

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 SPECIAL SESSION
1st Legislative Day
Tuesday, February 3, 2004

This being the day designated in the proclamation of the Governor for meeting of the One Hundred and Twenty-First Legislature in extra session, the members of the House of Representatives assembled in their hall at 10:00 in the morning and were called to Order by the Speaker.

Prayer by Dr. Abraham J. Peck, President of Interfaith Maine, Portland; Mark Muttu, Liaison, Catholic Diocese of Maine; Dr. Andrew Grannell, Interfaith Coordinator, Bangor Theological Seminary; Denise Teppler, University of Southern Maine; Rabbi Susan Carvutto, Temple Bethel, Augusta.

National Anthem by Mt. Blue Voices, Mt. Blue High School, Farmington.

Pledge of Allegiance.

CALLING OF THE ROLL

A roll call was taken. 131 out of 151 members answered to their names and accordingly the Chair declared a quorum present.

Those absent were:

Representative BENNETT of Caribou
Representative BRYANT-DESCHENES of Turner
Representative DAIGLE of Arundel
Representative DUDLEY of Portland
Representative DUGAY of Cherryfield
Representative FAIRCLOTH of Bangor
Representative FISCHER of Presque Isle
Representative GERZOFKY of Brunswick
Representative GREELEY of Levant
Representative GROSE of Woolwich
Representative HATCH of Skowhegan
Representative O'NEIL of Saco
Representative PELLON of Machias
Representative PERRY of Calais
Representative PERRY of Bangor
Representative RICHARDSON of Brunswick
Representative RINES of Wiscasset
Representative USHER of Westbrook
Representative WALCOTT of Lewiston

The Following Proclamation: (H.C. 307)

**STATE OF MAINE
PROCLAMATION**

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of the need to resolve many legislative matters pending at the time of the adjournment of the Second Legislative Session of the 121st Legislature of the State of Maine; and

WHEREAS, the public health, safety and welfare requires that the Legislature resolve these pending matters as soon as possible, and in any event prior to the date of the First Regular Session of the 122nd Legislature of the State of Maine, including but not limited to pending legislation and pending nominations of state board and commission members by the Governor requiring legislative confirmation;

NOW, THEREFORE, I, JOHN ELIAS BALDACCI, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor pursuant to Article V, Part I, Section 13 of the Constitution of the State of Maine, convene the Legislature of this

State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol in Augusta on Tuesday, February 3, 2004 at 10:00 o'clock in the morning, in order to receive communications, resolve pending legislation carried over from the Second Regular Session of the 121st Legislature and act upon pending nominations.

IN TESTIMONY WHEREOF, I have caused the Great Seal of the State to be hereunto affixed given under my hand at Augusta this 30th day of January in the year Two Thousand and Four.

S/JOHN ELIAS BALDACCI

Governor

S/Dan A. GWADOSKY

Secretary of State

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative RICHARDSON of Brunswick, the following House Order: (H.O. 42)

ORDERED, that a Committee of ten be appointed to wait upon His Excellency, Governor John E. Baldacci, and inform him that a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of such business as may come before the House.

READ and PASSED.

The Speaker appointed the following Members to the Committee to wait upon the Governor and inform him that a quorum of the members of the House of Representatives have assembled in the Hall of the House for the consideration of such business as may come before the House:

Representative McLAUGHLIN of Cape Elizabeth
Representative BUNKER of Kossuth Township
Representative BARSTOW of Gorham
Representative KETTERER of Madison
Representative SUSLOVIC of Portland
Representative PEAVEY-HASKELL of Greenbush
Representative CROSTHWAITE of Ellsworth
Representative BOWEN of Rockport
Representative STONE of Berwick
Representative SUKEFORTH of Union

At this point, a message was received from the Senate, borne by Senator GAGNON of Kennebec of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

On motion of Representative DUPLESSIE of Westbrook, the following House Order: (H.O. 43)

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

READ and PASSED.

The Speaker appointed Representative RICHARDSON of Brunswick to inform the Senate that a quorum of the members of the House of Representatives have assembled in the Hall of the House for the consideration of such business as may come before the House.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Appropriate Funds for World War II and Korean War Memorial Plaques in the Hall of Flags"

(H.P. 1367) (L.D. 1841)

Sponsored by Representative McGLOCKLIN of Embden.

Cosponsored by Senator GAGNON of Kennebec and Representatives: CANAVAN of Waterville, HEIDRICH of Oxford, HONEY of Boothbay, JENNINGS of Leeds, PINEAU of Jay, WHEELER of Kittery, Senators: SHOREY of Washington, YOUNGBLOOD of Penobscot.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent for concurrence.

**CONSENT CALENDAR
Second Day**

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

(H.P. 995) (L.D. 1353) Bill "An Act To Ensure Women's Health Care Coverage for All Maine Women" (EMERGENCY) (C. "A" H-648)

(H.P. 1266) (L.D. 1744) Bill "An Act To Amend the Laws Governing the Display of Fireworks and Indoor Pyrotechnics" (C. "A" H-644)

(H.P. 1280) (L.D. 1758) Bill "An Act To Correct Certain Errors and Inconsistencies in Marine Resources Laws" (C. "A" H-647)

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

**ENACTORS
Acts**

An Act To Clarify the Work Center Purchases Committee Requirements for Work Centers and Competitive Bidding

(H.P. 1097) (L.D. 1504)

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

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

Subsequently, Representative McLAUGHLIN of Cape Elizabeth reported that the Committee had delivered the message with which it was charged.

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

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 Friday, January 30, 2004, 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 (11) Ought to Pass as Amended by Committee Amendment "A" (H-637) - Minority (2) Ought Not to Pass - Committee on LEGAL AND VETERANS AFFAIRS on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Voting Age Qualifications by 12 Months

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

TABLED - January 28, 2004 (Till Later Today) by Representative PATRICK of Rumford.

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

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition against this bill, LD 640. This was a carryover bill from the First Regular Session of the 121st. It was a bill that had a Constitutional Amendment that changed the voting age from 18 to 17 years old. When it came out of committee last time, it was voted pretty much unanimously to have that done. We reworked it in order for the committee to take off the Constitutional Amendment part of it so we could just use it in the primary for a candidate that this going to be on the ballot in November. What the amendment does is replace the Resolution and it allows current law to allow someone who is not yet 18 years old, but will be 18 years old at the time of the general election to vote in the immediately proceeding primary election for the selection of candidates.

Personally I have a little problem with this. If a person wants to go in who is not quite yet 18 years old and wants to vote in the primary, he or she would have to register as a Democrat or as a Republican. If there is a referendum question on the ballot, that person cannot go and vote for that referendum question. It is just for the candidates that are going to be on the ballot in November. I think there might be some way of in legal terms that might throw this off. You are not having everybody as being fair to go in and vote. If I wanted to be an Independent and vote in the primary, I could not, because, of course, Independents cannot vote in primaries. If there was a referendum question, I cannot go in and vote on the referendum question just on the candidates. Personally back home my high school has what is called a mock election. We strive very hard to have people, students who are 15, 16 or 17 years old vote for a candidate that they think might best represent them either in the State Legislature, the local government or in the presidential election, even on the referendum questions on the mock ballots. I think that is a much better way to have people that are 17 years old being able to vote instead of having them in the primary process.

I hope you will join me and vote against the Majority Ought to Pass as Amended Report. Thank you.

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

Representative **CUMMINGS**: Mr. Speaker, Ladies and Gentlemen of the House. In politics the question always is, do you want to die on your feet or do you want to live on your knees. In this particular bill, I am afraid it is better to live on your knees. We started out originally with a proposal, I want to thank the good Chair, because the original proposal was, would we have the option of allowing 17 year olds the right to vote? The political weight that you would have to transcend in order to be able to get that vote was significant. We got a great vote out of committee,

11 to 2, in favor of that. To his credit, the Chair of the committee stands here before you today saying he still believes in it. Unfortunately I am letting political pragmatism override what I think is necessarily the ideal to me. I think political pragmatism tells us that to get two-thirds in both bodies would be extremely difficult. I respect the good Chair for moving up that hill, but I think that might not be the way to proceed.

The compromise that came out of committee in another 11 to 2 in favor vote, with the Chair in the minority, what it came out to say is, let's give 17 year olds a chance to participate in our primary system and our caucus system if they are going to be 18 before the next election. We believe this makes sense because they ought to participate in what they get to choose.

What you are seeing in front of you is a compromise. Again, I want to say thank you to the committee and to the good Chair for holding firm. Let me just finish by saying this last thing. By a glitch in the Maryland Legislature earlier this fall or last fall, there was an accidental enfranchisement of 16 and 17 year olds. It was a glitch between the City of Baltimore and the State Legislature of Maryland. For the first time, by accident, 17 year olds and 16 year olds got a chance to vote. When the record came back after the September 9th primary we found out, interestingly enough, that the 17 year olds and the 16 year olds out performed the adult voters by 9 percent.

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 support of the committee recommendation. I would like to state a few reasons why. The original bill that came to Legal and Vets regarding this issue was dealing with a Constitutional Amendment. The previous Representative, the Representative from Portland, outlined some of the political ramifications or realizations of sending out that issue, but there were a lot of other reasons why this issue was not garnering the support that some would like to have for lowering the voting age. Some of those issues are when you lower the age of coming of age and you put on the table that children are no longer adults at 18; children are adults at 17 or a different age. All of the other issues dealing with coming of age also come on the table because we are amending the Maine State Constitution. Some of those issues are, for instance, juveniles being tried as adults in the court system. That issue comes on the table. Other issues are parental rights, for instance, a parent's right to block a marriage of underage children that would like to be married. It is the option in our state that if a child wants to get married and they are under 18, they need the consent of the parents.

Additionally there were a lot of concerns about the ramifications on local elections dealing in school board races and city council races where the receivers of the service, i.e. students in the public schools, suddenly now would also be the boss of the school board members and indirectly over the budgets. All of those issues came on the table with the Constitutional Amendment and gave me a lot of pause as to why we shouldn't support it. Conversely, the proposal that you have in front of you, in my mind, is a completion of voting rights. Right now 18 year olds have the right to vote if they are going to 18 before the November election, you have the right to cast your ballot. However, if you were 17 during the course of the year and your age prohibited you from voting in the June primaries, you no longer had a full say in who you are electing in the November election. What I mean by that is our primary system, our two-party system, we actually have a third party in the Green Party, but the people that aren't of age for the June primary don't have the right or the ability to participate in the narrowing of those candidates, the selection for the people that they think is best for

the job. In turn, when they turn 18 years old, they are only voting for the selection that everybody else decided.

This proposal very much is keeping with our Maine State Constitution. It doesn't open up the Pandora's Box of lowering the legal age of coming of age in our state, but what it does do is it does complete voting rights and allows people that are going to be 18 years of age on election day full voting rights through the course of the year.

The good Representative from Millinocket, Representative Clark, pointed out that he didn't believe it was fair to have voters that were 17 not vote on bond issues and so forth. The committee did speak about this issue in depth. The reason why is because at that point it becomes a Constitutional Amendment. The only way to enhance voting rights for people under 18 would be to amend the Constitution, amend the coming of age statute and go down that road of issues. For these reasons, I would urge you to support the committee report and support the good Representative from Portland whose first name is my last. Mr. Speaker, I request the yeas and nays and ask that the Clerk read the committee report.

Representative **GLYNN** of South Portland **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 same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

At this point, the Speaker recognized the Representative from Levant, Representative Greeley; the Representative from Presque Isle, Representative Fischer; the Representative from Arundel, Representative Daigle; the Representative from Brunswick, Representative Gerzofsky; the Representative from Brunswick, Representative Richardson; the Representative from Saco, Representative O'Neil; the Representative from Caribou, Representative Bennett; the Representative from Bangor, Representative Faircloth; the Representative from Wiscasset, Representative Rines; the Representative from Cherryfield, Representative Dugay; and they were added to the quorum call of the Second Special Session of the 121st Legislature.

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

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

The SPEAKER: The Representative may pose her question.

Representative **HUTTON**: Mr. Speaker, Men and Women of the House. We have been trying to decipher in the last row whether or not a person less than 18 years old age would be able to participate and vote in the caucus. We can't really tell. We would like an answer to that.

The SPEAKER: The Representative from Bowdoinham, Representative Hutton has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. The answer is if a person is 18 years old, they can participate in the caucus.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. In researching this bill, I spent

yesterday going around to four of my towns, my new towns in November anyway, Kennebunk, Arundel, Dayton and Lyman. I had a chance to talk to each of the town clerks about a couple of issues and one of them was this bill. All of them explained to me how the voter registration process works. I think that says something that the body needs to understand. All of these towns use a computer system called TRIO. I am sure that this TRIO system is used in most Maine communities. In it, you register a person to vote and there are provisions if you are registering a person who is 17 to do that, but put in their birth date at a time in which that vote will be activated. On the day of the election, they print a new voter list of activated voters and that is what is used to check off your name as you enter the ballot box area.

This system will not accommodate 17 year olds being able to vote in a primary election as it is now proposed. Each of these towns and I am sure many of your towns will find the TRIO voter registration system has to be supplemented by a manual system of tracking when a person is 17 and giving them just the primary ballot and none other and for a variety of reasons, all these town clerks are opposed to it. The first, of course, being the fact that this has not been well communicated. It has not been well thought out. It is a lot of additional work for them. They acknowledge there will be errors. They gave me many war stories about voter registration and how important it must be to do it absolutely perfectly. The TRIO System solved those problems. This completely screws up the TRIO System. For that reason, I think that this is just not an appropriate thing for us to do. I question whether it is a mandate, but I also believe that in deliberations of this bill, I doubt that the TRIO System was totally undisturbed by the committee. I encourage you to vote against the pending motion.

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

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

The SPEAKER: The Representative may pose his question.

Representative **FAIRCLOTH**: Mr. Speaker, Ladies and Gentlemen of the House. Following up on Representative Hutton's question, just to read the bill summary it says, "It amends current law to allow someone who is not yet 18 years of age, but will be at the time of a general election to vote in the immediately proceeding primary election for the selection of candidates." Just to clarify, does this therefore mean it would only apply to, for example, June primaries? If one were 17 this coming weekend and were going to be 18 come November, you would not have the opportunity to vote in the caucus situation for President under this proposal?

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. In response to the good Representative's question, that is why I was trying to rise earlier, the good Chair, Chairman Clark, is in error on that point. In fact, this bill would not allow a member who is 17 years of age at a caucus to be able to vote in a caucus. We discussed this at the committee level and the Majority Report deals solely with the issue of primaries. We no longer have a presidential preference primary. That was done away with by this Legislature last year. In fact, that permission to be able to vote in a caucus would not be allowed.

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

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. I am just rising for a moment today to explain my vote. I am going to vote against this Ought to Pass as amended report. When I did my questionnaires to my district and I got about a 10 percent response, about 500 people responded, 82 percent of the people in my district said we shouldn't change the law in this area. That is why I am going to vote against this measure this morning. Thank you.

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

Representative **PARADIS**: Mr. Speaker, Ladies and Gentlemen of the House. I feel I must speak in favor of the young people that would be affected by this. As co-chair of the Youth Advisory Council, this was debated. To the youth's credit, it was a divided result in their voting as to the majority supporting this. As a former teacher who taught seniors for years, I think this really is a good bill. I thank the good Representative from Portland to point out the results in Maryland. I sincerely believe that these students having taken good social studies courses and being very much aware of the political process, much more, I must say than many adults. They are certainly qualified to vote. The arguments against are the same arguments that were used in other areas, whether it is to lower the voting age from 21. Unfortunately, I could not vote for John F. Kennedy. I was not yet 21. The 18 year olds have proven they can vote. It has also been proven that once young people vote, they continue to vote and that would hope both parties. There is no doubt about that. I think it is very bipartisan. I will vote for this majority report. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative **KETTERER**: Thank you Mr. Speaker. I wasn't really clear on the age at which you could or could not go to the caucuses. It is my understanding that if you are 17 you cannot go to the caucuses, but you would be able to vote in November. If that is the case, then that seems very odd to me because the caucuses are the places where these kids would learn about who the candidates are and get a little more involved with the process. If somebody could answer that question for me, because I am not sure if they said you couldn't go to the caucus at 17 or you can't go at 16, but if you turn 17 before the vote, you could go. Thank you Mr. Speaker.

The SPEAKER: The Representative from Madison, Representative Ketterer has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. There is a lot of confusion. Anyone of any age can go to the caucus, but in order to participate you have to be a registered voter, 18 years old in that municipality to participate in that caucus. That is the law. What this bill does is that you can only go to the primary. If people wanted to participate in the caucus, they would have to amend it so that people 17 years old and will be 18 years old in the general election, then this bill would have to be amended to include caucuses. Current law as we stand now, you have to be 18 years old and registered in that municipality where the caucus is held to participate in the caucus.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. If 17 year old were allowed to vote in a primary and they then influenced a general election vote by swinging a primary vote for one candidate, wouldn't they then be influencing the general election vote and wouldn't that be the equivalent of a vote in the general election?

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

Representative **CUMMINGS**: Mr. Speaker, Ladies and Gentlemen of the House. The purpose behind the bill is if you are going to vote in the general election, you ought to have a choice about who is going to be on ballot on that general election just as any other voter within the party should have an opportunity to do that. Therefore, it is incumbent on anybody who has a right to vote in that primary to try to influence who gets on that ballot.

At this point, the Speaker recognized the Representative from Bangor, Representative Perry and the Representative from Portland, Representative Dudley, and they were added to the quorum call of the Second Special Session of the 121st Legislature.

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. 292

YEA - Barstow, Bennett, Blanchette, Bliss, Bowen, Brannigan, Breault, Brown R, Bull, Bunker, Canavan, Cowger, Craven, Cummings, Davis, Dudley, Dunlap, Duplessie, Duprey G, Eder, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Hotham, Hutton, Jackson, Jennings, Kane, Koffman, Landry, Lemoine, Lundeen, Mailhot, Makas, Marley, Marraché, McGlocklin, McKee, McLaughlin, Mills J, Moody, Moore, Muse, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Percy, Perry J, Pineau, Pingree, Piotti, Rector, Richardson J, Rines, Sampson, Saviello, Smith N, Snowe-Mello, Sullivan, Suslovic, Thomas, Thompson, Twomey, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Adams, Andrews, Annis, Ash, Austin, Berry, Berube, Bierman, Bowles, Browne W, Bruno, Campbell, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Dugay, Duprey B, Earle, Faircloth, Fletcher, Goodwin, Greeley, Heidrich, Honey, Jacobsen, Jodrey, Joy, Kaelin, Ketterer, Ledwin, Lerman, Lessard, Lewin, Maietta, McCormick, McGowan, McKenney, McNeil, Millett, Mills S, Murphy, Nutting, O'Brien J, Peavey-Haskell, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Simpson, Smith W, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

ABSENT - Bryant-Deschenes, Grose, Hatch, Pellon, Perry A, Usher, Walcott.

Yes, 73; No, 70; Absent, 7; Excused, 0.

73 having voted in the affirmative and 70 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Resolution was **READ ONCE. Committee Amendment "A" (H-637) was READ** by the Clerk and **ADOPTED.** The

Resolution was assigned for **SECOND READING** Wednesday, February 4, 2004.

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

SENATE PAPERS

Bill "An Act To Remove the Designation of the Lake Christopher Wildlife Management Area as a Wildlife Management Area"

(S.P. 685) (L.D. 1842)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 82) (L.D. 159) Bill "An Act To Refine the Criteria for Issuing a Certificate of Need" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-363)**

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

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

COMMUNICATIONS

The Following Communication: (H.P. 1368)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

February 3, 2004

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333-0002

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1 (I)(a), I have temporarily appointed Representative Robert W. Duplessie of Westbrook as a member of the Joint Standing Committee on Transportation for the duration of the absence of Representative Ronald E. Usher of Westbrook.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

S/Patrick Colwell

Speaker of the House

READ and ORDERED PLACED ON FILE.

Sent for concurrence.

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

At this point, the Speaker recognized the Representative from Lewiston, Representative Walcott and he was added to the quorum call of the Second Regular Session of the 121st Legislature.

On motion of Representative SHIELDS of Auburn, the House adjourned at 11:17 a.m., until 10:00 a.m., Wednesday, February 4, 2004 in honor and lasting tribute to Russell L. Sansbury, of Auburn.