

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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First Special Session

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Second Regular Session

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Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
SECOND SPECIAL SESSION
8th Legislative Day
Thursday, February 19, 2004

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

Prayer by The Reverend Jacob Fles, Christ Episcopal Church, Gardiner.

National Anthem by Dr. Lewis S. Libby School Concert Band, Milford.

Pledge of Allegiance.

Doctor of the day, Fred Heidrich, D.C., Saco.

The Journal of yesterday was read and approved.

Pursuant to 12 M.R.S.A. 206-A §683, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

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

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

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

COMMUNICATIONS

The Following Communication: (H.P. 1385)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

February 10, 2004

The Honorable Beverly C. Daggett
President of the Senate

The Honorable Patrick Colwell

Speaker of the House of Representatives

121st Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Natural Resources from the review and evaluation of the Board of Underground Storage Tank Installers under the State Government Evaluation Act. In its review, the committee found that the Board is operating within its statutory authority.

Sincerely,

S/Senator John L. Martin

Chair

S/Representative Theodore Koffman

Chair

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

Sent for concurrence.

The Following Communication: (S.P. 696)

STATE OF MAINE

121ST MAINE LEGISLATURE

February 12, 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 Steve Kahl of Old Town for appointment as a member of the Land Use Regulation Commission.

Pursuant to 12 M.R.S.A. 206-A §683, 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. 695)

STATE OF MAINE

121ST MAINE LEGISLATURE

February 12, 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 Rebecca Kurtz of Rangeley Plantation for appointment as a member of the Land Use Regulation Commission.

The Following Communication: (S.P. 697)

STATE OF MAINE

121ST MAINE LEGISLATURE

February 12, 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 Carol Murtaugh of Lubec for appointment as a member of the Land Use Regulation Commission. Pursuant to 12 M.R.S.A. 206-A §683, 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. 698)

**STATE OF MAINE
121ST MAINE LEGISLATURE**

February 12, 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 Nadeau of Winterville Plantation for appointment as a member of the Land Use Regulation Commission.

Pursuant to 12 M.R.S.A. 206-A §683, 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. 699)

**STATE OF MAINE
121ST MAINE LEGISLATURE**

February 12, 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 Daniel J. Simonds of Rangeley for appointment as a member of the Board of Pesticides Control.

Pursuant to 22 M.R.S.A. §1471-B, 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. 700)

**STATE OF MAINE
121ST MAINE LEGISLATURE**

February 12, 2004
Sen. Neria R. Douglass
Senate Chair, Joint Standing Committee on
Education and Cultural Affairs
Rep. Glenn A. Cummings
House Chair, Joint Standing Committee on
Education and Cultural Affairs
121st Legislature
Augusta, ME 04333

Dear Senator Douglass and Representative Cummings:
Please be advised that Governor John E. Baldacci has nominated Jack Norris of Wallagrass for reappointment as a member of the State Board of Education.

Pursuant to 20-A M.R.S.A. §401, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs 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 **EDUCATION AND CULTURAL AFFAIRS**.

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

The Following Communication: (S.P. 701)

**STATE OF MAINE
121ST MAINE LEGISLATURE**

February 12, 2004
Sen. Neria R. Douglass
Senate Chair, Joint Standing Committee on
Education and Cultural Affairs
Rep. Glenn A. Cummings
House Chair, Joint Standing Committee on
Education and Cultural Affairs
121st Legislature
Augusta, ME 04333

Dear Senator Douglass and Representative Cummings:
Please be advised that Governor John E. Baldacci has nominated Jean Gulliver of Falmouth for reappointment as a member of the State Board of Education.

Pursuant to 20-A M.R.S.A. §401, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs 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 **EDUCATION AND CULTURAL AFFAIRS**.

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

The Following Communication: (S.P. 702)
STATE OF MAINE
121ST MAINE LEGISLATURE

February 12, 2004
Sen. Beth G. Edmonds
Senate Chair, Joint Standing Committee on Labor
Rep. William J. Smith
House Chair, Joint Standing Committee on Labor
121st Legislature
Augusta, ME 04333

Dear Senator Edmonds and Representative Smith:
Please be advised that Governor John E. Baldacci has nominated Peter Leslie of Cape Elizabeth for reappointment as a member of the Maine Retirement System, Board of Trustees. Pursuant to 5 M.R.S.A. §17102, this nomination will require review by the Joint Standing Committee on Labor 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 **LABOR**.

READ and **REFERRED** to the Committee on **LABOR** in concurrence.

The Following Communication: (S.P. 703)
STATE OF MAINE
121ST MAINE LEGISLATURE

February 12, 2004
Sen. Beth G. Edmonds
Senate Chair, Joint Standing Committee on Labor
Rep. William J. Smith
House Chair, Joint Standing Committee on Labor
121st Legislature
Augusta, ME 04333

Dear Senator Edmonds and Representative Smith:
Please be advised that Governor John E. Baldacci has nominated Eunice Mercier of Augusta for reappointment as a member of the Maine Retirement System, Board of Trustees. Pursuant to 5 M.R.S.A. §17102, this nomination will require review by the Joint Standing Committee on Labor 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 **LABOR**.

READ and **REFERRED** to the Committee on **LABOR** in concurrence.

The Following Communication: (S.P. 704)
STATE OF MAINE
121ST MAINE LEGISLATURE

February 12, 2004
Sen. Beth G. Edmonds
Senate Chair, Joint Standing Committee on Labor
Rep. William J. Smith
House Chair, Joint Standing Committee on Labor
121st Legislature
Augusta, ME 04333

Dear Senator Edmonds and Representative Smith:
Please be advised that Governor John E. Baldacci has nominated Benedetto Viola of Scarborough for appointment as a member of the Maine Retirement System, Board of Trustees. Pursuant to 5 M.R.S.A. §17102, this nomination will require review by the Joint Standing Committee on Labor 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 **LABOR**.

READ and **REFERRED** to the Committee on **LABOR** in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Amend the Charter of the Mount Desert Water District" (EMERGENCY)

(H.P. 1386) (L.D. 1860)

Sponsored by Representative KOFFMAN of Bar Harbor.
Cosponsored by Senator DAMON of Hancock and Representatives: BLISS of South Portland, DUPLESSIE of Westbrook, Senator: HALL of Lincoln.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **UTILITIES AND ENERGY** suggested and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed.

Sent for concurrence.

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 46)

ORDERED, that Representative Jeff Kaelin of Winterport be excused Tuesday, February 10th and Thursday, February 12th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Julie Ann O'Brien of Augusta be excused Wednesday, February 11th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Joshua A. Tardy of Newport be excused Thursday, February 12th for personal reasons.

READ and PASSED.

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

**CONSENT CALENDAR
First Day**

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

(S.P. 623) (L.D. 1691) Bill "An Act To Strengthen the Charitable Solicitations Act" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 609) (L.D. 1677) Bill "An Act To Exempt Classic Auto Dealers from Dealer Plate Restrictions" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-382)**

(H.P. 1294) (L.D. 1772) Bill "An Act To Revise the Frequency of Home Health Licensing Surveys" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1329) (L.D. 1807) Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in a Certain Parcel of Real Estate Located in the City of Auburn Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-700)**

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

(H.P. 1216) (L.D. 1639) Bill "An Act To Make Polling Places More Convenient" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-698)**

On motion of Representative PATRICK of Rumford, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ.**

Representative GLYNN of South Portland moved that the Bill be **TABLED** until later in today's session pending **ACCEPTANCE** of the Committee Report.

Subsequently, Representative GLYNN of South Portland **WITHDREW** his motion to **TABLE.**

Subsequently, the Committee Report was **ACCEPTED.** The Bill was **READ ONCE.** **Committee Amendment "A" (H-698)** was **READ** by the Clerk.

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-698)** and later today assigned.

**CONSENT CALENDAR
Second Day**

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

(S.P. 604) (L.D. 1653) Bill "An Act To Authorize the Town of Verona To Change Its Name" (C. "A" S-381)

(H.P. 1145) (L.D. 1563) Bill "An Act Regarding Standard Contracts for Assisted Living Services"

(H.P. 927) (L.D. 1253) Bill "An Act to Ensure Playground Safety" (C. "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 (C. "A" H-695)

(H.P. 1238) (L.D. 1662) Bill "An Act To Strengthen the Prohibition against Night Hunting" (C. "A" H-692)

(H.P. 1260) (L.D. 1738) Bill "An Act To Amend the Law Providing Restitution to Victims of Timber Theft" (C. "A" H-690)

(H.P. 1311) (L.D. 1789) Bill "An Act To Revise the Minimum Firefighter Safety Standards" (C. "A" H-691)

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

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

**BILLS IN THE SECOND READING
House as Amended**

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)
(C. "A" H-696)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Bill "An Act To Permit the Photocopying of Driver's Licenses in Financial Transactions"

(H.P. 1324) (L.D. 1802)
(C. "A" H-683)

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

On motion of Representative O'NEIL of Saco, was **SET ASIDE.**

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

**ENACTORS
Emergency Measure**

An Act To Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2005

(H.P. 1231) (L.D. 1656)
(C. "A" H-665)

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. 125 voted in favor of the same and

1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Streamline the Time-share Rate Collection Process
(H.P. 1235) (L.D. 1659)
(C. "A" H-669)

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. 124 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Clarify Membership on Boards of Directors for Maine Financial Institutions
(S.P. 649) (L.D. 1717)
(C. "A" S-376)

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. 121 voted in favor of the same and 0 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**.

Emergency Measure

An Act To Amend the Apportionment of Legislative House Districts 76 and 77
(H.P. 1374) (L.D. 1848)
(S. "A" S-383)

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. 126 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

CONSENT CALENDAR
First Day

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

(H.P. 55) (L.D. 47) Resolve, to Fund Scholarships to the Seeds of Peace Camp Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-704)**

(H.P. 222) (L.D. 279) Bill "An Act To Support the Regional Library System" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-703)**

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

(H.P. 1378) (L.D. 1852) Bill "An Act To Extend the Dairy Stabilization Subsidy Through May 31, 2004" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

On motion of Representative PIOTTI of Unity, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

The SPEAKER: The Chair recognizes the Representative from Unity, Representative Piotti.

Representative PIOTTI: Mr. Speaker, Men and Women of the House. It will come as no surprise to most of you that I am a strong supporter of this measure, but I asked that the bill be set aside because I didn't want it to go under the gavel unnoticed. I am not going to go into detail about the plight of the dairy industry or their need for support. I did want to take a moment to explain this bill. Last May this body passed a bill that I sponsored that provided emergency relief to struggling dairy farmers. It put aside a certain amount of money. We were fortunate that there was a temporary rebound in prices last fall so that all of that money was not used. When we enacted this last May, we thought by this time that there would be a long-term solution for some dairy issues before us. That has not happened yet. We are still awaiting a bill from the administration. It will be several more weeks before we have something before you.

In the meantime our dairy farmers are still struggling. All this bill does is takes some of the remaining money from last spring and applies it to this spring. This is not new money. There is no fiscal note for that reason. It is something you can feel very good about supporting.

Anyway, that is the background on the bill. Before I sit down, I also feel that I need to make a point. Some of you might feel this is silly, but to me and to the dairy industry it is actually very important. I want to comment on the title of the bill, "An Act to Extend the Dairy Stabilization Subsidy". This is an unfortunate title and a misleading one. The State of Maine provides a whole range of support services to businesses. When we help companies develop new products through the Maine Technology Institute, we don't call it a subsidy. When we provide low-interest loans to businesses, we don't call it a subsidy. When we help promote tourism to help tourist-based industries, we don't call it a subsidy. I urge you to think about support for dairy farmers in the same way. These funds are an investment. It is an investment in \$100 million industry that provides critical support, economically, environmentally and socially. The problem with the dairy industry is not, contrary to popular opinion that dairy farmers cannot compete. The problem is failed federal pricing policies. At some point those policies are going to be changed. If Maine is smart with its public policies, we can emerge from the current crisis, not just with a stable dairy industry, but with a thriving industry. I urge you to support this industry. Doing so is not a subsidy, but an investment and a wise one at that. Mr. Speaker, when the vote is taken, I ask that it be taken by the yeas and nays.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Committee 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 Raymond, Representative Bruno.

Representative BRUNO: Mr. Speaker, Men and Women of the House. I couldn't agree with the remarks of the previous speaker more. We understand the plight of the dairy farmer very well in Maine. We understand the pressures they are under ever since losing the North East Dairy Compact on the federal level.

What is unfortunate on this bill is that we tried to put it in a budget that we knew was not going to pass by a two-thirds vote. All of a sudden it becomes a political game. The dairy farmers versus the Legislature and depending on which party you are in, some misinformation went out to those dairy farmers. Lying about why the bill wasn't passed, phone calls late at night with misinformation; the fact of the matter is this bill should never have been part of the budget. It should have passed on its own just like it did a year ago. All of a sudden we are heroes because we are going to give them what they deserve.

I agree with this bill. I agree with what it does. I understand the struggle. I don't like the fact that it was included in a budget bill, because it never should have been there, especially when you know it wasn't going to pass by a two-thirds vote. I urge my caucus to support this bill and I think you will see an overwhelming support by my caucus. Just like we did last year. Let's not make a political game out of an industry that struggles every single day to make a living. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative SMITH: Mr. Speaker, Men and Women of the House. I want to speak just briefly for the dairy farmers across the state. We have a few in the gallery this morning. I want to thank you for what I hope will be a very positive vote on this at a time when we are dealing with paper mills that are closing, loggers trying to find fair compensation, fishing regulations that threaten that industry, potato markets that are threatening our potato farmers. We want to thank you for the attention that you are giving the dairy farms.

Reading the summary of the bill it says, "The purpose of this bill is to prevent serious financial harm to Maine dairy farms while the Legislature considers a proposal from the Governor for a long-term response to inadequate and unpredictable milk prices." I want to let you know that we dairy farmers are looking forward to working with you in the very near future to implement a diverse and far reaching plan that will set a solid foundation under Maine's dairy farms for decades to come. Thank you very much.

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

ROLL CALL NO. 305

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Berube, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Greeley, Grose, Heidrich, Honey, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Landry, Lemoine, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, McCormick, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills S, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien L, O'Neil, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Simpson, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - NONE.

ABSENT - Clark, Goodwin, Hatch, Hotham, Hutton, Kane, Ketterer, Ledwin, Marley, Marraché, Mills J, Norton, O'Brien J, Shields, Usher.

Yes, 136; No, 0; Absent, 15; Excused, 0.

136 having voted in the affirmative and 0 voted in the negative, with 15 being absent, and accordingly the Committee Report was **ACCEPTED**. The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, February 24, 2004.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Mills who wishes to address the House on the record.

Representative MILLS: Thank you Mr. Speaker. I simply wish to be recorded. I was entering the chamber, but didn't get to my chair in time to record my vote. I wish to be recorded as yea on that vote.

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

**ENACTORS
Resolves**

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

(S.P. 635) (L.D. 1703)

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Property in Fayette, Maine

(H.P. 1306) (L.D. 1784)

(C. "A" H-667)

Resolve, Directing the Department of Labor and the Department of Behavioral and Developmental Services, Office of Substance Abuse To Study the Prevalence of Drug and Substance Abuse

(H.P. 1314) (L.D. 1792)

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

An Act To Authorize the Commissioner of Administrative and Financial Services To Execute Easements

(H.P. 1299) (L.D. 1777)

(C. "A" H-668)

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

On motion of Representative McLAUGHLIN of Cape Elizabeth, was **SET ASIDE**.

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

An Act To Clarify Prequalification Criteria for Public Improvements

(H.P. 1305) (L.D. 1783)

(C. "A" H-666)

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

On motion of Representative McLAUGHLIN of Cape Elizabeth, was **SET ASIDE**.

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

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

SENATE PAPERS

The following Joint Order: (S.P. 706) ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 24, 2004, at 10:00 in the morning.

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Amend the Membership of the Revenue Forecasting Committee"

(H.P. 10) (L.D. 3)

Signed:

Senators:

CATHCART of Penobscot
ROTUNDO of Androscoggin

Representatives:

BRANNIGAN of Portland
MAILHOT of Lewiston
COWGER of Hallowell
DUDLEY of Portland
FAIRCLOTH of Bangor
PINGREE of North Haven

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-705)** on same Bill.

Signed:

Senator:

TURNER of Cumberland

Representatives:

ROSEN of Bucksport
MILLS of Cornville
O'BRIEN of Augusta
MILLETT of Waterford

READ.

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

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-702)** on Bill "An Act to Increase the Adult Education State Subsidy by a Specific Percentage"

(H.P. 153) (L.D. 194)

Signed:

Senators:

CATHCART of Penobscot
ROTUNDO of Androscoggin

Representatives:

BRANNIGAN of Portland
MAILHOT of Lewiston
COWGER of Hallowell
DUDLEY of Portland
FAIRCLOTH of Bangor
PINGREE of North Haven
ROSEN of Bucksport
MILLS of Cornville
O'BRIEN of Augusta
MILLETT of Waterford

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

Signed:

Senator:

TURNER of Cumberland

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-702)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, February 24, 2004.

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

UNFINISHED BUSINESS

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

SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-378) - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Maine Consumer Credit Code Regarding Balloon Payments"

(S.P. 602) (L.D. 1638)

TABLED - February 11, 2004 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Committee Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-378)** was **READ** by the Clerk.

Representative O'NEIL of Saco **PRESENTED House Amendment "A" (H-706) to Committee Amendment "A" (S-378)**, which was **READ** by the Clerk.

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

Representative **O'NEIL**: Mr. Speaker, Ladies and Gentlemen of the House. An explanation of the floor amendment is that this is a technical clarification on whether all of the provisions should apply or just any of the provisions should apply. This was agreed upon by the two parties who were interested in the bill. Thank you.

House Amendment "A" (H-706) to Committee Amendment "A" (S-378) was **ADOPTED**.

Committee Amendment "A" (S-378) as Amended by House Amendment "A" (H-706) thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Tuesday, February 24, 2004.

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

SENATE PAPERS

Bill "An Act To Require School Administrative Units To Report Their Costs for Legal, Consulting and Other Professional Services to the Department of Education"

(S.P. 707) (L.D. 1861)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

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

ENACTORS

Emergency Measure

An Act To Extend the Dairy Stabilization Subsidy Through May 31, 2004

(H.P. 1378) (L.D. 1852)

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 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Bill "An Act To Permit the Photocopying of Driver's Licenses in Financial Transactions"

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

(C. "A" H-683)

Which was **TABLED** by Representative O'NEIL of Saco pending **PASSAGE TO BE ENGROSSED as Amended**.

On motion of Representative DUDLEY of Portland, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-683) was ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-707) to Committee Amendment "A" (H-683) which was READ** by the Clerk.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. I direct you to recall yesterday's discussion about photocopying of driver's licenses. This is the bill that we debated yesterday at some length. The amendment that I am presenting seeks to get back to the original intent of the bill and only that, not to expand allowable photocopying beyond financial transactions. Yesterday the Majority Report of the committee went on to expand photocopying to trucking companies and went on to expand it to car dealerships that are giving out loaner cars or allowing people to take a test drive. It would allow them to photocopy those licenses as well. What I understand to be the original intent of the bill is to allow financial institutions to photocopy driver's licenses to positively identify people conducting transactions with them. That is a requirement of the USA Patriot Act. Many of us in this chamber may have mixed feelings about the USA Patriot Act, but it is federal law. It does require these financial institutions to positively identify those people conducting business with them.

What this amendment does is to limit the scope of this bill just to what the USA Patriot Act required. It makes it easier for financial institutions conducting business in Maine to positively identify those consumers that they need to identify under the USA Patriot Act. It also clears up some confusing language regarding other reproductions that may or may not be allowable, including electronic reproductions. That is the scope of the bill. I think it gets to the heart of the original intent of the bill, but in a limited way, being very mindful of sort of erring on the side of protecting a consumer's right to privacy. I invite you and hope you will join me in supporting this amendment. Thank you.

On motion of Representative O'NEIL of Saco, **TABLED** pending the motion of Representative DUDLEY of Portland to **ADOPT House Amendment "A" (H-707) to Committee Amendment "A" (H-683)** and specially assigned for Tuesday, February 24, 2004.

Representative PERCY of Phippsburg moved that Bill "An Act To Make Polling Places More Convenient"

(H.P. 1216) (L.D. 1639)

Be **REMOVED** from the table.

Subsequently, the same Representative **WITHDREW** her motion to **REMOVE** the Bill from the table.

On motion of Representative GOODWIN of Pembroke, the House adjourned at 11:51 a.m., until 10:00 a.m., Tuesday, February 24, 2004 pursuant to the Joint Order (S.P. 706).