

# 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**

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**First Special Session**

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**Second Regular Session**

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**Second Special Session**

February 3, 2004 - April 7, 2004

Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
SECOND SPECIAL SESSION  
12th Legislative Day  
Tuesday, March 2, 2004

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

Prayer by Father Merv Lanctot, St. Matthews Episcopal Church, Lisbon Falls.

National Anthem by Bates College Merimanders, Lewiston.

Pledge of Allegiance.

Doctor of the day, Lucien Ouellette, M.D., Saco.

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At this point, the Speaker recognized the Representative from Skowhegan, Representative Hatch and he was added to the quorum call of the Second Special Session of the 121st Legislature.

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At this point, pursuant to his authority under House Rule 401.1, the Chair temporarily assigned Representative HATCH of Skowhegan to Seat 143 and Representative DUNLAP of Old Town to Seat 113.

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The Journal of Thursday, February 26, 2004 was read and approved.

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**COMMUNICATIONS**

The Following Communication: (H.P. 1405)

**STATE OF MAINE  
OFFICE OF THE SECRETARY OF STATE  
AUGUSTA, MAINE 04333**

February 9, 2004

Honorable Millicent MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Enclosed please find my official certification to the 121st Legislature of the citizen initiative petition entitled "An Act to Impose Limits on Real and Personal Property Taxes."

Sincerely,

S/Dan A. Gwadosky

Secretary of State

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**STATE OF MAINE  
DEPARTMENT OF STATE**

I, **Dan A. Gwadosky, Secretary of State, hereby certify** that written petitions bearing signatures of 51,255 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on June 3, 2003, requesting that the Legislature consider an act entitled "An Act to Impose Limits on Real and Personal Property Taxes."

I **further certify** that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 50,519.

I **further certify** this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

**In testimony whereof**, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the ninth day of February in the year two thousand and four.

S/DAN A. GWADOSKY

Secretary of State

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

Sent for concurrence.

On motion of Representative RICHARDSON of Brunswick, the accompanying Bill "An Act To Impose Limits on Real and Personal Property Taxes"

(I.B. 4) (L.D. 1893)

Was **REFERRED** to the Committee on **TAXATION**, ordered printed and sent for concurrence. **ORDERED SENT FORTHWITH.**

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The Following Communication: (H.C. 333)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 24, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1811

Resolve, To Ensure Access to Life-sustaining  
Pharmaceuticals

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

Sincerely,

S/Sen. Michael Brennan

Senate Chair

S/Rep. Thomas J. Kane

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 334)

**STATE OF MAINE**

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

February 24, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1701

An Act To Amend the Fees of Special Licenses  
under the Marine Resources Laws

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

Sincerely,

S/Sen. Dennis Damon



Dear Senator LaFountain and Representative O'Neil:  
Please be advised that Governor John E. Baldacci has nominated Alessandro Iuppa of Yarmouth for reappointment as the Superintendent of Insurance.

Pursuant to Title 24-A M.R.S.A. § 201, this nomination will require review by the Joint Standing Committee on Insurance and Financial Services 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 **INSURANCE AND FINANCIAL SERVICES**.

**READ** and **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

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The Following Communication: (S.C. 469)

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

February 26, 2004  
Honorable Patrick Colwell  
Speaker of the House  
2 State House Station  
Augusta, ME 04333

Dear Speaker Colwell:  
In accordance with Joint Rule 506 of the 121st Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Joint Standing Committee on Agriculture, Conservation and Forestry, the nomination of Anne H. Jordan of South Portland, for appointment to the State Harness Racing Commission.

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

**READ** and **ORDERED PLACED ON FILE**.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Prohibit Financial Institutions from Requiring a Fingerprint or Thumbprint To Complete a Transaction"

(H.P. 1406) (L.D. 1898)

Sponsored by Representative TWOMEY of Biddeford.  
Cosponsored by Representatives: CANAVAN of Waterville, COLLINS of Wells, EDER of Portland, McKEE of Wayne, O'BRIEN of Lewiston, PARADIS of Frenchville, SAVIELLO of Wilton.

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

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

**REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent for concurrence.

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

Bill "An Act To Make Emergency Changes to Recent Law" (EMERGENCY)

(H.P. 1404) (L.D. 1897)

Sponsored by Representative NORBERT of Portland.  
Cosponsored by Senator PENDLETON of Cumberland.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **JUDICIARY** suggested.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Under further suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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Resolve, Authorizing the Town of Eustis To Exchange a Certain Parcel of Land

(H.P. 1403) (L.D. 1896)

Sponsored by Representative JODREY of Bethel.  
Cosponsored by Senator WOODCOCK of Franklin and Representatives: BROWNE of Vassalboro, CARR of Lincoln, GOODWIN of Pembroke, JOY of Crystal, McLAUGHLIN of Cape Elizabeth, SHERMAN of Hodgdon, STONE of Berwick, Senator: STANLEY of Penobscot.

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

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent for concurrence.

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

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The **SPEAKER**: I would like to welcome all the Eagle and Gold/Silver Scout recipients who have joined us today along with their families and friends. As you all know, today is our third annual Scout Recognition Day. This celebration is to honor the achievements of scouts from around the state who have received the highest scouting awards. Please join me in congratulating these young people for their commitment to the scouting community. I want you to be aware that there will be photos taken in the Speaker's Office area immediately following the ceremony and cake and punch will be served. Please join me in congratulating and thanking these wonderful young people for all their hard work. Please, will the House of Representatives join me in congratulating and thanking these wonderful young people for all their hard work?

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Melvin "Mickey" Boutilier, of Gorham, recipient of the 3rd annual Lifetime Service Award, sponsored by the John F. Murphy Homes, Inc., for his lifelong dedication to people with mental retardation. Mickey, who is the founder of Special Olympics in Maine, continues to be involved with that organization. He was the first chair of the Consumer Advisory Board and served in that capacity for 23 years. He continues to be a CAB volunteer correspondent. He also chaired the Maine Advisory Committee and served in that capacity for over a decade. We extend our congratulations and appreciation to him for his many years of leadership and advocacy on behalf of persons with mental retardation;

(HLS 1106)

Presented by Representative CRAVEN of Lewiston.

Cosponsored by Senator ROTUNDO of Androscoggin, Senator DOUGLASS of Androscoggin, Representative MAILHOT of Lewiston, Representative WALCOTT of Lewiston, Representative O'BRIEN of Lewiston, Representative MAKAS of Lewiston, Representative SHIELDS of Auburn, Representative SIMPSON of Auburn, Representative SAMPSON of Auburn, Representative MARLEY of Portland, Senator MARTIN of Aroostook, Senator BROMLEY of Cumberland, Representative BLISS of South Portland, Representative MAIETTA of South Portland, Representative GLYNN of South Portland, Representative BARSTOW of Gorham, Representative CLOUGH of Scarborough.

On **OBJECTION** of Representative CRAVEN of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Craven.

Representative **CRAVEN**: Mr. Speaker, Men and Women of the House. On March 7th, Mickey Boutilier will be awarded the prestigious John F. Murphy Lifetime Service Award at John F. Murphy Homes in Auburn. I have the privilege today to publicly acknowledge Mickey for his lifetime service to people with disabilities. Mickey has spent all his life working to make life better for people with mental retardation and has spent many years working at Pineland Center. In 1959, Mickey Boutilier founded the Special Olympics in Maine. He offered first-class facilities and opportunities for our Maine athletes. Mickey has the complete devotion of people who work and are served in the field. After the Pineland Consent Decree was settled, Mickey became the first chair of the Consumer Advisory Board and served for 23 years. He was active in the audit process and confirmed the substantial effort to bring about the improvements and quality of life at Pineland Center while it was open. He worked tirelessly to communicate the values of respect and dignity for people who left Pineland and moved into community homes. His work continues in the oversight of the community consent decree to assure the quality of life for the former residents of Pineland Center. He continues to be a CAB volunteer correspondent. Mickey has also chaired the Maine Advisory Committee and served in that capacity for over a decade. Thank you.

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

**In Memory of:**

United States Army Sergeant Nicholes D. Golding, 24, of Addison, who died February 13, 2004 while in service to his Nation, in Ghanzni, Afghanistan. Nicholes, known as Nick, was assigned to Company C, 2/87th Infantry Regiment, 10th Mountain Division, Fort Drum, New York. Nick made the ultimate sacrifice for his country and he will long be remembered by his grateful State and Nation. He had an enduring devotion not only to the military and to his country, but to his family and friends. He married his high school sweetheart, Heidi Christiansen, in 1998 while home on leave after basic training and was the father of 2 young children, Christopher Nicholas Golding and Bailey Nichole Golding. He will be sadly missed and fondly remembered by his loving wife, Heidi, his beloved children, his parents, his family and his many friends and neighbors;

(HLS 1141)

Presented by Representative LANDRY of Sanford.

Cosponsored by Representative DUGAY of Cherryfield, Representative GOODWIN of Pembroke, Senator SHOREY of Washington.

On **OBJECTION** of Representative GOODWIN of Pembroke, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, **TABLED** pending **ADOPTION** and later today assigned.

**REPORTS OF COMMITTEE**

**Refer to the Committee on Natural Resources**

**Pursuant to Public Law and Resolve**

Representative KOFFMAN for the **Joint Standing Committee on Natural Resources** on Bill "An Act To Reclassify Certain Downeast Waters"

(H.P. 1401) (L.D. 1891)

Reporting that it be **REFERRED** to the Committee on **NATURAL RESOURCES** pursuant to Public Law 2003, chapter 117 and Resolve 2003, chapter 101, section 3.

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

Sent for concurrence.

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

**Refer to the Committee on Natural Resources**

**Pursuant to Public Law and Resolve**

Representative KOFFMAN for the **Joint Standing Committee on Natural Resources** on Bill "An Act To Protect Public Health and the Environment by Providing for a System of Shared Responsibility for the Safe Collection and Recycling of Electronic Waste"

(H.P. 1402) (L.D. 1892)

Reporting that it be **REFERRED** to the Committee on **NATURAL RESOURCES** pursuant to Public Law 2003, chapter 150, section 3, and Resolve 2003, chapter 101, section 3.

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

Sent for concurrence.

**Divided Report**

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-399)** on Bill "An Act To Facilitate the Development of Cost-effective Distributed Electricity Generation in the State"

(S.P. 235) (L.D. 671)

Signed:

Senators:

HALL of Lincoln  
BROMLEY of Cumberland  
YOUNGBLOOD of Penobscot

Representatives:

RINES of Wiscasset  
FLETCHER of Winslow  
LUNDEEN of Mars Hill  
MOODY of Manchester  
ADAMS of Portland  
BERRY of Belmont  
BLISS of South Portland  
GOODWIN of Pembroke

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

Signed:

Representatives:

CRESSEY of Baldwin  
RICHARDSON of Skowhegan

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-399)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-399)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 3, 2004.

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-396)** on Bill "An Act To Implement the Recommendations of the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals"

(S.P. 667) (L.D. 1819)

Signed:

Senators:

HALL of Lincoln  
BROMLEY of Cumberland  
YOUNGBLOOD of Penobscot

Representatives:

RINES of Wiscasset  
FLETCHER of Winslow  
LUNDEEN of Mars Hill  
MOODY of Manchester  
ADAMS of Portland  
BERRY of Belmont  
BLISS of South Portland  
CRESSEY of Baldwin  
RICHARDSON of Skowhegan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-397)** on same Bill.

Signed:

Representative:

GOODWIN of Pembroke

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-396)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-396)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 3, 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. 675) (L.D. 1832) Bill "An Act To Maintain the Current Statutes Regarding Unlawful Solicitation To Benefit Law Enforcement Agencies" (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(S.P. 220) (L.D. 611) Bill "An Act To Obtain Substance Abuse Services for Minors" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-400)**

(S.P. 362) (L.D. 1090) Resolve, To Promote Recruitment and Retention of Direct Care Workers in Long-term Care in Maine Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-402)**

(S.P. 641) (L.D. 1709) Bill "An Act To Clarify Financial Management Procedures at the Maine Developmental Disabilities Council" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-401)**

(H.P. 1359) (L.D. 1834) Resolve, Regarding Legislative Review of Chapter 25.20: Protected Resources, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass**

(H.P. 1285) (L.D. 1763) Bill "An Act To Promote Responsible Pet Ownership" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-727)**

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

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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. 1364) (L.D. 1838) Bill "An Act To Provide for the 2004 and 2005 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

(H.P. 136) (L.D. 177) Bill "An Act to Ensure that Emergency Medical Help is Available to All School Children and Personnel" (C. "A" H-723)

(H.P. 464) (L.D. 634) Bill "An Act To Provide Funding for the Maine-Canada Trade Ombudsman" (C. "A" H-722)

(H.P. 1268) (L.D. 1746) Bill "An Act To Provide Equity in Veterans' Property Tax Exemptions" (C. "A" H-725)

(H.P. 1293) (L.D. 1771) Bill "An Act Regarding Child Support Collection Practices" (C. "A" H-721)

(H.P. 1316) (L.D. 1794) Bill "An Act To Expand Maine's Homestead Exemption for the Blind" (C. "A" H-724)

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. **ORDERED SENT FORTHWITH.**

**BILLS IN THE SECOND READING**

**Senate as Amended**

Bill "An Act To Support Maine's Franco-American Heritage and the Kennebec-Chaudiere International Corridor"

(S.P. 373) (L.D. 1149)

(C. "A" S-391)

Bill "An Act To Improve the Property Boundary Marking Laws for Purposes of Timber Harvesting"

(S.P. 625) (L.D. 1693)

(S. "A" S-393 to C. "A" S-385)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Papers were **PASSED TO BE ENGROSSED AS AMENDED** in concurrence. **ORDERED SENT FORTHWITH.**

**ENACTORS**

**Emergency Measure**

An Act To Amend the Maine Consumer Credit Code Regarding Balloon Payments

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

(H. "A" H-706 to C. "A" S-378)

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. 134 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. **ORDERED SENT FORTHWITH.**

**Emergency Measure**

An Act To Amend the Laws Concerning Automobile Dealer Registration Plates

(S.P. 609) (L.D. 1677)

(C. "A" S-382)

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. 130 voted in favor of the same and 2 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**

Resolve, Directing the Department of Human Services To Adopt Rules To Reduce Regulatory Burdens on Home Health Agencies while Maintaining Budget Neutrality

(H.P. 987) (L.D. 1341)

(C. "A" H-695)

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. 127 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

**Mandate**

An Act To Revise the Minimum Firefighter Safety Standards

(H.P. 1311) (L.D. 1789)

(C. "A" H-691)

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

Representative DUPLESSIE of Westbrook **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

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 Winterport, Representative Kaelin.

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative beat me to my motion. I was going to ask for a roll call on this bill also. I wanted to speak to that motion, which, of course, has already been made. I would like to see if we couldn't have a little discussion in the chamber about the fiscal impact of this bill. We haven't had a debate on this bill out here, as far as I know. I am reading my fiscal note and it tells me that this bill will result in significant additional costs to municipal fire departments, which cannot be determined at this time. I think I understand the bill, but I would like to have a discussion about that. I am not prepared to vote for significant additional costs to my volunteer fire departments. There are seven in my district. I have not heard from one of them that this is a bill that they want to support. I am very glad that we have an opportunity to vote on this bill before it leaves this chamber. I will not be supporting it because I don't understand why we should be adding these costs, particularly since I have not heard from my municipalities that this is something they want to do. Thank you Mr. Speaker.

Representative DUPLESSIE of Westbrook **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 Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. Maybe I can answer some of the good Representative from Winterport, Representative Kaelin's concerns. This bill does come with a mandate. I am not going to deny that. This is to upgrade and to increase the fire safety standard code for all fire departments, whether municipal or volunteer throughout the State of Maine. The thing that we are covering is all turn out gear and safety regulations prior to 1986 will not, after this is passed, and I sincerely hope for the safety of firefighters around the state that it is passed, will not be able to transfer or pass on outdated, obsolete turn out gear. Every time you have a volunteer firefighter or a municipal one and there are very, very few of them left in the state that still have this predated equipment, you put a firefighter's life in danger. There are hundreds and thousands and even millions of dollars that have



been turned loose under the Terrorism Act and Homeland Security to update this equipment in all fire departments. We ask a lot in this state of volunteer firefighters. We ask and we demand more from professional firefighters. Let's update our standards. Let's bring our safety home. There is money out there for the very, very few, it is probably less than 1 percent of the fire departments in this state that are not up to standards. There is money available. It is not going to be a mandate that is passed onto your municipal government. Please, in the name of safety for the men and women that put their life on the line everyday, and I have to tell you it is driving home today because, once again, the City of Bangor had a terrible fire in a three-unit apartment building this morning. Everybody was out safe. One of my firefighters had to go to the hospital. I feel bad and I feel sad about that, but I am so happy to know that as an elected official in Bangor, I voted and I fought for 12 years to keep the best equipment on my firefighters. Please, let's do the same for every firefighter in the State of Maine. Thank you Mr. Speaker.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. Yes, this is a mandate, but it is an extremely important mandate. Let me tell you about my town. My fire and rescue department are really superb, but wherever the money is, they go and get it. There are wonderful grants that are available to them from the Homeland Security Act. My department applied for these grants and they got \$55,000 coming in to help them to purchase equipment and to update their equipment. This is extremely important to have our fire and rescue departments, to make sure that their equipment is in good shape. It is there to protect the people.

Nothing is worse than to have outdated, faulty equipment that doesn't work. I am sure all of you can understand that. Ladies and gentlemen, this is one of those mandates that is actually a good mandate. It is there to help our people in every community. If you are in touch with your local fire and rescue people, ask them if they received a grant or if they have gone out to get these grants. If not, then show them how to do it. I know you can contact me and I will be happy to give you the information and get you in contact with our lady who does all of our grant research. Please, I ask you to vote for this bill. It is an extremely good bill. Thank you.

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

Representative **SUSLOVIC**: Mr. Speaker, Men and Women of the House. Very briefly, we attended a meeting last night in the Town of Gorham where we were talking about regionalization issues. The fire chief there did a very good job of explaining how standards have risen for protecting our volunteer firefighters and our paid firefighters as well. The way they have dealt with some of these mandates that have come down, most of them from federal government through the Occupational Safety and Health Act, they have been able to reduce their costs by banding together with departments around them. I just wanted to point out that the fire chief from Gorham supported every single step that we are doing, including this step in front of us. He really viewed it as not an unfunded mandate, because they are able to achieve these savings by banding together with other departments and buying in bulk, whether it is for physicals, equipment or what not. I, again, would urge you, for the sake of the safety of our first responders to support this bill and know that there are mechanisms that they can accomplish this at a reduced cost. Thank you.

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

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. This bill comes about after three years of work by the Maine Department of Labor, the Maine Fire Chief's Association, the Maine State Federation of Firefighters and the Professional Firefighters of Maine. This just updates the safety laws that were passed in the late '80s. It is a mandate. It may have a cost on only a few communities that have not been inspected by the Department of Labor. The Department of Labor will last eight to 10 years. It has gone out conducting inspections. Communities that did not comply at that point with the safety standards often were given citations, but those citations were always waived as far as the penalties as long and the communities complied. They all complied over time. The Department of Labor has been very reasonable with the communities. The only community that I know of that has been fined through a citation is the City of Portland some years ago. All the other communities, the Department of Labor has been very patient and lenient with. This is a basic safety issue that all the organizations have concurred with. It is long overdue to update the standards.

As you have heard mentioned already, there is quite a bit of money from the Homeland Security Act. Many communities in this state have been spending money updating all their gear and they already had gear that complied with the current standards, but they are still updating it to some of the newer gear. There is very little excuse that there are no funds available. It is available if they look for it.

The good Representative from Winterport spoke about seven departments in his district. He hasn't heard from them, well they expect him to do the right thing here today. Thank you.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I am happy, but not at all surprised to hear how generous the Bush Administration has been in providing funding for this very important project. What concerns me about this bill is that I see its approach being that the only way to get something good to occur is by passing a law in Augusta and making it a mandate on the towns. We heard earlier that OSHA regulates this. The Department of Labor inspects this and there are other mechanisms. Mr. Speaker, I would like to pose a question. Since fire departments today are already eligible and are receiving funds to correct and upgrade these situations, is there any reason to suggest that if this law doesn't pass that these fire departments will not be able to get these funds and continue this upgrade? In other words, is this law really necessary for the access to these funds?

The SPEAKER: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative **RINES**: Mr. Speaker, Ladies and Gentlemen of the House. Last week in my hometown we hosted a meeting that was conducted by FEMA and the Department of Preparedness and it was a workshop on how departments can get the grants. I wish I had the numbers to tell you how many towns in the State of Maine last year got grants. I can't. It was better than a third, approaching one half. Some of the towns to the town of \$200,000 to buy new trucks.

In my other life, as we all like to say, I have another career and it is as a firefighter. Last year I would venture to say that I visited 200 fire departments throughout the state and was involved directly with the training of probably 3,000 firefighters in the State of Maine. Not one of those firefighters had gear that was substandard. Some of them was a little tired, but they all

met the current standard. That is all this piece of legislation does. If we pass this today, there is not a town in the State of Maine that is going to notice a difference when it comes time to do their budgets. Every fire chief that works to put firefighters on the street to train them to go into a structure fire, puts the equipment on them that is appropriate to the task and meets the latest standard.

The Representative from Westbrook is correct. This is a collaborative effort that has been in the works for three years. They worked very hard to come to the consensus that we are all very familiar with. All the organizations are very comfortable with it. I would support passage of this. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. The answer I have not received yet is, how much is this going to cost my town? That is what I want to know. We obviously have a bill in front of us where the fiscal note says it will have a significant impact on municipalities to buy this equipment and update. All we are hearing about is the emotional argument about firefighters. We have heard that we are just increasing standards and there are all kinds of grants out there. None of that answers the question, how much does it cost my municipality? That is a pretty direct question that I would like to have answer to before I vote for this. Thank you Mr. Speaker.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I will try to give him an answer and I guess maybe it is going to be classified as a typical political answer to anything. It is going to be very hard for me to stand here and answer the good Representative's question in a dollar sense, because I do not know to what standard his municipality has required the safety of their fire department. That is something that his fire chief would know. If he had some concerns about this, then I think he should address those to his town manager or his fire chief. Just for everybody's pleasure, the committee did pass an amendment to this bill. This bill will not go in effect until 7/1/05, which is time for everybody's budget that they are preparing now, they are getting ready to pass at the March town meetings or whenever their fiscal year closes. If they have to appropriate money, at the same time applying for homeland security funds, it is not going to have an impact on their tax dollars that will go out this year. I am sorry that I have to put this in an emotional appeal for the fire safety of all of our people in the state, but I believe that is what they elected me to come down here to do, to represent the safety and the homeland security of all of the people in this state. I am not going to stand here and apologize for standing here and fighting for my firefighters. Thank you Mr. Speaker.

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Representative CLARK of Millinocket assumed the Chair.  
The House was called to order by the Speaker Pro Tem.

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

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

The SPEAKER PRO TEM: The Representative may pose her question.

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. To anyone who cares to answer, I am curious what will happen to a municipality's insurance rate if a volunteer

fireman is injured at the scene and it is known that the municipality is offering substandard equipment. It seems to me that that may negate the insurance coverage and it could end up costing the municipality a whole lot more than making sure that they are correct. Would any insurance agent like to speak to that?

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

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. I have a good relationship with the firefighters in my town and in my district. They do a great job. I wouldn't be surprised if they have already applied for the federal grants. Apparently OSHA comes in the door, I don't know if they get down to Winterport too often. I know they have been at our sewer plant in the last year. We have the federal government with standards. We have the federal government enforcing the standards. We have the towns going to the federal government for grants. This administration is apparently providing money for grants. If we, as a state, want to assist our towns, why don't we appropriate money to help them buy this equipment? Why don't we put it in the '05 supplemental budget? I am doing my job when I come here and vote against unfunded state mandates that have the potential for a significant fiscal impact on my towns. I am not going to vote for this bill for that reason. I think my fire department probably is doing a great job in the safety area. I hope they will get the grants, but I don't see why we need this bill and I don't see why we need to pass it without providing funds to assist our firefighters. I am doing my job in standing up and pointing out that we have a significant unfunded state mandate as a result of this bill. For that reason, I am going to oppose it. Thank you Mr. Speaker.

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

Representative **HUTTON**: Mr. Speaker, Men and Women of the House. In the 120th I had a bill before this Legislature that tried to protect the jobs of volunteer firefighters across the state. It wasn't passed, but in the process the *Sun Journal* actually did some research, which I thought was wonderful. I just wanted to remind this body of that research. I think it is pertinent. The volunteer firefighters in the State of Maine save our state and our communities \$450 million a year. That is a mandate on them if you ask me. The least we can do is to make sure that they have the proper equipment when they go out to fight on a voluntary basis in our community and protect them. Thank you Mr. Speaker.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. The essence of this issue is that standards have increased and we want our fire departments to upgrade and the money is available for some, maybe to all of them, but we don't know that, therefore, it is must be a mandate. The solution before us today isn't the only one. We have many precedence, certainly in some of the issues I deal with, the environmental issues to do this. For example, we require towns to have comprehensive plans, but the deadline for accomplishing that does not kick in as long as funds are the limiting factor. There is an option here, for example. Rather than mandating our towns, we could say that if the money is not yet available from Homeland Security, the deadline will be postponed and then we could make our best efforts to find that money available. It is not what the sponsors of this bill want us to do. They want us to make a mandate on the towns now, not knowing how much it is. This is not the only way to solve this problem, which is why I will continue to vote no.

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

Representative **SYKES**: Mr. Speaker, Ladies and Gentlemen of the House. I think it is important to realize that this does not mandate fire departments to go out and buy new protective clothing. Let me quote for you, "If a fire department purchases new protective equipment, that equipment must meet the standard in effect at the time of purchase. Purchases of new protective clothing by a fire department must meet or exceed the National Fire Protection Association standards. Purchases of new helmet ensembles by a fire department must meet or exceed the National Fire Protection Association standards. Purchases of new boots by fire departments must meet or exceed the American National Standards Institute." It doesn't mandate that they go out and buy new protective equipment. It says that if they are going to buy new protective equipment at some point, it must meet the standards that are in effect at that time.

I can tell you that I am a volunteer firefighter in the Department of Harrison and this bill will cost the Town of Harrison absolutely nothing. Thank you.

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

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Harrison just said it very well. It will not cost his town one cent. The Representative from Raymond, Representative Bruno, mentioned what it will cost his town. It will not cost his town apparently, one cent. There are very few communities. I bet you couldn't find five communities that do not comply. This is so when they buy the new equipment, the standards must be updated since the original law was passed in the late '80s. The laws in the state have not kept up with the newer standards. The departments are buying equipment with the newer standards. The problem is there have been a few departments that have given equipment away when they purchase new. They have given the old to some of the small communities and that equipment does not comply to protective clothing. The state OSHA department goes in, that community is guilty of not having equipment that is pre-'87 clothing. How many of you wear or would want to wear pre-'87 clothing on a daily basis, especially when it comes to protecting your life. We keep handing out mandates and sometimes it is necessary to pass mandates. Otherwise, things do not get done in municipalities. You have heard about the grants coming from Homeland Security. I just pulled up out of my files, in the State of Maine the list is extensive. Right here there were \$10,142,000 in the last two years in the State of Maine to municipalities. That is a substantial amount. There is no reason why any municipality cannot be updated. This just updates the laws. I just mentioned the state Labor Department, all the fire organizations have worked on this legislation to update the standards. It is not asking for some new purchases. It is only when they do purchase that it will be to the newer standards that have since been approved by the NFPA. Thank you.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I have been listening to this debate with interest. I think I finally sorted it out. If we pass this bill without a mandate, the same job would get done. I believe I am correct when I say that the reason we have a mandate on this is so that the state will not have to be responsible for funding it. If there is not cost, then I don't know why that is necessary. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Crystal, Representative Joy.

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **JOY**: Mr. Speaker, Ladies and Gentlemen of the House. If there are no costs to a community, why is there a fiscal note?

The SPEAKER PRO TEM: The Representative from Crystal, Representative Joy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. To answer the question, it would be perhaps superfluous of me to point out that any transaction of revenues in a piece of legislation does require a fiscal note, whether it is a positive note, a fiscal note that costs something or a fiscal note where money simply changes from one pot to the other. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 310**

YEA - Adams, Andrews, Ash, Beaudette, Bennett, Blanchette, Bliss, Brannigan, Breault, Brown R, Bull, Bunker, Canavan, Churchill J, Clark, Cowger, Craven, Cummings, Davis, Dudley, Dunlap, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Greeley, Grose, Hatch, Hutton, Jackson, Jacobsen, Ketterer, Koffman, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGlocklin, McLaughlin, Mills J, Moody, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Perry A, Pineau, Pingree, Piotti, Rector, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Snowe-Mello, Sukeforth, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Walcott, Watson, Wheeler, Wolton, Mr. Speaker.

NAY - Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Browne W, Bruno, Campbell, Churchill E, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Duplessie, Duprey B, Fletcher, Glynn, Heidrich, Honey, Hotham, Jodrey, Joy, Kaelin, Ledwin, Lewin, McCormick, McGowan, McKee, McKenney, McNeil, Millett, Mills S, Moore, Murphy, Muse, Nutting, Peavey-Haskell, Richardson E, Richardson M, Rogers, Rosen, Shields, Stone, Tobin D, Tobin J, Trahan, Treadwell, Vaughan.

ABSENT - Barstow, Bryant-Deschenes, Carr, Dugay, Goodwin, Jennings, Kane, Landry, Maietta, Percy, Perry J, Richardson J, Sherman, Twomey, Usher, Woodbury, Young.

Yes, 81; No, 53; Absent, 17; Excused, 0.

81 having voted in the affirmative and 53 voted in the negative, with 17 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED**.

On motion of Representative **DUPLESSIE** of Westbrook, the House **RECONSIDERED** its action whereby the Bill **FAILED PASSAGE TO BE ENACTED**.

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

**Acts**

An Act Regarding Standard Contracts for Assisted Living Services

(H.P. 1145) (L.D. 1563)

An Act To Rename the Former Vocational-technical Secondary Education Schools, Now Called Applied Technology Centers and Regions, Career and Technical Education Centers and Regions

(H.P. 1227) (L.D. 1649)  
(C. "A" H-685)

An Act To Strengthen the Charitable Solicitations Act

(S.P. 623) (L.D. 1691)

An Act To Join the Interstate Insurance Product Regulation Compact

(S.P. 630) (L.D. 1698)  
(C. "A" S-389)

An Act To Amend the Maine Turnpike Authority's Budget for Calendar Year 2004

(S.P. 636) (L.D. 1704)  
(C. "A" S-387)

An Act To Amend the Law Providing Restitution to Victims of Timber Theft

(H.P. 1260) (L.D. 1738)  
(C. "A" H-690)

An Act To Clarify the Educational Requirements for Counselor Licensure

(H.P. 1279) (L.D. 1757)

An Act To Simplify the Finance Authority of Maine Act

(H.P. 1288) (L.D. 1766)  
(C. "A" H-686)

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

(H.P. 1299) (L.D. 1777)  
(C. "A" H-668; H. "A" H-716)

An Act To Clarify the Standards for Granting a Name Change

(H.P. 1319) (L.D. 1797)  
(C. "A" H-682)

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

**Resolves**

Resolve, Directing the Department of Conservation To Implement a Pilot Project To Evaluate Outdoor Playground Surface Materials

(H.P. 927) (L.D. 1253)  
(C. "A" H-693)

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

An Act To Strengthen the Prohibition against Night Hunting

(H.P. 1238) (L.D. 1662)  
(C. "A" H-692)

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

On motion of Representative DUPLESSIE of Westbrook, was **SET ASIDE**.

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

**REPORTS OF COMMITTEE**

**Refer to the Committee on Natural Resources Pursuant to Public Law and Resolve**

Representative KOFFMAN for the **Joint Standing Committee on Natural Resources** on Bill "An Act To Protect Health and the Environment by Improving the System for the Collection and Recovery of Mercury-added Thermostats"

(H.P. 1407) (L.D. 1901)

Reporting that it be **REFERRED** to the Committee on **NATURAL RESOURCES** pursuant to Public Law 2003, chapter 221, section 5 and Resolve 2003, chapter 101, section 3.

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

Sent for concurrence.

**SENATE PAPERS**

An Act To Authorize a General Fund Bond Issue in the Amount of \$2,000,000 for Disaster Relief and To Provide Further Relief Measures

(S.P. 740) (L.D. 1894)

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

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Resolve, To Reduce the State Valuation for the Town of East Millinocket

(S.P. 741) (L.D. 1895)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

**REFERRED** to the Committee on **TAXATION** in concurrence.

**Pursuant to Resolve**

**Joint Standing Committee on Natural Resources**

Report of the **Joint Standing Committee on Natural Resources** pursuant to Resolve 2003, chapter 39, section 2 and chapter 101, section 3 asks leave to report that the accompanying Bill "An Act To Amend the Dissolved Oxygen Standard and the Bacteria Standard for Class C Waters"

(S.P. 743) (L.D. 1899)

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.

**Pursuant to Resolve**

**Joint Standing Committee on Natural Resources**

Report of the **Joint Standing Committee on Natural Resources** pursuant to Resolve 2003, chapter 34 and chapter 101, section 3 asks leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Community Preservation Advisory Committee Regarding the State Planning Office's Review of Growth Management Programs" (EMERGENCY)

(S.P. 744) (L.D. 1900)

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.

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

**SENATE PAPERS**

The following Joint Resolution: (S.P. 745)

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SEEK THE RESIGNATION OF THE UNITED STATES SECRETARY OF EDUCATION**

WE, your Memorialists, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the Second Special Session, most respectfully present and petition the President of the United States and the United States Congress, as follows:

WHEREAS, the United States Secretary of Education occupies the most sensitive and important position from which to enunciate federal policy with respect to public education; and

WHEREAS, the vast majority of public school educators in the United States have organized into education associations, as is their right in accordance with both federal and state laws; and

WHEREAS, 2,700,000 educators belong to the National Education Association and invest their lives and their pride, as well as their money, to achieve their professional goals and those of their professional association; and

WHEREAS, the National Education Association is a leading voice across this nation on behalf of the interests of both public school educators and America's schoolchildren; and

WHEREAS, the Maine affiliate of the National Education Association and its more than 25,000 members are our friends, our neighbors, our family members and the teachers of our children; and

WHEREAS, as one Maine Education Association member put it, the teachers of our children feed, clothe, hug, nurse, play with, listen to, discipline, teach, dance with, share time and thoughts and feelings with, accept, model and teach acceptance to, respect and demand the same from, and love their students; and

WHEREAS, the current Secretary of Education, Mr. Rod Paige, has called the National Education Association, in public and utterly without justification, a "terrorist organization"; and

WHEREAS, the members of the National Education Association, the Maine Education Association and members of this Legislature know all too well what it means to label a group a "terrorist organization" while our nation wages real war against real terrorism; and

WHEREAS, labeling groups "terrorists" today is reminiscent of how some officials stooped to red-baiting half a century ago; now, therefore, be it

**RESOLVED:** That We, your Memorialists, on behalf of the people we represent, take this opportunity to condemn the use of the term "terrorist organization" to describe any American organization devoted to the welfare of our children or of working people or, for that matter, of any underprivileged members of our society; and be it further

**RESOLVED:** That we urge the President of the United States, George W. Bush, and the United States Congress to repudiate this confounding, inappropriate and inflammatory statement, unbecoming any cabinet official, least of all the Secretary of Education, and request that the President require Mr. Paige's resignation; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States; the President of the United States Senate; the Speaker of the United States House of Representatives; each Member of the Maine Congressional Delegation; Honorable John E. Baldacci, Governor of Maine; Reg Weaver, President of the National Education Association; and Rob Walker, President of the Maine Education Association.

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

**READ.**

The **SPEAKER PRO TEM:** The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO:** Mr. Speaker, Men and Women of the House. We pass many of these Joint Resolutions here. We have some huge political arguments. This is one that I see no merit to at all, other than to make a political statement of bashing the President, bashing the Congress, bashing the Secretary of Education at a time when we are discussing educational funding, discussing learning results, discussing No Child Left Behind and this piece of paper should not be in front of us.

I am offended by it. I think it sends a bad message. It is only there for one reason and that is politics only, ladies and gentlemen. You can see it is an election year can't you. We hold press conferences down in the Hall of Flags every day now bashing the President. We pass these Joint Resolutions only because you have the numbers to do so. It brings no purpose to this body at all Mr. Speaker.

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

Representative **SULLIVAN:** Mr. Speaker, Men and Women of the House. I will vote against this. I am a member of this organization. However, for the reasons unlike the previous speaker, I believe it doesn't belong here. I am insulted by it. I would be wrong, but if I wrote a resolution every time somebody said something about my profession or every time somebody said something about my gender or every time somebody said something about something, I would be awful busy. I am too busy. I think this takes away the importance of this House. I also think calling it election year or anything else takes away from this House too. It is an unfortunate thing. I think the Secretary has apologized. He may or may not have meant it. It doesn't make any difference. I just can't see one more thing dividing this country. We weren't sent here to do that. I will vote against it. I will let my feelings be known on the ballot, the way it should be done. Thank you.

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

Representative **PARADIS**: Mr. Speaker, Ladies and Gentlemen of the House. As a former educator, I take deep offense at Secretary Paige's lack of sensitivity and incompetence or both. It is totally inappropriate, his remarks, coming from someone who represents education for this administration in Washington, someone who is supposed to set a positive tone for the millions of hardworking and usually underpaid teachers across this country, whether they are members of the National Education Association or the American Federation of Teachers, whether they work in a public school or a private school. Sports people have been canned for making racial remarks. The Secretary should have been, as a black American, should have been very sensitive to that. I recall one from the Dodger's. It is not a bashing of the President, it is a reminder to the President that there should be decency in this country and respect for hardworking teachers who are entrusted, not only with the education of our children, but also for guidance. I think this person has got to go. Just a reminder to the President that that would be the right way to go. Thank you.

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

Representative **CUMMINGS**: Mr. Speaker, Ladies and Gentlemen of the House. Before you, the Joint Resolution, focuses on a comment by Secretary Paige in his description, I think inappropriately and one he has apologized for publicly, of our largest teacher's organization. I think the real issue however is stronger than that. The issue is about the behavior of Secretary Paige in his own hometown in his own state of Texas and his own school district. That, unfortunately, is a record of deception. The so-called Texas Miracle, unfortunately was not a miracle at all, but now we have internal sources, very credible, never counteracted by Secretary Paige that, in fact, there was tampering with the test scores as administrated by his school district. I think that in itself is something to be concerned about. However, today I agree with some of the comments said before us by Representative Sullivan and Representative Bruno. This is not the right place for us to be doing this. I will not vote for this Joint Resolution.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. In no way do I want to defend the comment that was made by the Secretary, but I think we all need to step back sometimes and remember the kind of days that we have had and things that have slipped out, sometimes because we are tired, sometimes because we are angry and all of us have days sometimes where the brain lags that mouth. I think all of us would like to be able to go back and pull back comments that we have made over the last 20 or 30 years. It was hard when that comment was made being a teacher and being characterized that way. I listened very carefully to the news and the Secretary apologized and apologized repeatedly. He has been an outstanding Secretary of Education that I think the country can take in.

My concern, and you have heard it expressed by people on both sides of the aisle, is that every day I come in and I look at the two calendars. I look at our printed schedule and I say, given that schedule we should be able to move through and complete our business and then I pick up the calendar from the other end and that almost requires a forklift to lift that calendar because everything we have done has been squirreled away in a black hole down at that end of the hall. Divided reports that should

have been dealt with in that chamber and be down here for us to do our business. I remind you that we didn't come in yesterday because we haven't had the paper and the issues flowing to us. We have had Fridays off.

Given the amount of time that remains to us in the next 30 to 40 days, for another budget, which is late, very late and for a package of bonds, tax relief and there are so many tax relief proposals out there, it is like standing outside your house in August when the porch light is on because there are so many moths flying around. If you think that is all going to happen in the next 30 to 40 days, I don't think we have the physical constitutions to spend the length of days and number of days that will be required.

I think you have an opportunity today. The gentleman has apologized. It was a very unfortunate comment and he repeatedly has apologized. If you encourage by a positive vote today for the passage of this, these resolutions, given an election year, will only accelerate. Instead of dealing with the issues that we need to deal with, we are going to spending our time on these resolutions, which contrary to what you think, the trumpets don't blow down in Washington when these arrive and they don't arrive on a white horse or a great deal of drama. They get filed away. If you want to spend your time dealing with these, and this side of the aisle can write some pretty dramatic memorials for you to be able to vote on. Is that we were really sent here to do? We have a very tight agenda. We have very important issues. Mr. Speaker, I would move that this Resolution be Indefinitely Postponed and ask for a roll call.

Representative **MURPHY** of Kennebunk moved that the Joint Resolution all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Joint Resolution 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 Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. Some years ago the Executive Director of the National Rifle Association described the Federal Bureau of Investigation as a group of jack booted thugs. The National Rifle Association is an organization to which I am a member. The President of the United States, President Bush, the elder President Bush, was a life member of the National Rifle Association. In response to those offensive remarks, he sent back his life membership. I am also a member of the Maine Education Association. I think if the President of the United States can fire an organization for indiscreet remarks, it is not much to ask that what is good for the goose is also good for the gander. I would urge you to oppose the pending motion.

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

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. I will make this very short. I agree, especially with the Representative from Biddeford, Representative Sullivan, that he apologized. Whether he meant it or not, he apologized. Let's move on. If we took offense at every comment by federal officials, we would be here until August. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Joint Resolution and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 311**

YEA - Andrews, Annis, Ash, Austin, Beaudette, Bennett, Berry, Berube, Bierman, Bliss, Bowen, Bowles, Breault, Brown R, Browne W, Bruno, Bull, Bunker, Campbell, Churchill E, Churchill J, Clough, Collins, Courtney, Cowger, Cressey, Crosthwaite, Cummings, Curley, Davis, Dugay, Duprey B, Earle, Finch, Fletcher, Glynn, Hatch, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Ketterer, Koffman, Ledwin, Lerman, Lessard, Lewin, Lundeen, Marraché, McCormick, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Brien L, O'Neil, Peavey-Haskell, Pellon, Percy, Perry J, Pingree, Piotti, Rector, Richardson E, Richardson M, Rines, Rogers, Rosen, Sampson, Shields, Smith N, Snowe-Mello, Stone, Sullivan, Sykes, Tardy, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Watson, Woodbury, Wotton.

NAY - Adams, Blanchette, Brannigan, Canavan, Clark, Craven, Dudley, Dunlap, Duplessie, Eder, Faircloth, Gagne-Friel, Gerzofsky, Grose, Hutton, Jackson, Lemoine, Mailhot, Makas, Marley, McGlocklin, McGowan, McKee, Norton, Paradis, Patrick, Perry A, Pineau, Saviello, Simpson, Smith W, Sukeforth, Suslovic, Thomas, Walcott, Wheeler.

ABSENT - Barstow, Bryant-Deschenes, Carr, Daigle, Duprey G, Fischer, Goodwin, Greeley, Jennings, Kane, Landry, Maietta, Richardson J, Sherman, Twomey, Usher, Young, Mr. Speaker.

Yes, 97; No, 36; Absent, 18; Excused, 0.

97 having voted in the affirmative and 36 voted in the negative, with 18 being absent, and accordingly the Joint Resolution all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** 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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On motion of Representative COLLINS of Wells, the House adjourned at 12:44 p.m., until 10:00 a.m., Wednesday, March 3, 2004 in honor and lasting tribute to the Honorable Alberta Wentworth, of Wells, former member of the Maine House of Representatives.