

# 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**

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**Second Regular Session**

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February 3, 2004 - April 7, 2004

Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
SECOND SPECIAL SESSION  
7th Legislative Day  
Wednesday, February 18, 2004

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

Prayer by Deputy Chaplain K. C. Putnam, Maine Fire Chiefs, Cumberland Center.

Colors presented by The Sea Cadets of Mahoney Middle School, South Portland.

National Anthem by Phillip W. Sugg Middle School Band, Lisbon Falls.

Pledge of Allegiance.

The Journal of Thursday, February 12, 2004 was read and approved.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

**Pursuant to Resolve**

**Commission to Improve Community Safety and Sex Offender Accountability**

Representative FAIRCLOTH for the **Commission to Improve Community Safety and Sex Offender Accountability** pursuant to Resolve 2003, chapter 75, section 8 and chapter 101, section 3 asks leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Commission to Improve Community Safety and Sex Offender Accountability"

(H.P. 1380) (L.D. 1855)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Resolve**

**Task Force on the Planning and Development of Marine Aquaculture in Maine**

Representative BULL for the **Task Force on the Planning and Development of Marine Aquaculture in Maine** pursuant to Resolve 2003, chapter 40 and chapter 101, section 3 asks leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Task Force on the Planning and Development of Marine Aquaculture in Maine"

(H.P. 1383) (L.D. 1857)

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

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

Sent for concurrence.

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**Pursuant to Statute**

**Department of Professional and Financial Regulation**

Representative O'NEIL for the **Department of Professional and Financial Regulation** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Bureau of Insurance (EMERGENCY)

(H.P. 1384) (L.D. 1859)

Be **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Public Law and Resolve  
Commission to Improve the Sentencing, Supervision,  
Management and Incarceration of Prisoners**

Representative GROSE for the **Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners** pursuant to Public Law 2003, chapter 451, Part K, section 2 and Resolve, chapter 101, section 3 asks leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners" (EMERGENCY)

(H.P. 1382) (L.D. 1856)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**ORDERS**

On motion of Representative DUPREY of Hampden, the following Joint Order: (H.P. 1381)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Judiciary report out, to the House, a constitutional resolution that defines marriage as being between one man and one woman.

**READ.**

Representative NORBERT of Portland moved that the Joint Order and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative CARR of Lincoln **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Joint Order 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 Hampden, Representative Duprey.

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Now that we have our definitions in order, I will attempt to address the body as to why I am presenting this Joint Order and to confine my comments as to the reason I am trying to present this to the Joint Standing Committee on Judiciary to report out a bill, because it is not a bill, it is a Joint Order, as we have clearly defined.

The reason I oppose the Indefinite Postponement in the mid-'90s the Hawaii Legislature passed a same sex marriage provision. In response to Hawaii's action, the Federal Government and 39 states, including Maine, have passed laws, which define marriage as between one man and one woman. This was done to make sure that if a state did legalize gay marriage, Maine would not have to recognize it. Hawaiian citizens later overturned their legislature with a referendum and defined marriage in a Constitutional Amendment.

Some are going to argue that this Constitutional Amendment is not necessary, that Maine is protected under the Defense of

Marriage Act that was passed in the '90s. I would like to believe this, but it very well could prove to be false. Any activist judge trying to legislate from the bench could simply rule that the Defense of Marriage Act is discriminatory to homosexuals, therefore illustrating the need for Constitutional protection and certainty.

Alaska, California, Nebraska, Nevada and Hawaii all have constitutional amendments defining marriage as between one man and one woman. The states of Alabama, Georgia, Idaho, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Oklahoma and Vermont all have Constitutional Amendments currently pending in their state Legislatures. Most of these 12 states also have the Defense of Marriage Acts, but understand the importance of a Constitutional Amendment to firm it in stone.

The American public as well as the citizens of Maine has in poll after poll strongly opposes the legalization of same-sex marriage. Failure to listen to them with your vote today may submit you having to listen to them on Election Day with their vote. Thank you Mr. Speaker.

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

Representative **NORBERT**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you all to join me in supporting the pending motion. The Judiciary Committee, like your committees, is plenty busy these days. I think we have the third highest bill load right now and to have something like this dropped on our laps towards the end of session is not something that I want. I will just point out in a bipartisan fashion last week I moved a similar Indefinite Postponement of a democratic Senator's attempt to also have our committee take up work that we hadn't collectively decided that we wanted to take up. I would just point that out. The good Representative from Hampden, Representative Duprey, also pointed out that, in fact, there is on the books already a statute, Maine's version of the Defense of Marriage Act. It can be found in Title 19A, Section 650. I really do not see the need for this on top of that. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone the Joint Order and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 299**

YEA - Adams, Ash, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Breault, Brown R, Bull, Canavan, Cowger, Cummings, Dudley, Dugay, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Goodwin, Grose, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Lemoine, Lerman, Lessard, Mailhot, Makas, McCormick, McGowan, McKee, McLaughlin, Mills J, Mills S, Moody, Norbert, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Bennett, Berry, Berube, Bierman, Bowen, Bowles, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Duprey G, Fletcher, Glynn, Heidrich, Honey, Jacobsen, Jodrey, Joy, Kaelin, Lewin, Lundeen, McKenney, Millett, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

ABSENT - Bunker, Craven, Greeley, Hatch, Hotham, Hutton, Ledwin, Maietta, Marley, Marraché, McGlocklin, McNeil, Norton, Saviello, Usher.

Yes, 73; No, 63; Absent, 15; Excused, 0.

73 having voted in the affirmative and 63 voted in the negative, with 15 being absent, and accordingly the Joint Order and all accompanying papers were **INDEFINITELY POSTPONED**.

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

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Kevin Jenkins, of Gorham, on the occasion of his 300th win, in his 20th season as head coach of the Gorham High School varsity boys' basketball team. Mr. Jenkins has served his school and community as a coach, teacher and school administrator. Mr. Jenkins has compassionately touched the lives of those he has worked with in all of his volunteer and professional endeavors. We extend our appreciation to Mr. Jenkins for his commitment to his students and community, and congratulate him upon his achievements;

(HLS 1101)

Presented by Representative BARSTOW of Gorham.

Cosponsored by Senator GILMAN of Cumberland, Representative CLOUGH of Scarborough.

On **OBJECTION** of Representative AUSTIN of Gray, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Mr. Speaker, Ladies and Gentlemen of the House. My first impression of Coach Jenkins showed me a glimpse of his character in 1990 when the Gray-New Gloucester Patriots competed against the Gorham Rams in the first round of the Western Maine Boy's Basketball Tournaments here in Augusta. Our young men were coming off a desert dry spell of years of not making the cut to that level of competition. Our communities of Gray-New Gloucester were thrilled that our team would be on the court. However, our team being young and inexperienced in tournament play, soon fell victim to the talents of the Rams under the leadership of Coach Jenkins. Those of you as former athletes or with family athletes know the depth of disappointment that follows such a short high. Many of our players would never have this opportunity again. As seniors their career had ended at the buzzer.

I have never forgotten Coach Jenkins's sense of fair play and example of great sportsmanship competitor to competitor. The next morning in the *Portland Sunday Telegram* Coach spoke well of the valiant attempts by the fledgling G-NG team and helped them to regain a sense of self-respect for their efforts. When we feel a competitive loss, a touch of kindness through words or deeds may often be the one saving grace to the experience.

Through the years my family met both Kevin and Kathy Jenkins on the court as they competed against Kevin's teams or played in games refereed by his wife, Kathy.

Kevin has been a consistent, ever constant role model to young athletes in the Gorham community and further a far through his work with the Liberty Lake League in Gray in summers past. He is a credit to his family, his school, his town

and most certainly to the sport of basketball! Congratulations Coach!

Coach on another matter at hand, to your boy's team may I wish you the very best and good luck. As to your daughter's Gorham Rams match up against the Lady Patriots of Gray-New Gloucester, may I say "deja vu" Best wishes for great sportsmanship, a safely executed competition and may the best young ladies win! Thank you.

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

## REPORTS OF COMMITTEE

### Change of Committee

Representative KANE from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Restore Funding for Certain Nursing Facilities and Residential Care Facilities" (EMERGENCY)

(H.P. 1313) (L.D. 1791)

Reporting that it be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent for concurrence.

### Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Waive Fees for Background Checks for Certain Emergency Medical Services Personnel"

(H.P. 1310) (L.D. 1788)

Signed:

Senators:

STRIMLING of Cumberland  
CARPENTER of York

Representatives:

BLANCHETTE of Bangor  
MAIETTA of South Portland  
SYKES of Harrison  
GROSE of Woolwich  
GREELEY of Levant  
GERZOFKY of Brunswick  
MILLS of Farmington  
CHURCHILL of Washburn  
LESSARD of Topsham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-689)** on same Bill.

Signed:

Representative:

SNOWE-MELLO of Poland

**READ.**

Representative BLANCHETTE of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I stand here today in opposition to the Majority Report. I ask you as a legislative body to vote with me, the one Minority Report member on the Criminal Justice Committee. Why would you ask that I would stand here and go against my wonderful committee members? The reason why is because I believe in this bill. I believe in our wonderful emergency medical personnel who are out there fighting to save

our lives. They are out there working hard every day when they are out there to ensure that our loved ones are safe.

There is a hefty price tag on this, but I think it is well worth it, because in my belief it is going to also be a tax break for municipalities. It is really tough, ladies and gentlemen, to find good people or to find emergency medical personnel period. I believe by waving the fee it is a good and sensible thing to do. I ask you to please support the Minority Report and reject the Minority Ought Not to Pass Report. Thank you.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. It is not easy for me to stand here today and ask you to support my Majority Report, but I do so because it is the right, fair and just thing to do for the people of Maine. I don't believe that anybody can say that I haven't through my 20 odd years in political life fought for safety issues for all police and fire, whether I have been down here or back in my own municipality. This is a good feeling bill, but it is a bill with a moving price tag on it, because there is no way that once we wave the fee for emergency medical people that we can ever put a price tag on it, because the figures will fluctuate from year to year. Most of your municipalities, townships and plantations will budget so much money for emergency medical people for their licensing for a year, not a whole lot of money when they figure the cost that they are going to save by having trained personnel. By it being local control, you are controlling the price tag on this. I stand here and ask you to please support this Ought Not to Pass report out of this committee. I represent greatly my good opponent from Poland, Representative Snowe-Mello's feeling on this, but to do the fair and right thing for every small town and municipality in the state, please support the Ought Not to Pass motion. Thank you Mr. Speaker.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. Enactment of LD 1788 would direct the state to wave the fee for background checks of municipal emergency medical services personnel, both municipal employees and volunteers when applying for an EMS license. In June of last year municipal emergency medical service providers throughout the state were advised that pursuant to rulemaking, the State Bureau of Investigations would begin charging all governmental agencies for criminal conviction background checks effective October 1, 2003. Previous to this, EMS personnel were not subject to a charge. The fee for an online background check for each applicant or for a license renewal, which occurs every three years, would be set at \$15. I have concerns about the impact on both municipal budgets and the impact on individual members that have to pay this fee out of their own pockets. As you know, communities throughout the State of Maine rely heavily on part-time employees and volunteers to staff this essential and vital community service. In the past several years it has become increasingly difficult in most communities to recruit and train a sufficient number of rescue personnel and charging \$15 every three years for a background check for emergency medical personnel will make it even more challenging.

The new fee represents just one more hurdle in the recruitment and training of qualified people for these important positions. In addition, we are at a time when most municipal budgets are already over extended and there is no easy way for municipalities to absorb this added cost. Some communities will have to use money that should have been used for training and new equipment to pay for the background checks. Now is not the

time to be creating another unfunded mandate for municipalities to deal with.

I would also like to point out that this \$15 fee, only \$1.50 of it goes to Informaine to provide the service. Thirteen dollars and fifty cents goes to the general fund. I think that we can understand how that ties in with the October 1st deadline in the budget.

Ladies and gentlemen of the House, I ask that you vote against the pending motion and give your support to passing LD 1788, thus providing this much needed relief to the emergency medical service providers in the towns that you represent. Mr. Speaker, when the vote is taken, I request a roll call.

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

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is acceptance of the Majority **Ought Not to Pass** Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 300**

**YEA** - Adams, Ash, Beaudette, Blanchette, Bliss, Bowles, Breault, Bunker, Canavan, Churchill E, Churchill J, Clark, Cowger, Craven, Cummings, Daigle, Dudley, Dunlap, Duplessie, Earle, Faircloth, Fischer, Gerzofsky, Greeley, Grose, Jennings, Kane, Ketterer, Landry, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, McCormick, McKee, McLaughlin, Mills J, Mills S, Moody, Norbert, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Richardson M, Rosen, Sampson, Saviello, Sherman, Simpson, Smith N, Smith W, Sullivan, Suslovic, Sykes, Thomas, Thompson, Twomey, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Andrews, Annis, Austin, Barstow, Bennett, Berry, Berube, Bierman, Bowen, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Campbell, Carr, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Davis, Dugay, Duprey B, Eder, Finch, Fletcher, Gagne-Friel, Glynn, Heidrich, Honey, Jackson, Jacobsen, Jodrey, Joy, Kaelin, Lewin, McKenney, Millett, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Rines, Rogers, Shields, Snowe-Mello, Stone, Sukeforth, Tobin D, Tobin J, Trahan, Vaughan, Wotton, Young.

**ABSENT** - Brannigan, Duprey G, Goodwin, Hatch, Hotham, Hutton, Koffman, Ledwin, Maietta, Marley, Marraché, McGlocklin, McGowan, McNeil, Norton, Tardy, Treadwell, Usher.

Yes, 73; No, 60; Absent, 18; Excused, 0.

73 having voted in the affirmative and 60 voted in the negative, with 18 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Abrogate the Hearsay Rule in Cases Involving Custody or Protection of Children"

(H.P. 1245) (L.D. 1669)

Signed:

Senators:

PENDLETON of Cumberland  
CATHCART of Penobscot  
WOODCOCK of Franklin

Representatives:

NORBERT of Portland  
BULL of Freeport

SIMPSON of Auburn  
GERZOFKY of Brunswick  
BENNETT of Caribou  
MILLS of Farmington  
CARR of Lincoln  
DUPREY of Hampden  
BRYANT-DESCHENES of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-688)** on same Bill.

Signed:

Representative:

SHERMAN of Hodgdon

Representative LORING of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.

**READ.**

On motion of Representative NORBERT of Portland, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-683)** on Bill "An Act To Permit the Photocopying of Driver's Licenses in Financial Transactions"

(H.P. 1324) (L.D. 1802)

Signed:

Senators:

LAFOUNTAIN of York  
DOUGLASS of Androscoggin  
MAYO of Sagadahoc

Representatives:

VAUGHAN of Durham  
PERRY of Calais  
BREault of Buxton  
GLYNN of South Portland  
SNOWE-MELLO of Poland  
YOUNG of Limestone  
PERRY of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-684)** on same Bill.

Signed:

Representatives:

CANAVAN of Waterville  
WOODBURY of Yarmouth  
O'NEIL of Saco

**READ.**

Representative O'NEIL of Saco moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. This ought to be enlightening. It certainly was when we had this in public hearing. We can all go home tonight and say we learned something in the Legislature today. This is a bill that is pretty innocuous. It is very well intended. It was going to pass no matter what happened out of the committee. I just will

make the case today that the "B" Report makes a whole lot more sense than the "A" Report. We can do it or we can do it right.

I bet, Mr. Speaker, you did not know that it is a Class D crime to photocopy a driver's license in the State of Maine. It is a Class D crime to photocopy a driver's license in the State of Maine. I have violated that hundreds of times. When I hire new people where I work, one of the first things we do in orientation is take a couple of forms of ID. Photocopy say a social security card and a driver's license. I put them in their personnel files and I commit a Class D crime. Video rentals, libraries, there are people all over this state who do this. The intent of the current statute is to protect people's identify, identity theft, identity fraud is a problem, but I think this statute as written is a case of good intentions gone bad.

An interest group came to the Legislature and said that they would like to get around this. They happened to be banks and credit unions. Some of my best friends are bankers and credit union people, but listen, they came and said that they have a legitimate need to photocopy somebody's driver's license when they are applying for a loan. We all concurred and thought that was a reasonable request. It is being kept in a safe spot. Current statute says that if that bank or credit union wants to photocopy my driver's license, they have to write to the Secretary of State, get written permission from the Secretary of State and the Secretary of State sends it edict back to the bank and in the meantime I am waiting for a week in the bank lobby, hopefully they have a lot of lolly pops, for an answer whether or not my driver's license can be photocopied.

I want to be protected. I certainly want my identity to be protected, but I am not going to pull it out of my wallet if I don't trust the person I am giving it to.

The majority of the committee saw things this way and said, let's give these banks and credit unions the opportunity to photocopy these documents. It makes sense. Well, then there was somebody else that caught on with what we were up to. It happened to be the car dealers. They said that they want an exemption too. It seems that when I go to test drive an automobile, some dealers like to take my driver's license and kind of photocopy it and kind of hold onto it while I am out there driving the car. It makes sense. About that point I started tapping my fingers on the desk and saying who is next? Who else is going to come in and get written into a virtually private and special law? It is not a big deal folks. Nobody is going to lose sleep over this little provision of law, but if we are going to write law, then let's write it right.

A third party came in and they are in the bill too, an employer who has commercial class drivers. Evidentially they like to verify that the new hire has a Class 2 license or a commercial license so they want a photocopy of the driver's license and put it in a file. That is all who showed up before we reported the bill out, but I guarantee you some lobbyist will make \$10,000 or \$20,000 next year going to video rental halls and convenience stores and whoever else to say that you want to get an exemption from this law. It is my way of thinking, men and women of the House that is a dumb way to do statute. We reported out Committee "B," which simply covers everybody and says if somebody wants to photocopy my driver's license, I have to sign off on a little form. That acknowledges that they are, indeed, taking a photocopy and they are keeping it in a secure spot. If it is a digital photocopy, it is being kept in a secure spot. It applies to everybody equally. It doesn't just carve out exemptions for whoever showed up. Again, both reports do the same thing. In my estimation and I hope you agree, Committee "B" doesn't just do it, it does it right. If you would rather do things right, follow my light. 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 the motion to pass the Minority Report and ask the House to consider the good work of the Insurance and Financial Services Committee and move onto the Majority Report. Very simply stated, the purpose of this bill was to correct a problem in Maine state law that conflicts with federal law. There is a very specific and reasonable reason why this law was restricted strictly to financial institutions. When you go to open up a banking account, federal law requires that you provide ID and for the bank or the credit union to provide proof of that identification. We have a Maine state law that says you can't do it. That is the rub, the conflict. That is why the Majority Report was put forward as a solution to that addressing the problem. The other special interest groups that had testified in front of the committee do not have this conflict with federal law that the banks and the credit unions have.

The language that was before in the Majority Report was, in fact, agreed upon by the Secretary of State's Office. It was a collaborative process for the Secretary of State's Office. The Minority Report that is the motion before you right now, has not been signed off by the Secretary of State's Office. Financial institutions are required under the USA Patriots Act to establish a Customer Identification Program for their institution and they need to photocopy these driver's licenses. If you put a requirement in, as is in contemplated in the motion that we are looking at, we will put forward and obstacle and a hurdle for them to be able to collect this information. That is why most of us voted with the Majority Report.

The thing to remember is the reason why the federal government wants us to have photocopies of people's driver's licenses is when a criminal presents falsified identification at a financial institution, it often contains a fraudulent name or date of birth and address. However, the criminal usually will put their actual real photo on that as a valid piece of identification to falsify their identification. Documenting this falsified identification at a credit union or a financial institution doesn't provide the law enforcement with valid information on who the person is that committed the crime, but what it does do is it gives you a photo of them, a picture of them and that is why the federal law was passed and why it makes good sense to move onto the Majority Ought to Pass Report to correct this inequity between Maine law and federal law. Mr. Speaker, I would ask that the Clerk read the committee report.

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

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

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. Very interesting comments by the good Chair of the Banking and Insurance Committee. It was a difficult little decision to make, I am sure, as the people came out of the woodwork one after the other trying to express that we have all been violating this fine law of copying driver's licenses for our various constituencies and our various uses. The good Representative Vaughan would remember that in Criminal Justice that we had a bill where he wanted every mom-and-pop grocery store to copy driver's licenses to ensure a viable means of catching the bad guy that bounced a check. It was a very good idea, but we voted it down last year because we thought it was very difficult to have a secure place and have proper custody of those driver's licenses and their personal information. I do think that the good Chair of Banking and Insurance is right. If you are going to do it, then do

it right the first time. We will see hundreds of these bills follow today if we just don't make a blanket rule to cover each and every possible example out there so that no one is violating the rules of the State of Maine. I would highly recommend that you go with the "B" Report. I think it does it keep it simple stupid and makes it work for anybody coming down the track that has a real reason to utilize a driver's license for a very valid reason. If the person is willing to sign their name to a document saying that I want to buy that rental, here is my driver's license. You have my signed permission to use it as personal ID. I think that is the only correct and proper way that we should allow this endeavor to go on without seeing it time and time again in our next sessions. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **DUDLEY**: Mr. Speaker, Ladies and Gentlemen of the House. The minority committee amendment requires that the photocopy be kept in a secure, non-public location and has restrictions on the distribution of the information collected in the photocopy. I am wondering what the penalties would be were that information to be shared?

The SPEAKER: The Representative from Portland, Representative Dudley has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Ladies and Gentlemen of the House. In answer to the question, I am not sure exactly what the penalty is, but my guess is it would take on the Class D crime. However, that provision of safe storage is not exclusive to the minority amendment. The exact same language is in the majority. It just stipulates that if somebody is going to indeed take a photocopy of a document like a driver's license, that they have to safeguard it. It can't be posted and it can't be hung up next to a cash register, for instance, in the convenience store. Driver's licenses, if you pull yours out of your wallet and look at it, it has bar codes. It has digital imagery on it. It has this holographic thing. It would make it awfully difficult to reproduce realistically, but nonetheless it is a good idea to have those safeguards in there. Either report requires that. I don't know about the penalty.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. This is a piece of legislation, which I sponsored to address a problem in the financial community. I am a little bit perplexed, frankly, at the argument from the good Representative from Saco, Representative O'Neil, in putting forth the Minority Report. What I am hearing from the Representative is that the Minority Report is somehow going to make this control tighter and more disciplined. In fact, I think it is exactly the opposite. The Minority Report, if I could just read from this, the Minority Report will allow a person to make a photocopy of a driver's license without written consent if the person obtains the written consent of the holder of the driver's license. In the Majority Report, there are very specific instances in which a person trying to complete a transaction may require a photocopy of the license. They are enumerating. There are only three of them and they are very specific. In the Minority Report, in fact, anyone who wants to consummate a transaction could be subject to the request to have their driver's license photocopied. It is true that they have the ability to say no, but if they want to go into a store and purchase an item and the store clerk says, I'm sorry,

we are not allowed to sell that item without looking at a driver's license and making a photocopy. If the person wants that item badly enough, then they will acquiesce to that. You have expanded the potential opportunity for abuse, in my opinion. The fact of the matter is, either the Minority or the Majority Report does advance the cause here and both of them will help alleviate the problem that exists, but it seems to me that the Minority Report is more expansive and more subject to abuse than the Majority Report. I would urge you to oppose the Minority Report and go on and join the majority of the members of the committee in passing the Majority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. Oh, how we complicate things. In answer to a couple of assertions, one to the Representative from South Portland, Representative Glynn and the other from the Representative from Sanford, Representative Bowles. The Representative from Sanford's observation that both reports do indeed forward the cause is right. This is my eighth session here. I have been part of some pretty big legislation. There was the Patient's Bill of Rights, Blue Cross restructuring. We just did Dirigo last time around. There were some pretty big bills that took a lot of heavy lifting. This isn't one of them. It is not, but it is well intended and I think it ought to be passed in the minority form. It is just that "A" is not a good example of problem solving. "B" gets it done and gets it done right. In terms of the enumeration, that is my difficulty with it. You enumerate three things. It reminds me of the good Representative from Old Town, Representative Dunlap, used to have a pickup truck. It had a red door on one side and a blue door on the other and he had four different hubcaps and a green hood and two different bucket seats, one from a Corvair and one from a Corvette. That is what this statute is setting forth. We shouldn't do that. Ten years down the road somebody will look at that and scratch their head and say, what were they smoking up there in Augusta when the wrote this law? As a matter of fact, my first term here in 1997, the whip, Representative Saxl put together a little ad hoc group of legislators, some of whom are in this room today that went through and got rid of outdated laws like dueling being illegal on Sunday and things that just didn't make any sense in statute. This would be on that table some day. If I had my way, it would be next week. That takes care of the Representative from Sanford, Representative Bowles, I hope.

In terms of the Representative from South Portland, Representative Glynn, no, the Secretary of State did not sign off on this, but you know what, they don't write the laws around here, we do and we are the ones that have to live with them. We are the Legislature. Yes, the Patriot Act does require financial institutions to jump through certain hoops and we don't usually like to be out of sync with federal law, but the assertion by my good friend, the Representative from South Portland, Representative Glynn, that this poses a hurdle is a stretch. I will give you an example. I go in to rent a video for the first time and they say, where do you live? I live on 21 Sheila Circle. Can I have a form of ID before you rent? Credit card or that sort of thing. We like to keep a copy of your driver's license on file. I have two choices. I can say that I want to go someplace else and rent a video. I don't think I am comfortable handing you my license and having you keep a copy of it. They would say, we have two ways to do it under this brilliant law that O'Neil concocted. We can write to the Secretary of State the way we have always had to do and get permission and wait a week and by that time you could have rented Easy Rider six times or you can just sign this little stock form that I have under the



counter that says that you recognize that I am giving this person my license and it is being photocopied and stored. Ladies and gentlemen, that is it. There is no need to get all hung up about it. It offers a business friendly solution. It offers protection to the consumer and it doesn't have to come back and be revisited ad nauseam forever and ever and ever. We could spend our time doing real stuff. That is my rationale on "B."

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Perry.

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House. I voted on the Minority Ought to Pass as Amended Report for the very reasons Representative O'Neil explained. Quite honestly the going to the video store and having to sign off the copying of my license could mean that either I can rent that video or not. Some people are lucky to have another video store within 20 to 30 miles of their home. Others of us are not. Also, I think that if I am going to have my license photocopied, I would like to have it in limited places. For large financial transactions, for the ability to do the banking and stuff with the protection of ID, that will be protected through the photocopying. I would like to stay with that. I think one example that was given to us when we were going through the testimony was that there was a credit union that was working a transaction that actually went across state lines. They asked for an ID and had a license copy sent to them. Later in research in doing this they found out that this was a stolen ID. The photograph of the perpetrator, but it was a different person's name and birth date. As a result of that work they were actually able to pick this person up. This person was laundering money. Yes, I think getting the photo ID is important, but I also think that limiting where it can be done and should be done and also allowing us to continue our daily business as compared to getting videos and going to a restaurant and buying some clothes here and there did not have to be an issue. Thank you.

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

Representative MILLS: Mr. Speaker, Ladies and Gentlemen of the House. I agree with the statements of the previous speaker, however, I would apply them to the Minority Report that is being moved at this time. Reading the Majority Report, which she referred to, it appears to me that it is very broad when it talks about getting a driver's license solely for proof of identification for the consummation of a financial transaction. It seems to me that a financial transaction can include any sale or rental of any goods. For that reason, I would prefer to go with Representative O'Neil's version of the bill, which requires written consent before a copy can be made. At least you know you are signing off on this. At least you have an opportunity to object. The other bill does not seem to provide that opportunity. Thank you.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Mr. Speaker, Ladies and Gentlemen of the House. Well, the point was just made by the good Representative prior to me the exact reason why I chose the Minority Report over the Majority Report. I don't believe that we should be getting the permission, not in the case of identity theft. Ladies and gentlemen, identity theft is happening all over the United States and it is also happening in Maine. While I was leaving a hotel that I was staying at in Washington DC and heading to the Reagan Airport, I met a reporter from one of our national networks. He was actually doing a report on identity theft and how rampant it is throughout the United States. Criminal behavior, when the person is subject to criminal behavior, he doesn't have the compunction to think what is right or wrong. He simply does whatever it is that will benefit him. He or she does

not think about the ramification or care about the ramification of stealing someone's identity or hurting a financial institution. I think it is extremely important, ladies and gentlemen, that we vote for the Majority Report and vote against the Minority Report. Let's protect our people. We really need to do that. Thank you very much.

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

Representative DUDLEY: Mr. Speaker, Men and Women of the House. The Representative from Farmington raised my curiosity. In the original bill we had language relating to major financial transactions and then in both committee amendments we have stricken the word major and have just financial transactions. It is considerably looser here than what was proposed in the original bill. Frankly, I am inclined to support the original bill and neither of the committee amendments. It may surprise many of you to learn that consumer privacy is an issue of concern for me. I have strong concerns that both committee amendments represent a not insignificant erosion of personal privacy in general. I will be supporting neither committee report.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Lessard.

Representative LESSARD: Mr. Speaker, Ladies and Gentlemen of the House. I like the idea, as Representative O'Neil presented, the fact that you sign off because this is kind of a personal document that you have. You have earned it. You have driven with it. A lot of personal information is on it. Who ever is the recipient of that information and the copying, they are put on notice when you sign off. They acknowledge that, but they are responsible for that information. If something goes haywire, you have a source to go back to and any grievance you may have, you can lay it right back to that individual who did obtain that information on that license. I support the motion on the floor. Thank you.

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

Representative WATSON: Mr. Speaker, Ladies and Gentlemen of the House. I have represented people who have been the victims of identity theft and I can tell you from experience that identity theft is a very easy process from the thief's point of view. However, I would only remind this body that on your driver's license it contains two pieces of information that are not common knowledge. The only thing that you can't get out of a telephone directory that is on your driver's license number and your date of birth. If you have ever had an accident in the State of Maine, I can get your driver's license number and your date of birth with a simple phone call or a few keys on a keyboard. You are not really protecting anything. I would remind you that identity theft is the responsibility of the individual. For that reason, I am going to support the Minority Report presented by Representative O'Neil because I believe it simplifies the law that attempted to offer protection that, in fact, doesn't. It only complicates this matter. If I want to loan my car to someone, yes, I would like to have a copy of his driver's license. If I have a new 18-year-old kid who wants to date my daughter, I might want to copy his driver's license. It is nonsense to say that I have to write the Secretary of State for that permission.

I appreciate the earlier amendment, however, again, it does not go far enough. Representative O'Neil is correct, this matter simplifies and cleans up the law and makes it much more simple. Please remember that your driver's license is not going to be duplicated as a result of even the best photocopier. The only thing that is there that you might want to protect is your birth date, which is certainly understandable and your driver's license

number, which is a matter of public record anyway. Thank you Mr. Speaker.

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

Representative DUDLEY: Mr. Speaker, Men and Women of the House. To correct the Representative from Bath, the Minority Report allows a photocopy or other electronic copy of a driver's license. A computer scan of a driver's license would, in fact, allow somebody to create a rather good looking duplicate of a driver's license.

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

Representative O'NEIL: Mr. Speaker, Men and Women of the House. In answer to that question, it is ironic, I just pulled this tag off the bottom of my chair. I have already confessed to crime on the floor of the House. It says under penalty of law this tag not to be removed except by the consumer.

Indeed, the Representative from Portland, Representative Dudley, is right. That same provision applies to both reports. The application is the same. Again, punctuation point, I have seen you do it speaking to a room full of people, where you start to thank people and you realize you are walking the plank because you are not going to remember all of them. It is like the person who was at the Oscars who want to thank everybody they know. Instead of trying to name everybody they know, just thank everybody you know. That is what the "B" report does. 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 just wanted to reiterate why the Majority Report makes a lot of sense and this Minority Report we are debating is poor public policy. I think that it is not good public policy to engage in an activity that allows everybody to willy nilly start photocopying and requiring people to produce their driver's license so they can have copies of it. This is the concern of identity theft and that is why there are very strict circumstances where people can photocopy licenses. That is why the Secretary of State's Office signed off on the Majority Report and did not on the Minority Report. It is because it opens the flood gates that you are doing business with and your constituents are doing business with to require as a condition that now you have to produce your driver's license and that they are going to be keeping it on file someplace. There are very strict regulations on banks and financial institutions, particularly under the federal law. The federal law requires them. This is why this bill came about. The federal law requires them to keep on file proof of your identity. That is why this bill is before us. These other people that would like to keep on file your driver's license and would like to require you that saying that if you don't want to do business with me, fine, go some place else. I don't think that is an appropriate answer and I think it is setting up your constituents and yourselves for being in the position that the only way that you can do business with someone is to surrender your driver's license for photocopy. That is not the situation we would like to have. We would like to have whoever keeps these copies that there are strict regulations on their destruction and to make sure that they don't resurface through use for identity theft or some other reasons.

The Minority Report doesn't provide these types of securities and doesn't provide any penalty. You would, in fact, didn't keep it

secure. That is why I think we should move onto the Majority Report and follow the good recommendation of the committee.

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

**ROLL CALL NO. 301**

YEA - Adams, Annis, Ash, Barstow, Blanchette, Bliss, Bull, Bunker, Canavan, Clark, Craven, Cummings, Duplessie, Duprey G, Earle, Finch, Fischer, Gerzofsky, Grose, Jackson, Jennings, Kane, Ketterer, Lerman, Lessard, Makas, Mills J, Moody, Norbert, O'Brien L, O'Neil, Paradis, Pellon, Percy, Pineau, Richardson E, Richardson J, Rines, Sherman, Simpson, Smith W, Sukeforth, Suslovic, Thomas, Tobin D, Watson, Wheeler, Woodbury.

NAY - Andrews, Austin, Beaudette, Bennett, Berry, Berube, Bierman, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cowger, Cressey, Crosthwaite, Curley, Daigle, Davis, Dudley, Dugay, Dunlap, Duprey B, Eder, Faircloth, Fletcher, Gagne-Friel, Glynn, Greeley, Heidrich, Honey, Jacobsen, Jodrey, Joy, Kaelin, Landry, Lemoine, Lewin, Lundeen, Mailhot, McCormick, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills S, Moore, Murphy, Muse, Nutting, O'Brien J, Patrick, Peavey-Haskell, Perry A, Perry J, Pingree, Piotti, Rector, Richardson M, Rogers, Rosen, Sampson, Saviello, Shields, Smith N, Snowe-Mello, Stone, Sullivan, Sykes, Thompson, Tobin J, Trahan, Twomey, Vaughan, Walcott, Wotton, Young.

ABSENT - Goodwin, Hatch, Hotham, Hutton, Koffman, Ledwin, Maietta, Marley, Marraché, McGlocklin, Norton, Tardy, Treadwell, Usher, Mr. Speaker.

Yes, 48; No, 88; Absent, 15; Excused, 0.

48 having voted in the affirmative and 88 voted in the negative, with 15 being absent, and accordingly the Minority Ought to Pass as Amended Report was **NOT ACCEPTED**.

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

Representative DUDLEY: Mr. Speaker, Men and Women of the House. I will also be opposing the Majority Report in favor of the bill as it was originally drafted. I think the bill as originally drafted is narrow and focused and includes the key term major financial transactions. It limits only to those circumstances where there is a major financial transaction at stake. I think it is now. I think it is appropriate and I will be supporting the bill as it is originally drafted. Mr. Speaker, when the vote is taken, I request the yeas and nays.

Representative DUDLEY of 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 SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Mr. Speaker, Men and Women of the House. In response to the Representative from Portland, Representative Dudley, we considered the original bill and the definition of major financial transaction as proposed in the bill was up to rulemaking by the Secretary of State. We already have statutory definition for financial transactions under the title. It is already covered in the code. The good Representative from Portland who used to sit on this committee should be satisfied with that. For what it is worth, Mr. Speaker, there is an emergency clause on this. I will be supporting this. It gets the job done, but it just doesn't get it done the way I wanted to.

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

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

The SPEAKER: The Representative may pose his question.

Representative CLARK: Mr. Speaker, Men and Women of the House. Are these rules major substantive or routine technical?

The SPEAKER: The Representative from Millinocket, Representative Clark has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Mr. Speaker, Ladies and Gentlemen of the House. Neither.

Representative DUDLEY of Portland moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative BOWLES of Sanford **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 South Portland, Representative Glynn.

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I rise on this Indefinite Postponement of the bill and papers because this creates a real dilemma for banks and financial institutions in your district and in mine. Federal law says financial institutions are required under the US Patriot Act to establish a customer identification program for their institution, which essentially requires them to make these copies. If we don't enact legislation, we have a law prohibiting them from being copied. In essence, we are obstructing banks and financial institutions from carrying out their directive from the federal government under federal law. For these reasons, I hope you will join me in voting against the motion to Indefinitely Postpone.

Subsequently, Representative BOWLES of Sanford **WITHDREW** his **REQUEST** for a roll call.

Subsequently, Representative DUDLEY of Portland **WITHDREW** his motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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. 302**

YEA - Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Carr, Churchill E, Churchill J, Clark, Clough, Courtney, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dugay, Dunlap, Duplessie, Duprey B, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Glynn, Greeley, Grose, Heidrich, Honey, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Kane, Ketterer, Landry, Lemoine, Lerman, Lessard, Lewin, Lundeen, McCormick, McGowan, McKee, McLaughlin, McNeil, Millett, Mills J, Mills S, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Peavey-Haskell, Perry A, Perry J, Pineau, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Saviello, Sherman, Shields, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Thomas, Thompson, Tobin D, Tobin J, Trahan, Vaughan, Watson, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Beaudette, Bliss, Canavan, Collins, Craven, Dudley, Gagne-Friel, Gerzofsky, Mailhot, Makas, McKenney, Moody, Patrick, Pellon, Percy, Piotti, Sampson, Simpson, Twomey, Walcott, Wheeler.

ABSENT - Adams, Cowger, Duprey G, Goodwin, Hatch, Hotham, Hutton, Koffman, Ledwin, Maietta, Marley, Marraché, McGlocklin, Norton, Pingree, Tardy, Treadwell, Usher.

Yes, 112; No, 21; Absent, 18; Excused, 0.

112 having voted in the affirmative and 21 voted in the negative, with 18 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-683)** was **READ** by the Clerk.

Representative DUDLEY of Portland moved that **Committee Amendment "A" (H-683)** be **INDEFINITELY POSTPONED**.

Representative BOWLES of Sanford **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE Committee Amendment "A" (H-683)**.

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

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

Representative DUDLEY: Point of Order, Mr. Speaker. I proposed this motion because I want to get to the original bill. I think the original bill is narrow and it accomplishes the goal we are all trying to accomplish here. It is to make major financial transactions a little easier, a little more secure for those lending agencies we are all concerned about. I think it was a good bill as originally proposed. It is narrow and it accomplishes the goal. I hope you will all join me in supporting this motion in favor of the original bill.

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I think everyone in the chamber is quite aware of the advantages of having a bill with regard to the driver's license issue resolved today. I can say that the concept that was originally proposed to us as with the concepts of most bills that come forward to committees was good, however, there were some technical problems in the bill and the bill needed necessary amendments as suggested by the Secretary of State's office, which were included in the Majority Report. Stripping away the Majority Report takes away all of the work of the committee. It takes away the recommendations of the Secretary of State's Office and leaves a law that will be problematic to enforce. I urge you to oppose this motion.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of Committee Amendment "A" (H-683). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 303**

YEA - Adams, Beaudette, Bliss, Bunker, Canavan, Clark, Collins, Craven, Dudley, Eder, Gagne-Friel, Gerzofsky, Lerman, Mailhot, Makas, Moody, Paradis, Patrick, Pellon, Percy, Piotti, Sampson, Simpson, Suslovic, Thomas, Twomey, Walcott, Wheeler.

NAY - Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Campbell, Carr, Churchill E, Churchill J, Clough, Courtney, Cowger, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dugay, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Faircloth, Finch, Fischer, Fletcher, Glynn, Greeley, Grose, Heidrich, Honey, Jackson, Jacobsen, Jodrey, Joy, Kaelin, Kane, Ketterer, Landry, Lemoine, Lessard, Lewin, Lundeen, McCormick, McGowan,

McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Brien L, O'Neil, Peavey-Haskell, Perry A, Perry J, Pineau, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Saviello, Sherman, Shields, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Sykes, Thompson, Tobin D, Tobin J, Trahan, Vaughan, Watson, Woodbury, Wotton, Young, Mr. Speaker.

ABSENT - Goodwin, Hatch, Hotham, Hutton, Jennings, Koffman, Ledwin, Maietta, Marley, Marraché, McGlocklin, Norton, Pingree, Tardy, Treadwell, Usher.

Yes, 28; No, 107; Absent, 16; Excused, 0.

28 having voted in the affirmative and 107 voted in the negative, with 16 being absent, and accordingly the motion to **INDEFINITELY POSTPONE Committee Amendment "A" (H-683) FAILED.**

Subsequently, **Committee Amendment "A" (H-683) was ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, February 19, 2004.

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 604) (L.D. 1653) Bill "An Act To Authorize the Town of Verona To Change Its Name" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-381)**

(H.P. 1145) (L.D. 1563) Bill "An Act Regarding Standard Contracts for Assisted Living Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 927) (L.D. 1253) Bill "An Act to Ensure Playground Safety" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-693)**

(H.P. 987) (L.D. 1341) Resolve, Directing the Department of Human Services To Adopt Rules To Reduce Regulatory Burdens on Home Health Agencies Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-695)**

(H.P. 1238) (L.D. 1662) Bill "An Act To Strengthen the Prohibition against Night Hunting" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-692)**

(H.P. 1260) (L.D. 1738) Bill "An Act To Amend the Law Providing Restitution to Victims of Timber Theft" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-690)**

(H.P. 1311) (L.D. 1789) Bill "An Act To Revise the Minimum Firefighter Safety Standards" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-691)**

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

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**CONSENT CALENDAR**

**Second Day**

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

(H.P. 1279) (L.D. 1757) Bill "An Act To Clarify the Educational Requirements for Counselor Licensure"

(H.P. 1227) (L.D. 1649) Bill "An Act To Rename the Former Vocational-technical Secondary Education Schools, Now Called Applied Technology Centers, Applied Career Technology Centers" (C. "A" H-685)

(H.P. 1319) (L.D. 1797) Bill "An Act To Clarify the Standards for Granting a Name Change" (C. "A" H-682)

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

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

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**BILLS IN THE SECOND READING**

**House as Amended**

Bill "An Act To Adopt a Streamlined Sales and Use Tax Agreement That Allows for Local Option Taxes"

(H.P. 552) (L.D. 746)

(C. "A" H-672)

Bill "An Act To Simplify the Finance Authority of Maine Act"

(H.P. 1288) (L.D. 1766)

(C. "A" H-686)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

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**Senate as Amended**

Bill "An Act to Revise the Reimbursement by the County Jail Prisoner Support and Community Corrections Fund and To Provide Additional Support to County Jails"

(S.P. 390) (L.D. 1186)

(S. "A" S-380)

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

On motion of Representative RINES of Wiscasset, was **SET ASIDE.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Senate Amendment "A" (S-380) was ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-697) to Senate Amendment "A" (S-380) which was READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative **RINES:** Mr. Speaker, Ladies and Gentlemen of the House. As the good Speaker just mentioned, this is a technical amendment and in the summary you can read where it is to prevent a conflict by incorporating changes made to the Revised Statute and it lists out the appropriate titles. Thank you.

**House Amendment "A" (H-697) to Senate Amendment "A" (S-380) was ADOPTED.**

**Senate Amendment "A" (S-380) as Amended by House Amendment "A" (H-697) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Senate Amendment "A" (S-380) as Amended by House Amendment "A" (H-697) thereto in NON-CONCURRENCE** and sent for concurrence.

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

**House**

Bill "An Act To Authorize Collaborative Practice for Emergency Contraception"

(S.P. 376) (L.D. 1152)

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

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

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

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

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

**ROLL CALL NO. 304**

**YEA** - Adams, Ash, Barstow, Blanchette, Bliss, Bowles, Brannigan, Brown R, Browne W, Bruno, Bull, Campbell, Canavan, Churchill E, Churchill J, Collins, Cowger, Craven, Cummings, Daigle, Dudley, Dugay, Dunlap, Duplessie, Earle, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Heidrich, Honey, Jacobsen, Jennings, Kaelin, Kane, Ketterer, Landry, Lemoine, Lerman, Lessard, Mailhot, Makas, McCormick, McGowan, McKee, McKenney, McLaughlin, McNeil, Mills J, Mills S, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Brien L, O'Neil, Pellon, Percy, Perry A, Pineau, Piotti, Rector, Richardson J, Rines, Rosen, Sampson, Saviello, Simpson, Smith N, Smith W, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Tobin D, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Andrews, Annis, Austin, Beaudette, Bennett, Berry, Berube, Bierman, Bowen, Bryant-Deschenes, Bunker, Carr, Clough, Courtney, Cressey, Crosthwaite, Curley, Davis, Duprey B, Duprey G, Fletcher, Glynn, Greeley, Jackson, Jodrey, Joy, Lewin, Lundeen, Millett, Moody, Paradis, Patrick, Peavey-Haskell, Perry J, Richardson M, Rogers, Sherman, Shields, Snowe-Mello, Stone, Sykes, Tobin J, Trahan, Twomey, Vaughan, Wotton, Young.

**ABSENT** - Breault, Clark, Eder, Faircloth, Goodwin, Hatch, Hotham, Hutton, Koffman, Ledwin, Maietta, Marley, Marraché, McGlocklin, Norton, Pingree, Richardson E, Tardy, Treadwell, Usher.

Yes, 84; No, 47; Absent, 20; Excused, 0.

84 having voted in the affirmative and 47 voted in the negative, with 20 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

**ENACTORS  
Acts**

An Act To Amend the Laws Relating to Nonprofit Corporations

(H.P. 1283) (L.D. 1761)

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

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

**SENATE PAPERS  
Pursuant to Joint Order**

**Joint Standing Committee on Natural Resources**  
Report of the **Joint Standing Committee on Natural Resources** pursuant to Joint Order 2004, S.P. 684 asks leave to report that the accompanying Bill "An Act To Change the Point System for Clearing Vegetation Adjacent to Protected Natural Resources"

(S.P. 705) (L.D. 1858)

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

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** in concurrence.

**REPORTS OF COMMITTEE  
Divided Report**

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Amend the Law Relating to Insurance Contracts"

(H.P. 1315) (L.D. 1793)

Signed:

Senators:

LAFOUNTAIN of York

DOUGLASS of Androscoggin

MAYO of Sagadahoc

Representatives:

VAUGHAN of Durham

PERRY of Calais

BREAULT of Buxton

CANAVAN of Waterville

WOODBURY of Yarmouth

GLYNN of South Portland

SNOWE-MELLO of Poland

YOUNG of Limestone

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-694)** on same Bill.

Signed:

Representatives:

O'NEIL of Saco

PERRY of Bangor

**READ**.

Representative O'NEIL of Saco moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Ladies and Gentlemen of the House. I was just discussing with my seatmate, Representative Percy, how Don Quote met his demise. He was exposed as incompetent. This bill, I am on the Minority Report. I am not going to go down in flames on it. I just wanted to make the point that the bill as it was brought to us is one of grave concern. It would have, if we had passed it, exempted acts of terrorism from commercial fire policies. I thought that was okay. Obviously the majority of the committee did not agree with me. It is just something that people need to put on their radar screens.

Acts of terrorism are considered acts of war and we are asking insurance companies to cover that. That is it.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. Also, acts of terrorism do not include engineered gradations of vehicles spinning over periods of 10 or more years as was mentioned in the last debate on these issues.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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#### **Divided Report**

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-696)** on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate in Presque Isle, Known as the "Aroostook Residential Center" (H.P. 1307) (L.D. 1785)

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

BARSTOW of Gorham

KETTERER of Madison

SUKEFORTH of Union

BOWEN of Rockport

BUNKER of Kossuth Township

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

Signed:

Representative:

STONE of Berwick

**READ.**

On motion of Representative McLAUGHLIN of Cape Elizabeth, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-696)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Thursday, February 19, 2004.

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On motion of Representative CARR of Lincoln, the House adjourned at 12:19 p.m., until 10:00 a.m., Thursday, February 19, 2004.