.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. I agree completely with my distinguished colleague, the Representative from Auburn. I think this is a bill that our committee held over from the last session in order for us to assess the progress that had been made by the restructuring council with respect to a whole set of comprehensive services. The issue and everything that I think is designed to be protected in this bill has been thoroughly discussed by the restructuring council and will be brought back to our committee with the context of the restructuring bill. The purpose of the action today

for Indefinite Postponement is to allow the committee to consider the same issue and the same kinds of outcomes my colleague has identified, but to do it in the context of the more comprehensive approach that the restructuring council is taking.

The passage of the bill at this point, frankly, would preempt the discussion of this whole issue regarding the best placement for the ombudsmen services. The restructuring council and when the merger discussions were taking place, had as a goal to consolidate all of the various, perhaps a dozen, different kinds of advocacy and ombudsmen and specialized kinds of programs throughout the state in a more efficient coordinated way. The idea is to re-discuss the child welfare ombudsmen within the context of the larger picture. I ask you to support the motion for Indefinite Postponement with the understanding and the pledge that I have made that the committee will have another bite at this apple within the context of the larger restructuring bill. Thank you Mr. Speaker.

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

Representative **COURTNEY**: Mr. Speaker, Ladies and Gentlemen of the House. We have had a long time to work on this merger. It took us a year to get a commissioner. There are people in my district and there are kids in my district that need to have representation because this is a department that is out of control. The Legislature needs to act. We need to have some oversight on this committee. We need more oversight than we are getting. It is too complex and complicated to delve into in the short amount of time that we are here. When we go home and without the leadership within the department, they go off and do things and it is business as usual.

Ladies and gentlemen, there are people in my district, children that have been taken from their parents and I ask you to support this ombudsmen's program. It is necessary. We need to do it and we can't wait to go through the process of restructuring the Department of Human Services. We can't wait. I ask you to overturn the Ought Not to Pass report. Thank you.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. Let me assure the body that there will be no disruption in the current status of the ombudsmen program, which is operated through a contract with the private non-profit. The intent is that within the restructuring process that that will likely continue. Ombudsmen services will be contracted out. One of the complications raised by the Office of Fiscal and Program Review is that this bill, while it would have the impact of de-appropriating \$63,700 from the Executive Department, but the bill does not really go the distance and saying where the ombudsmen office out to be. It does not give any clarity for the fiscal office to know technically where the money would go.

This is an incomplete bill in many ways. We all agree with the intent and with the substance and I believe that in the end when we finish the job with the restructuring all the answers will have been completed. There is no disagreement in terms of the value of the ombudsmen program, the continuity of the ombudsmen program and the hope for outcome. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. The problem is that restructuring is within the context of the two departments with whom the ombudsmen must have dealings on occasion. We don't think that is the best thing that can serve the clients of those departments. The bill was taken from the committee because we hadn't finished it. Representative Kane is absolutely right. It is

incomplete. All it needs is funding and assignment. That can be done very easily at this time. I ask you again to please vote against Indefinite Postponement.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending the motion of Representative KANE of Saco to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned. (Roll Call Ordered)

From the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Establish the Intergovernmental Advisory Commission

(H.P. 884) (L.D. 1210)

Received by the Clerk of the House on January 26, 2004, pursuant to Joint Rule 309.

READ.

On motion of Representative McLAUGHLIN of Cape Elizabeth, **TABLED** pending **FURTHER ACTION** and later today assigned.

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-635)** on Bill "An Act To Increase the Sale of Lottery Tickets To Benefit Conservation and Wildlife"

(H.P. 441) (L.D. 578)

Signed:

Senators:

GAGNON of Kennebec

MAYO of Sagadahoc

Representatives:

CLARK of Millinocket

PATRICK of Rumford

CANAVAN of Waterville

JENNINGS of Leeds

LANDRY of Sanford

MOORE of Standish

BROWN of South Berwick

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

Signed:

Senator:

LEMONT of York

Representatives:

BLANCHETTE of Bangor

GLYNN of South Portland

HOTHAM of Dixfield

READ.

Representative CLARK of Millinocket moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

The SPEAKER: The Representative may pose his question.

Representative **SUKEFORTH**: Mr. Speaker, Men and Women of the House. My question is, reading the bill, I assume the purpose was to increase revenues to the Department of Conservation by increasing sales of the Maine Outdoor Heritage Fund lottery tickets, but then I look at the fiscal note on here and it says based on the total commissions paid to agents for the sale of wildlife lottery tickets in recent years, the increase in commission fees will result in an estimated net loss of annual revenues to the Maine Outdoor Heritage Fund, ranging from

\$30,000 to \$60,000 a year beginning in 2004 and 2005. I believe I know the answer to that and I am guessing that the office that does the fiscal note can't assume that there is going to be increased ticket sales. I would like to know if that is why it says it is going to have a decrease in revenue. In reality, the hope is that this will increase the sales of those tickets.

The SPEAKER: The Representative from Union, Representative Sukeforth has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. As sponsor of this legislation, this is an amendment that replaces the original bill. What this amendment does is it was voted on by the advisory committee to the Outdoor Heritage Fund. The hopes are to increase the sales for the Outdoor Heritage Tickets and those funds go to the various natural resource agencies in the state, including programs, parks, and recreation programs. The hopes were to increase 1 percent on the ticket sales that the agents would receive. By receiving that 1 percent, more agents will ask to carry the tickets. Currently many agents do not carry the tickets. That is why the fiscal note is on it, the potential could be a loss to the Outdoor Heritage Fund, but with increased sales you overcome that loss. The fiscal office has an obligation to put on what they have projected could be the immediate term loss. The long-term would be above that, not loss, but a gain.

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

Representative **SUKEFORTH**: Mr. Speaker, Ladies and Gentlemen of the House. I am standing to urge you to oppose this bill. I own a grocery store. I sell instant lottery tickets. I can tell you that this bill may increase the sale of Outdoor Heritage Lottery tickets and that money will go to a good cause. However, I don't think it is going to increase the overall sale of lottery tickets.

My customers tell me, give me five \$1 tickets. Give me 10 \$1 tickets or whatever. I don't think they are going to buy more tickets. Yes, they may buy these Outdoor Heritage Fund tickets, but what is going to happen is those funds are going to go to the Department of Conservation and those good causes, but however the rest of those lottery tickets are going to go down and that is going to come out of state revenues. The only person overall that wins in this is the lottery agents that the extra 1 percent. They are the winners. Maybe I should sit down and be quiet and take the 1 percent. That is not why I am here. I am here to protect the interests of the state. I am giving away 1 percent and I realize the Department of Conservation and those programs, they need these revenues, but this isn't the way to do it. You are robbing from Peter and taking money from the other lottery ticket revenues and giving it to them and the only one that is really winning here, the state is not winning, it is the lottery agents that are winning. I don't really hear them complaining. I would urge you to defeat the pending motion and vote Ought Not to Pass. Thank you.

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I agree somewhat with the good Representative from Union. If this body remembers last year, it took one \$1 ticket away from the General Fund. They replaced it with a \$5 ticket, then another \$10 ticket. What they are doing, ladies and gentlemen, they have taken the money from a \$1 ticket and boosted it up to a \$5 ticket to make more money for the Lottery Commission and for the General Fund. If you take away \$1, then they get \$4 in return or at \$10 it would be a \$9 return.

What we are trying to do here, ladies and gentlemen, is make some of these programs that are based on the Outdoor Heritage Fund where so many people have taken advantage of it through a grant process to help the people of the State of Maine. I just want to clue this body in on some of the projects that the Outdoor heritage fund has done. This is as of May 17, 2002. There are four categories that people put in grants for. The first one is fish and wildlife and habitat conservation for the people of the State of Maine. Category two, acquisition and management of public lands, parks, wildlife conservation areas and public access and outdoor recreation sites and facilities. Category three, endangered and threatened species conservations projects. Last, category four, natural resource law enforcement.

All four categories as of May 17, 2002, paid out \$547,466 and 24 grants were awarded in different categories. I just want to take some examples. The Department of Inland Fish and Wildlife, Maine Warden Service, for surveillance equipment will purchase five video surveillance units to allow unmanned surveillance of areas of natural resource violations. The grant was put in and it was awarded for \$11,500. Category three on the endangered species list. Up in my area we have an endangered species called the May Fly in Baxter State Park. Once you go into Baxter State Park and you see a May Fly, you are supposed to bow to Hitler and things like this. A grant was submitted and was awarded for \$5,511 to help research the May Fly up at Roaring Brook in Baxter State Park. Category two, the Department of Conservation for the Loop Trail. A grant for \$30,000 was submitted and was awarded for that amount for a 42-mile backcountry-hiking trail. For Category one, I just wanted to take the Department of Marine Resources. A grant was proposed for \$22,853 in partnership with Maine Maritime Academy and also the University of Maine Marine Center to look at a bay project. That was awarded.

In the past we have had these grants given to different departments. As I said before, the Maine Warden Service, the Department of Conservation and the Department of Marine Resources. When people go to a store, my constituents have mentioned to me, either if it my general store right down the street from where I live or Hannaford or Rite Aid or wherever these lottery tickets are sold, you see these big cubicles with all kinds of tickets ranging from \$1 all the way up to \$10. What they are asking is, where is the Outdoor Heritage Fund? This is being more and more advertised in the State of Maine. When you go to your store and you ask for these Outdoor Heritage Fund tickets, they say they don't want to sell them. They say there is no more room on our little dispenser for lottery tickets.

What the majority of the committee came up with was 1 more percent for having an enticement. What the bill intended to do was make it mandatory for every store in the State of Maine to have at least one Outdoor Heritage Fund ticket. Of course the committee didn't see that and they put an amendment on it to go from 7 percent to 8 percent.

I urge this body to vote for the Majority Ought to Pass as Amended Report. Thank you.

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this pending motion and ask that you go on to defeat this bill. The bill was originally presented to the committee and was testified against by the department for a lot of really good reasons. The good reason is exactly as the good Representative from Union had outlined to us, which is there is only a certain sized pool of lottery tickets. If we, as a state, passed rules and laws that encouraged one ticket that has

the revenue going out of the State of Maine into the Outdoor Heritage Fund over another, we create a budget hole and a deficit situation. That is what is going to happen unless we actually increase the number of gamblers in the state and expand gambling through the use of Maine Outdoor Heritage Fund tickets.

The practice that has been taking place for some time is outlined by the department was, in fact, historically when one new ticket comes on the market additionally there will be a little bit of a surge. More people will buy that ticket and other revenues will go down. If the department is right and you approve this bill, you will be creating a bigger budget deficit and more of a problem for the State of Maine.

I feel that rather than the Maine Outdoor Heritage Fund trying to support their efforts and their good causes by promoting gambling and relating to a reliance on gambling, perhaps we should be looking at the Legislature and if we think this is a good cause, building it into the budget. It is something that is predictable and fund it that way. To have this type of an arrangement I think is poor.

Additionally I wanted to point out to members of the House that if you take a look at the Majority Report with the filing number H-635, this first year this bill will have the opposite affect that the sponsors have indicated that they want, which is support of the Outdoor Heritage Fund. It is not going to support it. It is going to drain it. This fee that is being instituted will result in \$30,000 to \$60,000 being cut from the Outdoor Heritage Fund. For all those reasons, I urge you to defeat the pending motion and move onto the Ought Not to Pass Report.

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

Representative DUPLESSIE: Mr. Speaker, Ladies and Gentlemen of the House. If I could give you a little history on this program. This program was done through a process that the previous speaker, the good Representative from South Portland so dearly holds, the referendum process, the right of the citizen to petition their government. In 1994 the Maine Audubon Society and the Sportsmen's Alliance of Maine teamed up together, circulated petitions to the referendum process, submitted the required petitions to the Maine Legislature. The overwhelming success of those petitions coming to the Maine Legislature, the Maine Legislature in unprecedented fashion enacted the petitions without even sending it out. That was the support for this program.

This program has been highly successful over the last eight years, because of the flexibility of the state budget and the lack of always being able to budget for many of projects that the citizens of Maine so dearly enjoy in outdoor recreation. The program operates with a seven-member advisory committee. They meet twice a year. They always have double the amount of applications for grants for various worthwhile projects in this state. They average \$1.5 million across the state, all 16 counties have benefited from these programs. Many areas were neglected in our state parks. The money has gone to correct some of those problems in state parks, maintenance. As the good Representative from Millinocket mentioned, search and rescue equipment for Inland Fisheries and Wildlife, search and rescue equipment for Marine Resources. The list goes on and on and on. I don't want to start going through the whole list, because it would take the next four hours.

This is the significance of this program. This will give them, the people who want to buy the tickets, hopefully many store owners, I am surprised one of the store owners here this morning, Representative Sukeforth, would not want to take another ticket to be able to make more of a percentage on what

he sells. I think it is a bonus for the vendors to be able to get paid more than what they are currently receiving from the Lottery Commission. This bill is a win, win for the citizens of Maine. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I hope that you will follow the lead of the committee on this bill and vote to accept the Majority Ought to Pass as Amended Report. I have heard it said that people are not going to get into the projects funded by the Outdoor Heritage Fund, but suffice it to say that there are programs within state government which are recognizable by any Maine citizen that would not exist, but for the revenues of the Outdoor Heritage Fund, including many of our outstanding endangered species programs, non-game programs, including also some game programs as well. A recent example, talking about, for instance, government oversight. There was case where we had an Outdoor Heritage Fund grant, which was being utilized to study the effectiveness of the agencies and bureaus within the Department of Inland Fisheries and Wildlife. We have already adopted many of those recommendations. There was no other revenue to do it. It was funded through an outdoor heritage grant.

You think of all the things that people recognize at home that are paid for by these revenues and there are no other revenues. We have all seen the last couple of budgets. There is no other way to do this. I commend the committee for its work. I urge the House to support this particular motion at this time.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I stand here today as a member of the Minority Report on this bill. I am going to do a flip flop with good reason. I had to, in all honesty, with my opposition to so many lottery tickets being on the market and sucking money out of the poorest of the poor in the state, had to make a personal statement. I feel that I have done that. I also brought to the committee's attention during workshop that it was my personal opinion that if the programs that these tickets fund are so very vital then one, the state should fund them. I have some serious, serious concerns about the Heritage Fund having to bear the whole responsibility of these very valuable programs.

I have felt as a native Mainer for a number of years that we take one of our most valuable resources, which is hunting, fishing and the enjoying of the Maine woods and we give them away routinely to people by not charging fees to cover prevention programs within the wildlife industry.

I will be voting for the Majority Report, but I felt I owed it to my fellow friends in the House that have some concerns why I am on the Minority Report. I am voting with the Majority Report. I think I have sent a message and I will follow through with correcting this inequity in funding wildlife programs. Thank you Mr. Speaker.

Representative **PARADIS** of Frenchville **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 Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. My comments on this bill will cover a much broader big picture. Although my body at times feels that I was here when the lottery was enacted, I wasn't. Over the years that I have served in this House, I have seen us come back time after

time to the well looking to see how the revenues can be cranked up and how it could be packaged.

I think we went through a very good debate in this state when we looked at the casino issue. There were two arguments that came from the proponents that I really listened to very carefully. One, what was happening to the Maine economy and where it was going and then the hypocrisy of the State of Maine being in the gambling business. Over the last eight years as I have gone to convenience stores in Kennebunk and I have been in the line waiting to pay. When you serve a community for a long time you begin to know the people in that community, what their means are and what their struggles are and what their challenges are.

It was really brought home to me this year that last year I had delivered Thanksgiving boxes and turkeys. I guess they thought it was appropriate to have this turkey deliver the turkeys on that given day. I knew that one of the families that I had taken that into, I knew how desperate they were in terms of the woman trying to keep her family together and just a month or a month and a half ago I stood behind her, a former student at a convenience store in Kennebunk and she brought \$40 worth of lottery tickets.

I knew that maybe we are in a business that we shouldn't be in. I think because we are addicted to the revenues we are never going to go back and revisit those decisions. I think maybe we can make personal commitments that we won't expand what we are doing. Basically what I hear in this proposal, and I am a firm supporter of conservation, we are going to push the product. We are going to crank up the take from those that can least afford it.

We heard these arguments during a very long statewide debate. In less than the first month that we are back in session, the hypocrisy of us being in the gaming industry, we are going to push the product. We are going to crank up the take from those who can least afford it. I will be voting no on this report.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. Considering those last remarks, let me just consolidate my recourse to state that my constituents will know not only from my vote, but from the speech that I will not put my name on a bill that says that we will increase the sale of lottery tickets for people in southern Maine.

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

ROLL CALL NO. 269

YEA - Adams, Annis, Ash, Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Brown R, Browne W, Bruno, Bunker, Canavan, Carr, Clark, Cowger, Craven, Davis, Dunlap, Duplessie, Earle, Faircloth, Finch, Fischer, Gerzofsky, Greeley, Grose, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Lemoine, Lerman, Lessard, Lundeen, Maietta, Mailhot, Makas, Marley, McGlocklin, McGowan, McKee, McLaughlin, Mills J, Moody, Moore, Muse, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Pineau, Pingree, Piotti, Richardson J, Saviello, Simpson, Smith N, Sullivan, Thomas, Thompson, Tobin J, Usher, Walcott, Watson, Wheeler, Wotton, Mr. Speaker.

NAY - Andrews, Austin, Berry, Berube, Bierman, Bowen, Bowles, Bryant-Deschenes, Bull, Campbell, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Cummings, Curley, Daigle, Dudley, Duprey B, Duprey G, Eder, Fletcher, Gagne-Friel, Glynn, Heidrich, Honey, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lewin, McCormick, McKenney, McNeil, Millett, Mills S, Murphy, Nutting, O'Brien J, Peavey-Haskell,

Rector, Richardson E, Richardson M, Rogers, Rosen, Sampson, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Suslovic, Sykes, Tardy, Tobin D, Trahan, Treadwell, Twomey, Vaughan, Woodbury, Young.

ABSENT - Dugay, Goodwin, Hatch, Hotham, Marraché, Perry A, Perry J, Rines, Smith W.

Yes, 76; No, 65; Absent, 9; Excused, 0.

76 having voted in the affirmative and 65 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-635)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, January 29, 2004.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-637)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Voting Age Qualifications by 12 Months

(H.P. 470) (L.D. 640)

Signed:

Senators:

GAGNON of Kennebec

MAYO of Sagadahoc

Representatives:

GLYNN of South Portland

PATRICK of Rumford

BLANCHETTE of Bangor

CANAVAN of Waterville

JENNINGS of Leeds

HOTHAM of Dixfield

BROWN of South Berwick

MOORE of Standish

LANDRY of Sanford

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

Signed:

Senator:

LEMONT of York

Representative:

CLARK of Millinocket

READ.

Representative PATRICK of Rumford moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-636)** on Bill "An Act to Allow Beverage Sales from Mobile Service Bars on Golf Courses"

(H.P. 486) (L.D. 656)

Signed:

Senators:

GAGNON of Kennebec

LEMONT of York

MAYO of Sagadahoc

Representatives:

CLARK of Millinocket

HOTHAM of Dixfield

BROWN of South Berwick

MOORE of Standish

BLANCHETTE of Bangor

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

Signed:

Representatives:

GLYNN of South Portland

PATRICK of Rumford

CANAVAN of Waterville

JENNINGS of Leeds

LANDRY of Sanford

READ.

Representative CLARK of Millinocket moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Gagne-Friel.

Representative **GAGNE-FRIEL**: Mr. Speaker, Ladies and Gentlemen of the House. I am sorry to see this bill back again. It has been here all the terms that I have. It has given me the opportunity to speak every single time, I guess. It is a bad idea. I encourage you to vote against it. I will give you a little background. In the 118th and 119th the House voted against it. The last time, the 120th, we voted for it, but the Senate voted against it, Ought Not to Pass. This year let's kill it right here again and end it. It reminds me of the kids who keep pestering their parents. They figure if they keep asking, again and again and again, finally you are going to give in and say, yes, leave me alone. I am not going to and I don't think the rest of you should either. I will tell you why.

Expanding access to liquor in general is a sorry way to help business. I remember as a member of the Legal and Veterans Affairs Committee, they came to us with this idea, because they thought it might be a way to prevent some of their patrons from bringing liquor onto the golf course in their equipment. The idea of joining them, rather than checking the stuff they brought onto the courses seemed to be easier because it would affect the public relations they had with their patrons and it wouldn't be a good idea to run them through the mill every time they walked on the course.

I don't believe that is going to help their business. I know for one thing when we were listening to a lot of the debate one of the groups that were very upset with us were the smaller golf courses because they were unable to supply this benefit or activity, but instead they have lobbied again and again and I think this would be hurting them. I don't feel it is right for us to favor the larger courses over the smaller courses.

I remember asking them also why they hadn't thought of this idea of carts going around and serving drinks, sodas and sandwiches. They said there is no money in that. We have to sell the liquor. That is going to make the money. That bothered me even further when a second person came forward and said the we used a lot of golf courses to have school tournaments and to bring the kids to practice in the afternoon and wouldn't it be lovely for them to watch how the adults entertain themselves playing golf. In fact, asking a few golfing friends and my husband who is also a golfer about it, they doubt that they would participate because their interest is in playing golf and when they are done, then perhaps join together in the building.

While I find the whole thing insulting to us, first, because they keep coming back and second, because they believe this is a positive thing. I find it tough for you, also, to make that decision each time, but I think you should vote Ought Not to Pass instead. This is a motion that we have to consider, finally, as something that we don't want to rubber stamp and the 121st either. I urge you to vote no on this motion and I ask for a roll call vote.

Representative GAGNE-FRIEL of Buckfield **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 Gray, Representative Austin.

Representative **AUSTIN**: Mr. Speaker, Ladies and Gentlemen of the House. Today we consider "An Act to Allow Beverage Sales from Mobile Service Bars on Golf Courses." Maine currently is one of three states in our nation that does not allow golfers to have alcoholic beverages on the course. In talking to course owners, they feel they would be in greater control of alcohol on the course because of the established parameters put forth by the license.

Currently alcohol is often brought onto the course by players in an undercover action, which makes the enforcement of no alcohol on the course very difficult. The course management will be able to play an active role in the monitoring of the amount of alcohol consumed if they are allowed to have manned carts with employees trained in the state server course. Anyone personally bringing alcohol onto the course will be subject to a civil penalty of approximately \$250 to \$1,500. Golf courses that decide to have mobile service cart will assume the costs and the liability around this practice.

These mobile carts could also offer other refreshments to the golfing cliental, which would be a positive amenity, which has just been mentioned as well. I might remind you that presently it is lawful to participate actively in the sport of bowling and to buy an alcoholic beverage from that establishment. Often there are minors present in these establishments while the alcohol is sold and consumed. I understand that for course owners this issue is their desire to have a fair playing course with neighboring states around this issue. They see this as an economic consideration as golf plays a significant role in our state label of being the vacationland.

I would also suggest that it may be a better management of alcohol beverage consumption to allow it while actively participating in the recreation of golf versus the undercover fashion of tipping up on the course or worse yet, waiting until the end of 9 to 18 holes to enter the golf house for a lump sum consumption of alcohol and then get into their vehicle and proceed to drive home. Thank you for listening and I ask for your consideration of the highlights I have shared. Thank you.

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. Our committee worked hard and long on this bill. It was a carryover bill from First Regular Session. Like the good Representative from Buckfield mentioned, this has been here as long as I have, eight years. Time and time again we see this in front of us. Time and time again people vote their own conscience. The good Representative from Gray mentioned it is going to help the courses in the State of Maine. Right now currently anyone can go to any golf course and you will see alcohol on that golf course. If for some reason a law enforcement officer goes on that golf course and finds a person drinking on that golf course, the operator loses his license. It is as simple as that, gone. When you are out there enjoying an alcoholic beverage, playing a round of golf, and this law is not in effect, you could be ruining the license or taking the license away from the golf course you are playing on. You could never play there again, simply put.

In the testimony that we heard back last year, the state gains from increased tax fees on this. Of course, you do have to apply for a special license. Not everybody will apply for the license if this law passes. Some will and some will not. There are about 136 or so golf courses in the State of Maine. Like you said, only about half or a third of those will offer this service.

If you remember a couple summers ago we had an RV convention in the State of Maine. They would love to play golf here in the state, but they chose not to. They chose to go to New Hampshire where it is legal. Massachusetts is legal as well. We talk day in and day out how much revenue we are losing through our neighboring states. This is another one that we are losing to.

I just want to bring up a couple points in the amendment that says if you are going to be a beverage cart driver or a participant, you have to be 21 years of age. You have to take the regulatory course of knowing how to ID people. You can only serve to one person at a time. You also have to have direct communications with the clubhouse, which is by one of those new two-way radios that they have out there. Say that on the seventh hole the golf cart operator is driving along and he has a problem or she has a problem with a person, they call into the club house and they send somebody out or you might have two people on that golf cart serving alcoholic beverages, sandwiches, chips or whatever. Everybody has been in tournaments in this body. Everybody has been either in a golf tournament, a bowling tournament or any type of tournament and you will see what type of people they have with alcoholic beverages, chips, snacks and all these different things. It is part of the course in these tournaments. The only thing that we are asking is that the State of Maine comes on a level playing field with the rest of the states. I urge you to support the Majority Ought to Pass as Amended Report. Thank you.

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

Representative **SUSLOVIC**: Mr. Speaker, Men and Women of the House. A couple of quick points, number one, we don't allow the consumption of alcoholic beverages in public parks typically. Why? There are minors there. There are young children there. We don't feel it is a good mix. Picture the scenario where you have got the mobile bar cart dispensing alcoholic beverages to a group that might contain underage people out on a golf course. They sell the drinks and then the golf cart drives away. Who is there to make sure that those drinks are not handed to those underage people out on the course. I think that is a legitimate concern. I think as golf becomes more and more of a family occasion, what message are we sending to our children, you can't go out and enjoy a game of golf without an alcoholic beverage in your hand.

The proverbial 19th hole exists for a reason. People can go, they can take a break and they can go in and have an alcoholic beverage and go back on the course. I think considering the amount of damage that alcohol abuse does to the people of this state, not to mention the budget of this state, I think at a certain point we need to draw the line. I would urge you not to support this motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Presque Isle, Representative Fischer.

Representative **FISCHER**: Mr. Speaker, Ladies and Gentlemen of the House. I want to make two quick points for you. One is to respond to the good Representative from Portland about his conventional underage drinking. I just don't think that that holds up. Right now if someone wants to give a beer to someone who is underage on the golf course, it is equally as illegal as it for this cart to sell it to somebody. If any of you have ever been golfing in the State of Maine, I guarantee that every

time you go by a trash receptacle you see beer cans in them. What this bill does is it regulates that. It says that a person who is 21 years of age who has gone through a course about dispensing alcohol to people and has to check their ID is going to go around and give them the alcohol. I think that public safetywise, that is a very good way to do it.

Secondly, I don't want anyone to think that this is just a southern Maine issue. A few weeks ago I was at the Maine Tourism Association banquet over at the Senator and we sat and talked to many of the people who owned restaurants and golf courses and whatnot in the southern part of the state. They were very adamant that this was bill that they needed to get passed. I agree with them. They are losing business across the board to New Hampshire, but in northern Maine we have one golf course in Maine that sells alcohol. Do you want to know why? The whole golf course is in Canada except for the clubhouse. Every time a tournament could go to either Presque Isle or it could go to Fort Fairfield in Aroostook County, every single time someone has a choice, they always ask the question, can we get beer at your golf course? My country club has to say, no, we're sorry. We can't. Everybody knows if you want to have a tournament in Aroostook County, the Maine Insurance Agents Association has one every year that I go to, we always go to Fort Fairfield because the whole club, other than the clubhouse itself, is in Canada. They all sell beer. I don't want anyone to think that this is just southern Maine that is being impacted economically. All of northern Maine is being impacted as well. When you vote on this, I urge you to accept the report, ladies and gentlemen. I also urge you to vote for this.

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

Representative **CANAVAN**: Mr. Speaker, Men and Women of the House. For me taking a stand on this bill was easy. I oppose it for two simple reasons. First of all, for safety reasons because even though the bill requires that vendors use discretion in serving drinks to their customers, still, I am mindful of the fact that despite the best efforts of vendors and bars and restaurants everywhere, customers still walk out of those establishments with blood alcohol levels that exceed the levels permitted by law for motorists. I can't see that it is going to be any different for vendors selling liquor from golf carts. With well traveled roads running right through several Maine golf courses, including the one in my own home town, I don't think we need to enable, in fact, even encourage further drinking on golf courses.

The second reason I oppose this bill is because I don't believe sports and alcohol mix, especially when underage kids are involved. We talk about family values sometimes. What kind of message as the good Representative from my right mentioned earlier, what kind of message do we send to our kids when we demonstrate by example that we can't wait to get back to the bar to have a drink. We have to have it on the golf course. This while we are engaged in playing in a sport that requires a high level of concentration. I think if you ask any coach whether alcohol and sports mix, he or she will say definitely not, regardless of what you see on TV and on those beer ads. For safety reasons, because golfers cross well-traveled roads and because I don't think our kids need anymore unnecessary exposure to alcohol than they already have in our society, especially in sports venues, I would ask that you oppose this bill.

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

Representative **BROWNE**: Mr. Speaker, Colleagues of the House. I am probably not going to change your ideas. Everybody has pretty set thoughts on this issue. It has been before you longer than I have, obviously. It is an issue of choice,

I think. Courses have their choice if they want to choose this service it is up to them. Everybody has reservations about drinking and underage drinking. It has been pointed out before that if you go to the Sea Dogs game or the Red Sox game or you go bowling or whatever, minors are present where alcohol is served. In this case, it is quite highly regulated, at least it is proposed to be. I think it will be. You are going to have group out on the course that has a legal age golfer and maybe some minors. A server can only serve one beer to the one that has the certification. The carts go round at best two times on a total of 18 rounds. A beer is going to be more expensive. It is a service. Often times some courses you don't come back until after you have played 18 holes. Again, food is served on these carts. It has been proven in a couple of other states that when they don't have beer on the golf carts, it can be as much as a \$500 difference in their take. Again, it is a business issue. It is a choice issue. I don't think you are really going to have to worry about driving under the influence. Again, as I mentioned, they are only going to pass a couple of times. You are going to have the same rules as passing an open road. You can't have any open container as you pass a public way. Again, I am sure I didn't change anybody's mind, but I would ask that you support this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Muse.

Representative **MUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I don't have a horse in this race, but I do have a thought. Those of you who were here last term may recall that this bill hit the floor of the House on a Friday late and it seemed like a slam dunk, a bill that made sense and we thought that we would pass it quickly. Unfortunately it led to a lengthy debate. My seatmate, the former Representative from South Portland, who was at times accurate and always impassioned, that would be Christopher Muse, brother, the Democrat, got up at the end of the debate and gave us one of his more impassioned talks wherein he made note of the fact that this was a reality bill. In fact, as you go around the golf courses you do indeed find beer cans in almost all of the trashcans. It is there. It is for real. Unfortunately for him he made the statement, I hate to say it again, but I will, he said that it was only that year that he discovered that the fourth hole in his golf bag wasn't, in fact, for a six pack.

Unbeknownst to him, that was being broadcast live on Maine Public Radio. For the next month, he endured all the hate mail from the sads, the glads, the bads and all the other ads that are opposed to drinking. He does make a point and I make it again today. In reality let's give people the chance. Let's give the golf courses the chance to control it and control it legally. Thank you Mr. Speaker.

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

ROLL CALL NO. 270

YEA - Andrews, Annis, Austin, Barstow, Berube, Bierman, Blanchette, Bowen, Bowles, Brannigan, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Clark, Collins, Courtney, Cowger, Curley, Daigle, Dunlap, Earle, Eder, Fischer, Fletcher, Heidrich, Honey, Jackson, Jacobsen, Jodrey, Joy, Kane, Ketterer, Koffman, Ledwin, Lessard, Lundeen, Maietta, Makas, McCormick, McGowan, McKenney, McNeil, Mills J, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Neil, Pellon, Pineau, Pingree, Richardson E, Richardson J, Rosen, Saviello, Shields, Simpson, Smith N, Snowe-Mello, Sukeforth, Sullivan, Tardy, Thomas, Thompson, Tobin D,

Treadwell, Vaughan, Watson, Wheeler, Woodbury, Young, Mr. Speaker.

NAY - Adams, Ash, Bennett, Berry, Bliss, Breault, Canavan, Carr, Churchill E, Churchill J, Clough, Craven, Cressey, Crosthwaite, Cummings, Davis, Dudley, Duplessie, Duprey B, Duprey G, Faircloth, Finch, Gagne-Friel, Glynn, Greeley, Grose, Hutton, Jennings, Kaelin, Landry, Lemoine, Lerman, Lewin, Mailhot, Marley, McKee, McLaughlin, Millett, Mills S, Norton, O'Brien L, Patrick, Peavey-Haskell, Percy, Perry A, Piotti, Rector, Richardson M, Rogers, Sampson, Sherman, Stone, Suslovic, Sykes, Tobin J, Trahan, Twomey, Walcott, Wotton.

ABSENT - Dugay, Gerzofsky, Goodwin, Hatch, Hotham, Marraché, McGlockin, Paradis, Perry J, Rines, Smith W, Usher.

Yes, 79; No, 59; Absent, 12; Excused, 0.

79 having voted in the affirmative and 59 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-636)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, January 29, 2004.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-634)** on Bill "An Act Regarding Habitual Truants"

(H.P. 800) (L.D. 1082)

Signed:

Senators:

DOUGLASS of Androscoggin

BRENNAN of Cumberland

MITCHELL of Penobscot

Representatives:

CUMMINGS of Portland

ANDREWS of York

DAVIS of Falmouth

LEDWIN of Holden

NORTON of Bangor

THOMAS of Orono

FISCHER of Presque Isle

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

Signed:

Representative:

FINCH of Fairfield

Representative GAGNE-FRIEL of Buckfield - of the House - abstaining.

READ.

On motion of Representative CUMMINGS of Portland, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-634)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, January 29, 2004.

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

CONSENT CALENDAR
First Day

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

(H.P. 1089) (L.D. 1492) Bill "An Act To Promote the Production and Use of Fuels Derived from Agricultural and Forest Products" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-641)**

There being no objections, the above item was ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

CONSENT CALENDAR
Second Day

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

(H.P. 1222) (L.D. 1644) Resolve, To Clarify State Ownership of Land in the Town of Naples

No objections having been noted at the end of the Second Legislative Day, the House Paper was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

BILLS IN THE SECOND READING
House as Amended

Bill "An Act To Eliminate the Social Security Offset for Unemployment Benefits"

(H.P. 657) (L.D. 880)

(C. "B" H-633)

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

On motion of Representative WATSON of Bath, was **SET ASIDE.**

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

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

SENATE PAPERS

Bill "An Act To Increase Penalties for Certain Violent Crimes Committed against Senior Citizens"

(S.P. 678) (L.D. 1835)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

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

On motion of Representative JOY of Crystal, the House adjourned at 11:59 a.m., until 10:00 a.m., Thursday, January 29, 2004.