

MAINE STATE LEGISLATURE

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

Volume II

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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
2nd Legislative Day
Wednesday, February 4, 2004

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

Prayer by Reverend Dr. Jesse P. James, Riverview Community Parish, South Gardiner.

Pledge of Allegiance.

Doctor of the day, Edward Pontius, M.D., Brunswick.

At this point, the Speaker recognized the Representative from Turner, Representative Bryant-Deschenes; the Representative from Woolwich, Representative Grose; the Representative from Machias, Representative Pellon and the Representative from Calais, Representative Perry and they were added to the quorum call of the Second Special Session of the 121st Legislature.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 684)

ORDERED, the House concurring, that the Joint Standing Committee on Natural Resources report out, to the Senate, legislation to change the point system for clearing vegetation adjacent to protected natural resources.

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

READ.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **PASSAGE** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 308)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

January 29, 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 Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 149 An Act to Transfer Bureau of General Services
School Construction Functions to the Maine
Department of Education

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Neria R. Douglass

Senate Chair

S/Rep. Glenn Cummings

House Chair

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 309)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON JUDICIARY**

January 29, 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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1712 An Act To Promote Equity in Property
Ownership

L.D. 1775 An Act To Require Written Notice of
Revocation of Durable Powers of Attorney

L.D. 1800 An Act To Discourage Misuse of Protection-
from-abuse Proceedings

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

Sincerely,

S/Sen. Peggy A. Pendleton

Senate Chair

S/Rep. William S. Norbert

House Chair

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 310)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON TRANSPORTATION**

January 29, 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 Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1648 An Act Regarding Automobile Dealer
Registration Plates

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Pamela H. Hatch

Senate Chair

S/Rep. Ronald E. Usher

House Chair

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (S.P. 686)

STATE OF MAINE

121ST MAINE LEGISLATURE

January 30, 2004

Sen. Bruce S. Bryant

Senate Chair, Joint Standing Committee on

Agriculture, Conservation and Forestry

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

Dear Senator Bryant and Representative McKee:
Please be advised that Governor John E. Baldacci has
nominated James Tracy of Farmingdale for reappointment as a
member of the Maine Harness Racing Commission.
Pursuant to Title 8 M.R.S.A. § 261-A, this nomination will require
review by the Joint Standing Committee on Agriculture,
Conservation and Forestry and confirmation by the Senate.

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

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

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

The Following Communication: (S.P. 687)

**STATE OF MAINE
121ST MAINE LEGISLATURE**

January 30, 2004
Sen. Bruce S. Bryant
Senate Chair, Joint Standing Committee on
Agriculture, Conservation and Forestry
Rep. Linda Rogers McKee
House Chair, Joint Standing Committee on
Agriculture, Conservation and Forestry
121st Legislature
Augusta, ME 04333

Dear Senator Bryant and Representative McKee:
Please be advised that Governor John E. Baldacci has
nominated Anne Jordan of South Portland for appointment as a
member of the Maine Harness Racing Commission.
Pursuant to Title 8 M.R.S.A. § 261-A, this nomination will require
review by the Joint Standing Committee on Agriculture,
Conservation and Forestry and confirmation by the Senate.

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

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

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

The Following Communication: (S.C. 444)

**MAINE SENATE
121ST LEGISLATURE
OFFICE OF THE SECRETARY**

February 3, 2004
Honorable Millicent M. MacFarland
Clerk of the House

State House Station 2
Augusta, ME 04333
Dear Clerk MacFarland:

Please be advised the Senate today Adhered to its previous
action whereby it indefinitely postponed the Joint Order Directing
the Joint Standing Committee on Education and Cultural Affairs
To Review the Feasibility of Establishing Blueprints for State-
financed School Construction (H.P. 1357) .

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

READ and **ORDERED PLACED ON FILE**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **STATE AND LOCAL
GOVERNMENT** reporting **Ought to Pass as Amended by
Committee Amendment "A" (S-365)** on Resolve, To
Commission a Portrait of the Honorable George J. Mitchell To
Hang in the State House

(S.P. 658) (L.D. 1725)

Signed:

Senators:

ROTUNDO of Androscoggin
LAFOUNTAIN of York
GILMAN of Cumberland

Representatives:

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

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

Signed:

Representatives:

SUKEFORTH of Union
BOWEN of Rockport

Came from the Senate with the Majority **OUGHT TO PASS
AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve
**PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (S-365)**.

READ.

Representative McLAUGHLIN of Cape Elizabeth moved that
the House **ACCEPT** the Majority **Ought to Pass as Amended**
Report.

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

Representative **BOWEN**: Mr. Speaker, Ladies and
Gentlemen of the House. I won't take a lot of time. I have been
here long enough to know when I am on the losing side of a
proposition here. I did want to take a second to explain why I am
where I am on this report.

There was a time in my misspent youth when my personal
political philosophies leaned more to the left than they do now. I
don't like to talk about it, quite frankly, but when I was in high
school I had an opportunity to do an independent study down in
Washington. I had a chance to go and work for Senator Mitchell
for a few weeks and that was my first exposure to politics and my
exposure the to the Senator. I found him then and continue to
find him to be an honorable representative of the State of Maine

and a good citizen and a good Senator and a great statesman. When this bill came before my committee I initially was supportive of it. Certainly the Senator is worthy of any honor that we see fit to bestow upon him.

However, before the vote came, I remember two things. I remembered first that we were in a Second Session and that bills admitted to the Second Session had to meet a pretty high standard in order to get accepted. By the numbers I had, there were almost 350 bills submitted for the Second Session and only 109 made it that were thought by the leadership to meet that high plateau. This bill was among them. When I looked at the bills that I submitted that I thought were important bills on policy, taxes and some things that needed to get done and some other folks that I knew had bills that were not accepted that were important and then to see that this one passed, which I would suggest that although meaningful, is not as meaningful as some of things that probably could have been accepted and passed this session. I had trouble accepting that.

Also, I had trouble with the \$20,000. I know we have been fighting in the millions around here for the last few days, but \$20,000 is \$20,000. I am reading in the newspaper from yesterday that we cut almost \$5 million from the University of Maine and another \$150,000 from the Community College. My Marine Resources budget was slashed. My marine biologists can't get their software upgraded. We are cutting the very kinds of scholarships that the Senator is working so hard to get passed. I felt that given the current fiscal situation that even though it is by comparison to what we have been talking about not a whole lot of money, it really wasn't proper at this time to put this through. The day will come when I will be happy to stand out there and be part of a ceremony honoring the Senator and putting a picture up and Senator Cohen as well someday, but I didn't feel at the time and I continue to feel that this is not the time for this. We don't have the money for it. There are other things that are very, very important to the state that need to be dealt with. I came out on the other side of this report.

When the vote is cast Mr. Speaker, I request the yeas and nays.

Representative BOWEN of Rockport **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 Pembroke, Representative Goodwin.

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. I am going to speak a little bit from experience, since I am in my last term here. In the 118th Legislature we established a commission to select and hang portraits in state buildings. I was part of the process. It passed through and I would pose a question through the Chair. Did the oversight committee consider this route to go to hang a portrait in the building?

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

Representative **MCLAUGHLIN**: Mr. Speaker, Men and Women of the House. I have posed that question to staff and apparently that commission is no longer in existence.

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

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. I won't take up much time, but before I vote against this measure, I want to let my good friend Senator

Mitchell know why I am doing so. I had the opportunity about 20 years ago to spend two and a half years on Bill Cohen's staff in Washington DC. During that period of time, I had veteran's affairs issues that I dealt with with the Senator and worked very closely with Senator Mitchell because he was a member of the Veteran's Affairs Committee in the United States Senate. Like Representative Bowen, I brought bills here that had significant impact on my constituents, bills I was asked to introduce, which were not allowed into this emergency session. I think that even if this would hang a picture of Bill Cohen along side George Mitchell, I would still vote against it today. It is not to take away anything from what Senator Mitchell represents to this state. I don't see this as an emergency and for that reason I am going to vote against it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Mr. Speaker, Men and Women of the House. To speak on the other side of this issue, I serve on the committee that took up this piece of legislation. With regards to the good Representative from Rockport's comments about what is emergency legislation and what is not, I would like to say that as a member of this committee I considered the legislation as the piece that was before us and not the politics behind it as to whether the Legislative Council let it through. I see this as a wonderful opportunity to honor a great man, beyond the politics and other aspects that have come into this. I think he is very deserving of this and the majority of the committee did. I hope we can move on beyond this debate and move on to bigger issues and pass this legislation and the motion that has been brought forth and recognize him as he should be. Thank you Mr. Speaker.

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

Representative **SUSLOVIC**: Mr. Speaker, Men and Women of the House. Very briefly, I am solidly in support of this, not only because I believe his life deserves the honor of having a portrait hung, but also as I look around at the young people that come through this building. I think Senator Mitchell's life's story is an inspiration to all of us, regardless of which side of the aisle we serve on in terms of his parent's commitment to education, the education that he got here in Maine and then what he did to benefit the entire world with that education that he got here in Maine. I would urge your support as a powerful statement that his life has been an inspiration to all of Maine's young people, now and in the future. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **WATSON**: Mr. Speaker, Ladies and Gentlemen of the House. Can anyone on this committee or behind this legislation tell me whether or not the artist who will render this portrait will be a Maine artist or will it be someone from out of state?

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

Representative **PARADIS**: Mr. Speaker, Ladies and Gentlemen of the House. I think Maine has been blessed over the years with political giants of both parties. Some time back we had Senator Margaret Chase Smith. We had Senator Muskie, in more recent times, Senator Cohen, who went on to be Secretary of State and Senator George Mitchell who served on many important commissions internationally. I think when any of these come up for special honors as this is and we do have already on

the walls the paintings of Senator Smith and Senator Muskie. I think we should do the same. I think if a similar bill were passed for Senator Cohen, I would applaud that and I would also vote for him. I think these people are an inspiration to every one of us from both parties here. I think this is a good bill. I will be voting green. I hope everyone does. Thank you.

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

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. We have heard much discussion on this bill this morning and the reasons why we honor distinguished citizens from Maine. As I walked downstairs into the Hall of Flags, we have heard different names mentioned this morning. I do see two large portraits going out to the front veranda. One is of Edmund S. Muskie and one of Margaret Chase Smith. I will say that I am personally offended at times being a strong Democrat, being political, Edmund Muskie's picture is only one-third the size of Margaret Chase Smith, but that is the way it happens. The artist that did that is no longer with us or else I would be asking to have a new portrait commissioned of Edmund Muskie. I think it is time for us to go on and get this passed and then another time if someone is willing to put a bill in for William S. Cohen, another strong man from Maine that did a lot for this state. Many of us, probably everyone in this chamber would support likewise. Thank you.

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

Representative **MCLAUGHLIN**: Mr. Speaker, Men and Women of the House. I cannot let pass an opportunity to promote women in these chambers and to serve the great State of Maine, regardless of the size of their portraits. Let's have more of them. I do want to remind the members that the proposed fiscal note on this bill, \$20,000 will be going to the Appropriations Table as many of our other bills do and will rise or fall on its merits there. Thank you.

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

Representative **BOWLES**: Mr. Speaker, Men and Women of the House. I think much of the recent debate has really missed the point. The point is not whether the individual that we are discussing deserves to be honored. That is not the issue at all. The issue is whether or not it is appropriate at a time of what can only be termed as financial crisis for the State of Maine. We just passed a budget in which we have taken money from hospitals, taken money from Medicare providers, taken money from retired state employees and teachers health insurance fund, and whether this is an appropriate time to be making this expenditure. That is what we should be focusing on in the debate, not on the individual involved.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. Probably most of you don't realize that George Mitchell lived in Falmouth for many, many years. I know him very well. Whatever you think of him, whether you are a Republican or a Democrat, he is one of the most famous Maine residents. He represented the United States in Ireland to try to stop that civil war at probably some risk to himself. He also represented the United States in Israel. Whether you are a Republican or Democrat, we should honor those that have that amount of fame. As Representative Duplessie just pointed out, we have a Smith and Muskie portrait. I will be voting for this and I urge everybody else to. Thank you.

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. 293

YEA - Adams, Ash, Barstow, Bennett, Berube, Blanchette, Bliss, Brannigan, Breault, Brown R, Browne W, Bull, Bunker, Canavan, Clark, Cowger, Craven, Crosthwaite, Cummings, Davis, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGlocklin, McGowan, McLaughlin, McNeil, Mills J, Moody, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Perry A, Pineau, Pingree, Piotti, Richardson J, Richardson M, Saviello, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Trahan, Twomey, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Bierman, Bowen, Bowles, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Curley, Daigle, Duprey B, Fletcher, Glynn, Greeley, Grose, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Landry, Ledwin, Lewin, Maietta, McCormick, McKenney, Millett, Mills S, Moore, Murphy, Muse, Nutting, Peavey-Haskell, Percy, Rector, Richardson E, Rogers, Rosen, Sampson, Sherman, Shields, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Treadwell, Vaughan, Young.

ABSENT - Berry, Dudley, Dugay, Goodwin, Hatch, McKee, Perry J, Rines, Simpson, Snowe-Mello, Usher.

Yes, 79; No, 60; Absent, 11; Excused, 0.

79 having voted in the affirmative and 60 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Resolve was **READ ONCE. Committee Amendment "A" (S-365) was READ** by the Clerk and **ADOPTED.** The Resolve was assigned for **SECOND READING** Thursday, February 5, 2004.

CONSENT CALENDAR

First Day

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

(S.P. 621) (L.D. 1689) Bill "An Act To Provide Reciprocal Authority to New Hampshire Marine Patrol Officers To Investigate Potential Terrorist Activities in Maine Waters" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-364)**

(H.P. 1283) (L.D. 1761) Bill "An Act To Amend the Laws Relating to Nonprofit Corporations" Committee on **JUDICIARY** reporting **Ought to Pass**

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

BILLS IN THE SECOND READING

House as Amended

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Voting Age Qualifications by 12 Months

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

(C. "A" H-637)

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

On motion of Representative **TRAHAN** of Waldoboro, was **SET ASIDE.**

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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 Waldoboro, Representative Trahan.

Representative TRAHAN: Mr. Speaker, Ladies and Gentlemen of the House. I rise today to ask you to reject this legislation pending before us. The reason I ask you to reject it is I believe it violates the intent of Article Two of our State Constitution that requires people voting in an election to be 18 years of age. I will give you a couple reasons why I believe that this violates our Constitution. I will give you an example of an election where allowing 17 year olds to vote would violate that amendment. In some primaries there are contested primaries, but with two members of the same party running in that primary and nobody in a second party running against them. If we allow 17 year olds to vote in a primary, then they could very well dictate who is on the ballot at the end of the year all by themselves. You see by letting 17 year olds vote in a primary, you are dictating what happens in a general election. I believe a primary is an election and is covered under our Constitution as requiring the age of 18.

This bill, as amended, I believe goes around the intent of our Constitution. To change the intent of our Constitution requires a two-thirds vote. By using this amendment in this way to change a statute, it goes around that intent of our Constitution. I believe that is wrong, ladies and gentlemen. There is a very seldom used tool called a solemn occasion. If this bill moves forward, I believe it is a proper time to use that motion of a solemn occasion and ask our courts on a ruling. I hope that before we get to that point that this body would look very closely at our Constitution and how this violates it and vote accordingly. Thank you.

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

Representative CUMMINGS: Mr. Speaker, Ladies and Gentlemen of the House. I don't know if the good Representative from Waldoboro is an attorney or not, but four attorneys have looked at it and it is not a violation, in fact, of the Constitution. Primaries operate not under the Constitution, but under an internal party mechanism that is dictated by statute, which is why you don't need a two-thirds vote here today. I want to go back to a bigger issue. Sixteen year olds, 17 year olds cannot vote in a general election. That remains the same. However, what this bill simply would do is if you are going to be 18 before the general election, you may vote in the primary. The reason that that is not a violation of the Constitution is because, as I just said, it does not function that way under our Constitution for primaries only. I do want to be clear though. They would not be allowed to vote in referendum. They would not be allowed to vote in special elections. They would not be allowed to vote on bond issues.

It simply says that if you are going to be able to vote for John Kerry versus Dean, George Bush vs. Tom Murphy or whoever it is, if you are going to be able to vote in that general election, then you ought to have the right to decide who gets on your ballot. It is a very modest step. Five other states have done it and it is a statement to us and to our youth that it ought to be a part of your growth and development to get involved, think about what you believe and consistently participate in your democracy.

Let me go back to a more technical issue. I had several conversations with city clerks and town clerks yesterday. My town clerk who represents 64,000 people said, the number of students who would actually be involved in this case would be relatively small. Can I handle it? I can absolutely handle it. If it

means that more students participate in our democracy by getting involved in this small way, then let it be done.

I want to ask you today to look at the bigger picture. The bigger picture is, are we sending a message that we are open for our children, our students to get involved early and participate early? The statistics are very clear. If you vote once, you are five times more likely to vote again. The bill clearly helps both parties. It allows individuals to work with young people and to join parties. It does not, however, dictate that they have to be or in any way have to join any party. It is a choice. Therefore, the number of students who would be involved are relatively small. The message about democracy and its importance is very clear.

I wouldn't let a software system confuse the bigger issue. They can do it. They can figure it out. Let's focus on what is good for our democracy and building our youth into our democracy early makes sense and it continues a proud tradition we have of honoring and respecting all the citizens of Maine. This group, 76 percent of them paid taxes last year to this state government. Thank you.

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House. I will be supporting this legislation for another reason. The reason I will be is because the first time I voted was in 1968 in a war zone. I had to be 21 years of age. The 17 year olds that are seniors in high school this year will be facing the possibility of being drafted after the next general election. Those of them that have an opportunity to vote on their future should be given that opportunity. That is why I will be supporting this legislation. Thank you Mr. Speaker.

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

Representative SUSLOVIC: Mr. Speaker, Men and Women of the House. Just very briefly, every time there is an election Maine has one of the highest voter participation rates in the country. I suggest that everyone in this body feels very proud of that fact. If, in fact, you are proud of the fact that we often lead the nation in voter participation, that doesn't happen by accident. We need to continue to strive to do that. If you do feel proud of that voter participation rate, then I urge your support of this bill. Thank you.

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

Representative TRAHAN: Mr. Speaker, Ladies and Gentlemen of the House. This is how Article Two, Section One reads. "Every citizen of the United States of the age of 18 years and upwards, except in person under guardianship for reasons of mental illness having his or her residence established in the state shall be an elector for Governor, Senator and Representative." I stated earlier a perfect example of how in a contested primary with no opposition in the other party a person the age of 17 would then influence who was on the ballot in the fall, uncontested, thus eliminating one person from the primary ballot and then putting before the general election one person chosen in a primary to be on the general ballot in the fall. I believe that violates the intent of the Constitution. It states very clearly that you have to be 18 years of age to elect a Representative, a Senator or a Governor. This bill, although well intentioned deserves a two-thirds vote by this chamber and the other body to go into law. I believe that creating legislation that cleverly goes around the Constitution is bad policy making. We should go through the hard work of gaining that two-thirds vote. Thank you.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I am going to support this simply because public policy we have established several sessions ago was that under the Maine Learning Results, we will encourage and we will be active and involved citizens. I think there is no place better to learn about citizenship, especially as many high schools requiring community service that we have them involved in the political process. If you are going to be able to vote at 18, you will be 18 when the election comes around. Under the way we do candidates in a primary system, I think it only makes sense that 17 year olds be involved early and be educated. It is public policy by this Legislature and the other chamber at the other end of the hall that we ask our people be involved, active citizens, that young people be lifelong learners and in my way of thinking this is a great way to allow those young people a chance to understand the issues before you, not afraid that somebody will unduly influence. It seems to me that we could use that on any group of people, maybe the seniors will unduly influence those with children in the school system or maybe a small group of business owners will unduly influence a rate within a municipality. Democracy is about going out and putting the issues forth and let the chips fall where they may. There is nothing wrong with having 17 year olds involved in the primary system. There is nothing wrong with supporting our Maine Learning Results. We certainly haven't supported it with money. We can at least support it with principles. Thank you.

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

Representative **PARADIS**: Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, we are in a situation right now due to medicine and the other factors that people get older younger and people stay younger older. What I am saying is that the range of effective participation in our democracy is widening. I think we should respect that. In other areas, if you want to really know how computers work very efficiently, talk to a young person. They have their own specialties and in this case the 17 year olds in their senior year in high school are eminently qualified to make sound judgments in our political system. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Mr. Speaker, Ladies and Gentlemen of the House. I am going to vote against this for a different reason. A student who is a junior in high school turns 17 that year. A student who is a senior in high school turns 18 during that year. Many high schoolers, a number of them in the State of Maine, have a course for seniors, many times required, United States Government, Comparative Democracy, Problems with Democracy or Citizenship Education. I think it is appropriate that they complete that course and get all the education and all the information they can out of that formal education experience before they are allowed to vote in a primary or a general election. Thank you.

The SPEAKER: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative **PINGREE**: Mr. Speaker, Men and Women of the House. I appreciate the good Representative's comments, but I wanted to quickly respond. I believe US History is most often taught to juniors in high school. That was not really the purpose of why I intended to stand to speak on this issue. For any of you who know me when I first entered the State House, most people think I am 17. I am not 17, because I look 17 people

are always asking me, how do we get more young people involved in politics? If you go to your Republican county meeting or your Democrat county meeting, it is usually me who looks 17 and a lot of people who look much, much older than me. I know most young people involved in politics and involved in the Legislature who are younger share the same experience. People are struggling. How do we get young people to pay attention to politics? Eighteen to 24 has by far the lowest voting percentage in this country. Maine has a somewhat unique stance because a lot more people are involved in politics. The young people are more involved in politics. I think this is a great way to get young people involved before they head off to college.

This is the point I want to make when we are talking logistics. Unfortunately for all of us, many young people leave the State of Maine to go to college. If you don't leave the State of Maine, most often they leave their hometown. Many people turn 18 while they are in college. I turned 18 while I was in college and going to school in Rhode Island. It is an incredible extra barrier to call your town clerk, figure out how to do the absentee ballot process, get involved after you have left your hometown or after you have left your home state. I believe getting involved in primaries and caucuses before you leave home to go to college will have a huge impact in encouraging kids. I participated in the caucus process. I participated in the primary process so therefore I should follow through and vote in the general election. I believe this bill is a great step. I appreciate the good Representative from Waldoboro's comments, but I believe this is different from the Constitution. This is about our primaries and caucuses. It is about our parties getting more young people involved. I couldn't think of a better way to do it. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Thomas.

Representative **THOMAS**: Mr. Speaker, Ladies and Gentlemen of the House. I want to echo what the good Representative from North Haven said. I graduated at 17 and turned 18 when I was in college, not while I was a junior in high school. Actually to be honest with you, the last time I checked being educated wasn't qualification for the right to vote. I know there are a lot of people who are over 18 who probably couldn't tell you what happens in those US History classes, let alone what they probably need to know to make an informed decision on the ballot.

What I really rose to say was the way I read Article Two, Section One, to address the good Representative from Waldoboro, what he is saying is that they will influence who gets placed on the ballot and thus be an elector for Representatives, Senators and Governors. I guess I would disagree with that because it says that you will be an elector and that doesn't address how much influence you have on who gets on the ballot. When I was 17, I drove a car for someone who is now serving in the other body. I also handed out literature and put up lawn signs. I would like to say that I influenced who got on the ballot. Whether or not I actually voted in that primary, I think that sort of speaks to the issue the Representative Trahan is addressing. I did have influence, not just through caucus or primary participation.

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. I am truly mystified. The Constitution says that you have to be 18 years old to vote in an election. Now I am hearing that this really is not an election and you really are not voting, so you can be 17. I would like to pose a question through the Chair? What is the source of the pronouncement

that a primary election is not an election and where is written documentation of that decision?

The **SPEAKER**: The Representative from Auburn, Representative Shields 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. In response to the question, it came from the Secretary of State's Office. It is in writing. Members of the committee saw it. We have a copy of it. It was clear. Again, the reason it is not is because primaries are internal party mechanisms. They are designed to determine which Republicans or which Greens or which Democrats will be on that ballot. Therefore, it is not considered a general election.

One more time I will remind people, we are not talking about all of the other things. We are not talking about referendums. We are not talking about special elections. We are simply talking about their right to have an influence on who gets on the ballot if they are old enough in November to actually make that choice. If you want written confirmation of that, ask any committee member, they should have full documentation.

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

Representative **KETTERER**: Mr. Speaker, Ladies and Gentlemen of the House. Yesterday when I voted on this, I actually voted against it. After doing some homework and finding some things out, I have actually changed my mind. The reason I did that is because I found out that the law is going to be that if you are 17 at the time of the primary, but are going to turn 18 before the general election, then you can take part in the primary. I think it is something that we do have to teach our kids. I don't think we should teach them how this works in our senior year in high school and then sort of let them go. I think it is better to teach and show at the same time. I think you can learn it better if you are actually going through something that is real and is what you are studying in school at the same time. I think it is a better educational tool and it would really prepare the 18 year old who is going to be voting in November. I think they would be more informed, more able to take part in their party, whichever it is. I just think it is a very good idea. It is good for the kids and their education. I think we owe that to them. Thank you.

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

Representative **EDER**: Mr. Speaker, Men and Women of the House. I rise today to support this legislation. I think it is a fine idea that's time has come. As we struggle with strategies to keep young people from leaving the state in droves, I think that inviting them to participate in the political process and be part of the process that makes this great state is the best way that we can invite them to stay and not leave. I ask that you would support this motion. Thank you.

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

ROLL CALL NO. 294

YEA - Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Brown R, Bull, Bunker, Canavan, Cowger, Craven, Cummings, Davis, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Grose, Hotham, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman,

Landry, Lemoine, Lerman, Lessard, Lundeen, Marley, Marraché, McGlocklin, McLaughlin, Mills J, Moody, Moore, Muse, Norbert, Norton, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Sampson, Saviello, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

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

ABSENT - Berry, Dugay, Goodwin, Hatch, McGowan, McKee, Rines, Snowe-Mello, Usher.

Yes, 74; No, 67; Absent, 9; Excused, 0.

74 having voted in the affirmative and 67 voted in the negative, with 9 being absent, and accordingly the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

ENACTORS

Emergency Measure

An Act To Refine the Criteria for Issuing a Certificate of Need
(S.P. 82) (L.D. 159)
(C. "A" S-363)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 6 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Resolves

Resolve, To Clarify State Ownership of Land in the Town of Naples

(H.P. 1222) (L.D. 1644)

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

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

On motion of Representative MAKAS of Lewiston, the House adjourned at 11:27 a.m., until 10:00 a.m., Thursday, February 5, 2004.