

MAINE STATE LEGISLATURE

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

Volume II

First Regular Session

May 27, 2003 – June 14, 2003

First Special Session

August 21, 2003 – August 23, 2003

Second Regular Session

January 7, 2004 - January 30, 2004

Second Special Session

February 3, 2004 - April 7, 2004

Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
SECOND SPECIAL SESSION
15th Legislative Day
Tuesday, March 9, 2004

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

Prayer by Father Raymond Lagace, OFM, Catholic Staff Chaplain, Veteran's Hospital, Togus.

National Anthem by Edward Little High School Concert Band, Auburn.

Pledge of Allegiance.

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

The Journal of Thursday, March 4, 2004 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 343)

STATE OF MAINE

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

March 3, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1365 An Act To Assist Maine Educators in Meeting the Quality Requirements of the Federal Elementary and Secondary Education Act of 1965

L.D. 1679 An Act To Reimburse School Districts for Children in Group Care Facilities

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

Sincerely,

S/Sen. Neria R. Douglass

Senate Chair

S/Rep. Glenn Cummings

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 344)

STATE OF MAINE

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

March 3, 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 Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1664 An Act To Provide an Income Tax Modification for the Empowerment Zone Employment Credit

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

Sincerely,

S/Sen. Stephen Stanley

Senate Chair

S/Rep. David G. Lemoine

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 345)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

March 3, 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 Appropriations and Financial Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1812 An Act To Authorize a General Fund Bond Issue in the Amount of \$1,000,000 for the Renovation of Millinocket Municipal Airport

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

Sincerely,

S/Sen. Mary R. Cathcart

Senate Chair

S/Rep. Joseph C. Brannigan

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 346)

STATE OF MAINE

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

March 3, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

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

L.D. 1809 An Act Relating to 48-hour Accident Reports

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

Sincerely,

S/Sen. Pamela H. Hatch

Senate Chair
S/Rep. Ronald E. Usher
House Chair

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Establish the Department of Health and Human Services"

(H.P. 1414) (L.D. 1913)

Sponsored by Representative KANE of Saco. (GOVERNOR'S BILL)

Cosponsored by Senator MARTIN of Aroostook and Representatives: Speaker COLWELL of Gardiner, MILLETT of Waterford, O'BRIEN of Augusta, PERRY of Calais, Senators: CATHCART of Penobscot, DAVIS of Piscataquis, TURNER of Cumberland, WESTON of Waldo.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent for concurrence.

Bill "An Act To Implement the Recommendations of the Governor's Task Force on ATV Issues"

(H.P. 1413) (L.D. 1912)

Sponsored by Representative LANDRY of Sanford. (GOVERNOR'S BILL)

Cosponsored by Senator BRYANT of Oxford and Representatives: CLARK of Millinocket, DUNLAP of Old Town, TOBIN of Dexter, WATSON of Bath, WHEELER of Kittery, WOTTON of Littleton, Senators: CARPENTER of York, KNEELAND of Aroostook.

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent for concurrence.

Pursuant to Resolve

Commission to Study the Scope and Quality of Citizenship Education

Representative CUMMINGS for the **Commission to Study the Scope and Quality of Citizenship Education** pursuant to Resolve 2003, chapter 85, section 8 and chapter 101, section 3 asks leave to report that the accompanying Resolve, To Implement the Recommendations of the Commission To Study the Scope and Quality of Citizenship Education

(H.P. 1417) (L.D. 1915)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Department of Economic and Community Development

Representative SULLIVAN for the **Department of Economic and Community Development** pursuant to Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 302: Rules for the Maine Microenterprise Initiative, a Major Substantive Rule of the Department of Economic Development (EMERGENCY)

(H.P. 1415) (L.D. 1914)

Be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Legislative Youth Advisory Council

Representative PARADIS for the **Legislative Youth Advisory Council** pursuant to the Maine Revised Statutes, Title 3, section 168-A, subsection 1, paragraph E asks leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Legislative Youth Advisory Council"

(H.P. 1419) (L.D. 1917)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Revisor of Statutes

Representative NORBERT for the **Revisor of Statutes** pursuant to the Maine Revised Statutes, Title 1, section 94 asks leave to report that the accompanying Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1418) (L.D. 1916)

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

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

Sent for concurrence.

ORDERS

On motion of Representative BRANNIGAN of Portland, the following Joint Order: (H.P. 1416)

ORDERED, the Senate concurring, that Bill, "An Act To Enhance Professionalism of Private Investigators in this State," H.P. 735, L.D. 1014, and all its accompanying papers, be recalled from the legislative files to the House.

READ.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. It is my understanding, Mr. Speaker, that in order to retrieve a bill from the legislative files it requires a two-thirds vote. I would like to have an explanation from the Representative from Portland as to why we are recalling this bill.

The **SPEAKER**: The Representative from Raymond, Representative Bruno has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Brannigan.

Representative **BRANNIGAN**: Mr. Speaker, Men and Women of the House. This was a bill that was passed unanimously through the committee and both bodies and went to the table. It had a long fiscal note on it. As I understand it, the fiscal note said it was a cost to the general fund and therefore it died on the table. It has now come to life that that was not the case. It was a special revenue fund and had that been the case, then it would not have died on the table. Because of that, we are asking that it be recalled and to be passed. Thank you Mr. Speaker.

The Chair ordered a division on **PASSAGE**.

The **SPEAKER**: The Chair recognizes the Representative from Cornville, Representative Mills.

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

The **SPEAKER**: The Representative may pose his question.

Representative **MILLS**: Thank you Mr. Speaker. Could someone just give us the title or the substance of the bill so that we would know what it addresses?

The **SPEAKER**: The Representative from Cornville, Representative Mills has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. This is a bill that had gone through Criminal Justice last year. It was a unanimous vote as the good Chair had indicated from Appropriations. It has to do with the private investigation of business licensing and licensure of private investigators and authorities. There is language in there that was valuable, but there was also a fiscal note because in this bill we allowed that entity to renew every four years instead of every two years. There was a time consuming effort by the Department of Public Safety and by renewing every four years, it caused a positive fiscal note in one biennium, but it would leave a negative fiscal note in another biennium because of the four-year staggering. Now that we are kind of leaping between two different bienniums it is revenue neutral from what I understand. It was unanimously passed in both bodies and by the committee of jurisdiction.

Representative **BUNKER** of Kossuth Township **REQUESTED** a roll call on **PASSAGE**.

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 Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I know we are starting earlier now, but I wasn't quite prepared for this. Let me speak that this is a bill that went through Criminal Justice. I don't understand the procedural vote here. It is usually a courtesy to allow to recall a bill unless it is some kind of partisan division on the bill. This was not the case on this bill. The entity was quite surprised last year when we left here in the middle of the night and found that this bill with the language that was important as well as the issues to that organization had died just because of, I think, some misinformation in Appropriations. I do have to apologize to this body for not being there at 3 o'clock in the morning or whenever the table was run to baby-sit this individual bill. I thought it had a positive fiscal note. I didn't even believe it was on the table. To make things even worse, my name is the prime sponsor. If that

is the reason you are voting against it, God love ya, but it was a nonpartisan issue and it was an issue that was unanimously passed by both bodies. Everybody here and everybody in the other body thought it was important. I would ask as a special favor and a courtesy of the membership here to allow this bill to be recalled and maybe some of you may reconsider your red lights here. It is important to that industry. I think that business industry is the one that I happen to belong to, so they asked me to submit it on their behalf. I did so as a dutiful member of that organization. If it dies again, I guess I understand it, but it just doesn't make much sense to me. Thank you Mr. Speaker.

On motion of Representative **DUPLESSIE** of Westbrook, **TABLED** pending **PASSAGE** and later today assigned. (Roll Call Ordered)

REPORTS OF COMMITTEE

Refer to the Committee on Inland Fisheries and Wildlife Pursuant to Public Law and Resolve

Representative **DUNLAP** for the **Joint Standing Committee of Inland Fisheries and Wildlife** on Bill "An Act To Revise the Fish and Wildlife Laws To Complement the Recodification of Those Laws"

(H.P. 1421) (L.D. 1920)

Reporting that it be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** pursuant to Public Law 2003, chapter 414, Part D, section 5 and Resolve 2003, chapter 101, section 3.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

Sent for concurrence.

Divided Report

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-407)** on Bill "An Act To Facilitate the Recovery of Stolen Property"

(S.P. 647) (L.D. 1715)

Signed:

Senator:

SHOREY of Washington

Representatives:

ROGERS of Brewer

SMITH of Monmouth

JACOBSEN of Waterboro

PELLON of Machias

BERUBE of Lisbon

AUSTIN of Gray

DUPREY of Medway

RECTOR of Thomaston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-408)** on same Bill.

Signed:

Senator:

BROMLEY of Cumberland

Representatives:

SULLIVAN of Biddeford

O'BRIEN of Lewiston

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-407)**.

READ.

On motion of Representative SULLIVAN of Biddeford, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act To Create a No-contact List and Prohibit Unsolicited E-mail" (S.P. 448) (L.D. 1360)

Signed:

Representatives:

- BLISS of South Portland
- BERRY of Belmont
- CRESSEY of Baldwin
- FLETCHER of Winslow
- MOODY of Manchester
- RICHARDSON of Skowhegan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-355)** on same Bill.

Signed:

Senators:

- HALL of Lincoln
- YOUNGBLOOD of Penobscot

Representative:

- GOODWIN of Pembroke

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

Representative BLISS of South Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

ROLL CALL NO. 315

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

NAY - Adams, Beaudette, Canavan, Carr, Gagne-Friel, Goodwin, Jackson, Norton, Twomey.

ABSENT - Bennett, Clough, Cowger, Cummings, Dugay, Gerzofsky, Lerman, Lewin, McGlocklin, Moore, Perry J, Pineau, Treadwell.

Yes, 129; No, 9; Absent, 13; Excused, 0.

129 having voted in the affirmative and 9 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

Seven Members of the Committee on **INSURANCE AND FINANCIAL SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "B" (S-394)** on Bill "An Act To Require All Health Insurers To Cover the Costs of Hearing Aids"

(S.P. 359) (L.D. 1087)

Signed:

Senators:

- LAFOUNTAIN of York
- DOUGLASS of Androscoggin
- MAYO of Sagadahoc

Representatives:

- PERRY of Calais
- BREAULT of Buxton
- CANAVAN of Waterville
- PERRY of Bangor

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "C" (S-395)** on same Bill.

Signed:

Representatives:

- VAUGHAN of Durham
- GLYNN of South Portland
- SNOWE-MELLO of Poland
- YOUNG of Limestone

Two Members of the same Committee report in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Representatives:

- WOODBURY of Yarmouth
- O'NEIL of Saco

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-394)**.

READ.

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

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** Report "C" **Ought Not to Pass**.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** Report "C" **Ought Not to Pass** and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Control Adult Entertainment Establishments"

(H.P. 1323) (L.D. 1801)

Signed:

Senators:

BROMLEY of Cumberland
HALL of Lincoln
SHOREY of Washington

Representatives:

SMITH of Monmouth
AUSTIN of Gray
DUPREY of Medway
RECTOR of Thomaston
O'BRIEN of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-733)** on same Bill.

Signed:

Representatives:

ROGERS of Brewer
JACOBSEN of Waterboro
PELLON of Machias
BERUBE of Lisbon
SULLIVAN of Biddeford

READ.

Representative SULLIVAN of Biddeford moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 608) (L.D. 1676) Bill "An Act To Allow Communications Towers on Land of the Maine Turnpike Authority" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 784) (L.D. 1066) Bill "An Act to Address the Temporary Maximum Levels of Assistance for General Assistance Established in 1991" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-738)**

(H.P. 1217) (L.D. 1640) Bill "An Act To Provide Accurate Vital Records for Adults in Maine" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-739)**

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

CONSENT CALENDAR

Second Day

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

(S.P. 605) (L.D. 1654) Bill "An Act To Amend Transportation Laws" (C. "A" S-406)

(H.P. 1352) (L.D. 1829) Bill "An Act To Amend the Membership of the Children's Cabinet"

(H.P. 1376) (L.D. 1850) Resolve, Regarding Legislative Review of Chapter 31: Affordable Housing Development District - Recovery of Public Revenue, a Major Substantive Rule of the Maine State Housing Authority

(H.P. 1248) (L.D. 1672) Bill "An Act To Amend the Charter of the Dover and Foxcroft Water District" (EMERGENCY) (C. "A" H-734)

(H.P. 1328) (L.D. 1806) Bill "An Act To Provide for the Safe Disposal of Household Hazardous Waste" (C. "A" H-732)

(H.P. 1358) (L.D. 1833) Bill "An Act To Amend Water Quality Laws To Aid in Wild Atlantic Salmon Restoration" (C. "A" H-731)

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

Senate as Amended in Non-Concurrence

Bill "An Act To Require That a Directory Listing of a Commercial Toll-free Number Include an Address"

(S.P. 643) (L.D. 1711)

(H. "B" H-737 to C. "A" S-398)

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

ENACTORS

Emergency Measure

An Act To Clarify Financial Management Procedures at the Maine Developmental Disabilities Council

(S.P. 641) (L.D. 1709)

(C. "A" S-401)

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. 133 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.

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

Emergency Measure

An Act To Maintain the Current Statutes Regarding Unlawful Solicitation To Benefit Law Enforcement Agencies

(S.P. 675) (L.D. 1832)

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. 129 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. **ORDERED SENT FORTHWITH.**

Emergency Measure

An Act To Provide for the 2004 and 2005 Allocations of the State Ceiling on Private Activity Bonds

(H.P. 1364) (L.D. 1838)

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. 129 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Mandate

An Act Requiring Blood Testing of All Drivers Involved in Fatal Accidents

(H.P. 1325) (L.D. 1803)

(C. "A" H-712)

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

Representative RICHARDSON of Brunswick **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, May I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. Who would be paying the tab on this mandate, to anyone who might be able to answer it? Thank you.

The **SPEAKER**: The Representative from Winterport, Representative Kaelin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Bowles.

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. If members of the body would care to look at the fiscal note, you will notice that the costs are insignificant for this. All the parties that were involved in reaching an agreement on this bill did discuss all the possibilities of cost and the costs will be considered negligible.

The **SPEAKER**: 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. 316

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Beaudette, Berry, Berube, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Collins, Courtney, Craven, Curley, Daigle, Davis, Dudley, Dunlap, Duplessie, Duprey G, Earle, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Greeley, Grose, Heidrich, Honey, Hotham, Hutton, Jacobsen, Jodrey, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lessard, Lundeen, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Saviello, Shields, Simpson, Smith N, Snowe-

Mello, Sukeforth, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Trahan, Usher, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Bierman, Bliss, Cressey, Crosthwaite, Eder, Jackson, Joy, Kaelin, Peavey-Haskell, Sampson, Sherman, Smith W, Stone, Tobin J, Twomey.

ABSENT - Bennett, Clark, Clough, Cowger, Cummings, Dugay, Duprey B, Goodwin, Hatch, Jennings, Lerman, Lewin, Moore, Pineau, Treadwell.

Yes, 121; No, 15; Absent, 15; Excused, 0.

121 having voted in the affirmative and 15 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Expand Funding and Services to Students of Limited Proficiency in English

(H.P. 149) (L.D. 190)

(C. "A" H-701)

An Act To Obtain Substance Abuse Services for Youth in Need of Services

(S.P. 220) (L.D. 611)

(C. "A" S-400)

An Act To Provide Funding for the Maine-Canada Trade Ombudsman

(H.P. 464) (L.D. 634)

(C. "A" H-722)

An Act To Facilitate the Development of Cost-effective Distributed Electricity Generation in the State

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

(C. "A" S-399)

An Act To Provide an Exemption to the Laws Governing Patient Confidentiality Regarding Certain Former Patients of the State Mental Institutions

(H.P. 1219) (L.D. 1642)

(C. "A" H-719)

An Act To Clarify Certain Provisions Contained in the Recodified Hunting, Fishing and Trapping Laws

(S.P. 629) (L.D. 1697)

(H. "A" H-729 to C. "A" S-388)

An Act To Clarify the Requirements of the Behavioral Treatment and Safety Device Review Teams for Persons with Mental Retardation or Autism

(H.P. 1261) (L.D. 1739)

(C. "A" H-720)

An Act To Amend the Laws Relating To Requirements for Competitive Electricity Providers

(H.P. 1263) (L.D. 1741)

(C. "A" H-718)

An Act Regarding Child Support Collection Practices

(H.P. 1293) (L.D. 1771)

(C. "A" H-721)

An Act Concerning the Boundary Line of the Town of Unity

(H.P. 1301) (L.D. 1779)

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)

(C. "A" S-396)

An Act To Increase the Amount of Restitution Allowed for State and Municipal Fire Service

(H.P. 1344) (L.D. 1821)

(C. "A" H-713)

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

Resolves

Resolve, To Ensure That Emergency Medical Help Is Available to All School Children

(H.P. 136) (L.D. 177)
(C. "A" H-723)

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 Ensure Fair Payment for Timber Harvesting Jobs on Land Managed by the Department of Conservation, Bureau of Parks and Lands

(H.P. 1304) (L.D. 1782)
(C. "A" H-714)

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

On motion of Representative RICHARDSON of Brunswick, was **SET ASIDE**.

The same Representative **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: 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.

ROLL CALL NO. 317

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Beaudette, 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, Clark, Collins, Courtney, Craven, Cressey, Crosthwaite, Curley, Daigle, Davis, Dudley, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jodrey, Joy, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lessard, Lundeen, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Peavey-Haskell, Pellon, Percy, Perry A, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Twomey, Usher, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - NONE.

ABSENT - Bennett, Clough, Cowger, Cummings, Dugay, Goodwin, Jennings, Lerman, Lewin, Moore, Patrick, Perry J, Pineau, Treadwell.

Yes, 137; No, 0; Absent, 14; Excused, 0.

137 having voted in the affirmative and 0 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Expand Maine's Homestead Exemption for the Blind

(H.P. 1316) (L.D. 1794)
(C. "A" H-724)

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

On motion of Representative RICHARDSON of Brunswick, was **SET ASIDE**.

The same Representative **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: 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.

ROLL CALL NO. 318

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

NAY - NONE.

ABSENT - Bennett, Bunker, Clough, Cowger, Cummings, Dugay, Goodwin, Jennings, Lerman, Lewin, Moore, Patrick, Pineau, Treadwell.

Yes, 137; No, 0; Absent, 14; Excused, 0.

137 having voted in the affirmative and 0 voted in the negative, with 14 being absent, 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** with the exception of matters being held.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, March 4, 2004, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

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

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

TABLED - February 24, 2004 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - Motion of Representative O'NEIL of Saco to **INDEFINITELY POSTPONE HOUSE AMENDMENT "A" (H-707) to COMMITTEE AMENDMENT "A" (H-683)**. (Roll Call Ordered)

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

Representative DUDLEY: Mr. Speaker, Men and Women of the House. I will be supporting this motion. There is a new amendment, supposedly, on the way that I would like to present after this. I will be supporting the present motion, if anybody is curious about that.

The SPEAKER: A roll call having been previously ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-707) to Committee Amendment "A" (H-683). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 319

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Beaudette, 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, Clark, Collins, Courtney, Craven, Cressey, Crosthwaite, Curley, Daigle, Davis, Dudley, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lessard, Lundeen, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Perry A, Perry J, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Twomey, Usher, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - NONE.

ABSENT - Bennett, Clough, Cowger, Cummings, Dugay, Gerzofsky, Goodwin, Lerman, Lewin, McKenney, Moore, Pineau, Treadwell.

Yes, 138; No, 0; Absent, 13; Excused, 0.

138 having voted in the affirmative and 0 voted in the negative, with 13 being absent, and accordingly **House Amendment "A" (H-707) to Committee Amendment "A" (H-683) was INDEFINITELY POSTPONED**.

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-683)** and later today assigned.

SENATE DIVIDED REPORT - Majority (12) Ought to Pass as Amended by Committee Amendment "A" (S-403) - Minority (1) Ought to Pass as Amended by Committee Amendment "B" (S-404) - Committee on MARINE RESOURCES on Bill "An Act To Provide for Department of Marine Resources Jurisdiction Over Certain Sections of the State's Endangered Species Program"

(S.P. 634) (L.D. 1702)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE**

ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-403).

TABLED - March 2, 2004 (Till Later Today) by Representative BULL of Freeport.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-403)** was **READ** by the Clerk.

Representative BULL of Freeport **PRESENTED House Amendment "A" (H-741) to Committee Amendment "A" (S-403)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-403) as Amended by House Amendment "A" (H-741) thereto was ADOPTED.

The Bill was assigned for **SECOND READING** Wednesday, March 10, 2004.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

SENATE PAPERS

Bill "An Act To Authorize Municipalities To Establish Local Tax Relief Programs"

(S.P. 752) (L.D. 1911)

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

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

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)

Which was **TABLED** by Representative DUPLESSIE of Westbrook pending **ADOPTION** of **Committee Amendment "A" (H-683)**.

Representative DUDLEY of Portland **PRESENTED House Amendment "D" (H-747) 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. The question before us this morning is privacy. My question to all of you is, when is it enough? We recognize in our founding documents, both the US Constitution and the Maine Constitution, the importance of privacy. In our Constitution it is a protection against government. It is the protection against searches and seizures. It is the notion that each of us ought to have a right to live within a certain degree of privacy.

You may be asking, what is the big deal here? What is the privacy question? We have discussed matters of greater privacy. I am talking about the opt in/out discussion of last year and sessions previously where there seems to be perhaps something bigger at stake. This body chose not to take action in that regard. This is, perhaps, a smaller issue in comparison, but it is a smaller issue though. When is enough, enough? Where are we going to draw the line? We do have substantial protection against the actions of government relative to our privacy, but where are we going to draw the line when it comes to privacy from each other

and from commercial activity. The fact is that there has been a good deal of erosion when it comes to personal privacy over recent years. We have taken action in some of those areas, but we all know and share the frustration of many Maine consumers when it comes to unsolicited mail at home, unsolicited e-mail, unsolicited phone calls from telemarketers and certainly identity theft. Identity theft has become such a great problem that banks are now offering identity theft protection, which has a certain irony in it in my mind considering what I consider to be culpability on their part for their spread of the problem, but that is a whole other question.

There has been significant erosion of personal privacy. The question before us is where are we going to draw the line? What this bill proposes in its original form is to grant financial institutions, banks and credit unions, an exemption from a state law prohibiting the photocopying of driver's licenses. Banks and credit unions are requesting this exemption because of requirements of the USA Patriot Act, requiring them to be able to positively identify their customers. I am sure there are varying degrees of opinion in this chamber about the USA Patriot Act. I certainly count myself amongst those who have a certain degree of hostility toward the USA Patriot Act. Be that as it may, it is federal law and banks and credit unions are subject to its provisions.

The Majority Report seeks to give the banks and credit unions the exemption they need under the USA Patriot Act. It also expands this exemption to the prohibition against photocopying driver's licenses to car dealerships who are lending cars for people who are having car repair or to people who want to test drive a car. It also proposes to extend the exemption to trucking companies who want to photocopy the driver's licenses of commercial truck drivers. The truth is, the Secretary of State already has the authority to grant exemptions to these institutions seeking a way around Maine's statutes.

House Amendment "C" seeks to focus this bill on its original intent, on providing the exemption strictly for banks and credit unions. This amendment eliminates the confusing language that seems to allow electronic copies of driver's licenses. At the same time it accomplishes the narrow focus of the original bill, which is to allow that exemption, because of the USA Patriot Act to banks and credit unions.

I will say that I have worked with the sponsor of the original bill as well as the credit unions and banks to make sure, as well as the Department of Professional and Financial Regulation, it makes sure that this amendment accomplishes the goals that the banks had set out under the original bill.

I encourage you to join me in drawing the line, once and for all, around the protection of privacy and limiting this exemption only to those institutions that can demonstrate a need under the USA Patriot Act.

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

Representative O'NEIL: Mr. Speaker, Ladies and Gentlemen of the House. This amendment, if we choose to adopt it, will leave hundreds, if not thousands of good Maine people as criminals while exempting one narrow group of folks who do the very same thing. It seems to me that our judicial and corrections systems are already overburdened. On that note, I move Indefinite Postponement of House Amendment "D" and ask for a roll call.

Representative O'NEIL of Saco moved that **House Amendment "D" (H-747) to Committee Amendment "A" (H-683) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-747) to Committee Amendment "A" (H-683).**

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

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

Representative MILLS: Mr. Speaker, Men and Women of the House. I rise to support the position taken by the chair of the committee and do so with the following comment. It seems to me that it is currently legal, at least I trust it is legal, for a vendor, car dealer or what have you, to write down the license number on a piece of paper or write down the person's address on a piece of paper, to write down the person's height, color of eyes and weight on a piece of paper. I believe it is also legal for a person to be photographed or videotaped on the vendor's premises. I remember a couple of years ago seeing an interesting article in a news magazine showing the locations and angles of view of all of the video cameras that were located within a single block of New York City, basically asserting that people who walked down Broadway or Fifth Avenue find themselves photographed probably a dozen times at least in the course of merely strolling through the city and doing window shopping. All of the elements that appear on a person's driver's license may be recorded by the financial institution or vendor in some fashion. The only thing that the present law prohibits is the making of a photocopy of that very same information. I think that all that we are doing by preserving the present law is making life inconvenient to merchants and not really protecting anybody's rights of privacy or disclosure. For that reason, I would join in asking you to support the pending motion, which is Indefinite Postponement of the floor amendment with the idea that we might go on to pass the Committee Amendment, which represents, as I recall, the overwhelming majority of the committee and represents the committee's careful reflection on this issue. Thank you Mr. Speaker.

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

Representative EDER: Mr. Speaker, Men and Women of the House. I rise today in support of the amendment offered by my colleague and seatmate, the good Representative from Portland, Representative Dudley. For me, it is a question of whether or not we would like to make it easier to collect this information and make it, therefore, more difficult for the Secretary of State to uphold the federal law in protecting people from theft of this information. I say to you here today that I see no cause for us to go further than is required by the USA Patriot Act. Therefore, I will not be supporting this motion.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "D" (H-747) to Committee Amendment "A" (H-683). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 320

YEA - Andrews, Annis, Ash, Austin, Barstow, Berry, Berube, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Carr, Churchill E, Churchill J, Clark, Courtney, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Finch, Fletcher, Glynn, Greeley, Hatch, Heidrich, Honey, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lessard, Lundeen, Maietta, Marraché, McCormick, McKee, McLaughlin, McNeil, Millett, Mills S, Moody, Muse, Norbert, Nutting, O'Brien J, O'Brien L, O'Neil, Pellon, Perry A, Pineau, Rector, Richardson J, Richardson M, Rogers,

Rosen, Saviello, Sherman, Shields, Snowe-Mello, Stone, Sullivan, Suslovic, Sykes, Tardy, Tobin D, Trahan, Vaughan, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Adams, Beaudette, Bliss, Canavan, Collins, Craven, Dudley, Eder, Faircloth, Gagne-Friel, Gerzofsky, Goodwin, Grose, Hutton, Mailhot, Makas, Marley, McGlocklin, McKenney, Mills J, Murphy, Norton, Paradis, Patrick, Peavey-Haskell, Percy, Pingree, Piotti, Rines, Sampson, Simpson, Smith N, Smith W, Thomas, Thompson, Tobin J, Twomey, Walcott.

ABSENT - Bennett, Clough, Cowger, Dugay, Fischer, Lerman, Lewin, McGowan, Moore, Perry J, Richardson E, Sukeforth, Treadwell, Usher.

Yes, 99; No, 38; Absent, 14; Excused, 0.

99 having voted in the affirmative and 38 voted in the negative, with 14 being absent, and accordingly **House Amendment "D" (H-736) to Committee Amendment "A" (H-683)** was **INDEFINITELY POSTPONED**.

Representative O'NEIL of Saco **PRESENTED House Amendment "C" (H-736) to Committee Amendment "A" (H-683)**, 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. With any luck, we can put this all to rest. It is days like today where I miss the Representative from St. George, Representative Skoglund. He would have enjoyed this. I say that because he had a particular eye and a particular sense for stupid legislation. It was enacted in 1989. It has become stupid in as much as we operate now under a different vehicle than we used to. We used to have paper licenses. Many of you can probably remember high school classmates, none of you probably did it, who would alter the paper document that was in the wallet so that your could procure certain things that you might not otherwise be able to.

Now days our licenses are digitally kept. They are a different ball game altogether. We have various attempts to fix this problem that was brought to us and this was a problem that was brought to us. Nobody ran on this agenda. What this does is it is the ultimate fix for the problem. The problem is that right now there are thousands of good Maine citizens committing class D crimes, punishable by \$2,000 fine or 12 months in prison for photocopying your license. It was brought to our attention by people who wish not to be labeled as criminals and, frankly, we had sympathy for them, but we also in as much as we wanted to satisfy their concern, we carved them out as a bit of a special class. I don't particularly appreciate doing that. My grandfather used to say that the definition of chutzpa is where a child murders his parents and then pleads clemency because he is an orphan. Sometimes we set up these statutes that tend to be counter intuitive. We don't have to revisit the whole thing, but in essence what we have done by 1989 enacting this statute was to prevent people from being able to use this. I just got my renewal from Biddeford/Saco Country Club that asks for all sorts of information, whether I want a locker and so forth. It also says that if I want a senior citizen's discount, to send a photocopy of my driver's license in there. I sent back a little note telling them that they were breaking the law if anybody complies with that.

In any rate, we could outlaw putting your hand on a hot stove. We could outlaw holding the wrong end of a chain saw. We can outlaw trout fishing or lawn mowing on sunny days because it might give you a sunburn, but for goodness sake, I think there are some cases where we just leave well enough alone. With that, I would entreat my colleagues to adopt the pending motion and ask for a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-736) to Committee Amendment "A" (H-683)**.

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

Representative **GLYNN** of South Portland moved that **House Amendment "C" (H-736) to Committee Amendment "A" (H-683)** be **INDEFINITELY POSTPONED**.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. This issue was hotly debated in committee regarding lifting the restriction on people from photocopying licenses. The concern here is identify theft. That is the concern. The Committee Amendment, which received a very strong vote out to the floor, this amendment that is being propose would erode the protections for consumers that are contained within that. By lifting the restriction of somebody photocopying driver's licenses, what we are doing is we are opening the door that every vendor, for whatever reason, anybody can refuse to do business with you unless you give up a copy of your driver's license. The negative effect that would happen if this amendment to the Committee Amendment stands is that we will have a number of people who are now going to start requiring copies of driver's licenses for absolutely no valid reason, other than they would like to have a copy of your driver's license and they will be instituting policies for that. There are good reasons why we don't want every Tom, Dick and Harry in the State of Maine photocopying people's driver's licenses and maintaining them on file. The committee Amendment struck a balance between what is required under the federal law of banks and financial institutions, which is the reason why this bill was originally put in front of us and the willy nilly practice of everybody photocopying licenses for a variety of reasons. Just because you write a check, they might want to photocopy your driver's license. This would allow all of these establishments to do that, which then poses the question, what are you doing with these photocopies? How are you disposing of them? How are you storing them? It opens up a lot of issues and a lot of issues that I, quite frankly, don't believe the Legislature wants to get into. For all these reasons, I urge you to support the Indefinite Postponement of this amendment to the Committee Amendment and move onto the good work of the committee. Thank you.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. It is a rare day. It is a rare day, indeed, that I get up and support the comments of my colleague from South Portland, Representative Glynn, but I am happy to do so today. He is absolutely right. It was clear that many of you didn't care for my previous amendment, but this goes entirely in the other direction in expanding access to any business whatsoever and anybody whatsoever the right to photocopy a driver's license. I don't think that is where we want to go. It certainly isn't where I want to go. I urge you to support the pending motion.

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

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. In response to the previous two speakers, I maintain that this is a law where we have neither the ability or the inclination to enforce and it is a law that does no public good, apparent or real, in response to no peril, either apparent or real. Again, nobody is going to photocopy my driver's license unless I take it out of my wallet and hand it to them. That is the ultimate protection. In my estimation, Mr. Speaker and my friends in the

House, ignorance is not an acceptable defense when you are standing in a court, ignorance of the law, but if we continue enacting obscure and convoluted and counter intuitive statutes, there are going to be more and more judges and juries who emphasis with the ignorant. How can they possibly be expected to keep up? Again, this is a common sense approach. We conform with all sorts of standards, whether it is federal text or federal transportation conformity. This is the common sense conformity. Thank you.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I wish to concur with the Representative from Portland, Representative Dudley, I, too, am scared that we are in agreement on an issue, but I do want to point out to the members of the House that this dangerous precedent that is set is that establishments could require people to show their driver's licenses and provide copies as a routine way of doing business. That is the problem with this. If you did not want to give up your driver's license copy to an establishment, in fact, they could refuse to do business with you because it would be a policy that they would adopt. The purpose of this law is to make sure that these businesses don't adopt these policies because of the needed protection for identity theft. Mr. Speaker, when the vote is taken, I request the yeas and nays.

Representative **GLYNN** of South Portland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-736) to Committee Amendment "A" (H-683)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-736) to Committee Amendment "A" (H-683). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 321

YEA - Adams, Andrews, Austin, Barstow, Beaudette, Berry, Berube, Bierman, Bliss, Bowen, Bowles, Brannigan, Brown R, Browne W, Bruno, Bryant-Deschenes, Bunker, Campbell, Carr, Churchill E, Churchill J, Collins, Craven, Cressey, Crosthwaite, Cummings, Curley, Davis, Dudley, Earle, Eder, Faircloth, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jodrey, Joy, Kaelin, Ledwin, Lerman, Lessard, Lundeen, Maietta, Mailhot, Makas, Marley, Marraché, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Moody, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, Paradis, Patrick, Peavey-Haskell, Perry A, Pineau, Pingree, Piotti, Rector, Richardson M, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Snowe-Mello, Stone, Suslovic, Sykes, Thomas, Thompson, Trahan, Twomey, Usher, Walcott, Wotton, Young.

NAY - Annis, Ash, Blanchette, Breault, Bull, Clark, Courtney, Daigle, Dunlap, Duplessie, Duprey G, Finch, Jacobsen, Jennings, Kane, Ketterer, Koffman, Landry, Lemoine, McCormick, Mills J, Mills S, O'Brien L, O'Neil, Pellon, Percy, Perry J, Richardson J, Rines, Smith W, Sukeforth, Sullivan, Tardy, Tobin D, Tobin J, Vaughan, Watson, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Bennett, Canavan, Clough, Cowger, Dugay, Duprey B, Fischer, Goodwin, Lewin, Moore, Richardson E, Treadwell.

Yes, 99; No, 40; Absent, 12; Excused, 0.

99 having voted in the affirmative and 40 voted in the negative, with 12 being absent, and accordingly **House Amendment "C" (H-736) to Committee Amendment "A" (H-683) was INDEFINITELY POSTPONED**.

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

Representative **DUDLEY**: Mr. Speaker, Ladies and Gentlemen of the House. I will be opposing adoption of Committee Amendment "A" for the reasons I stated in support of my amendment. I know that all of us care to varying degrees, certainly, but all of us care about privacy. It is an issue of importance for every single one of us. The question for us though is where we draw the line. If we are not going to draw the line in instances such as this when it is perhaps a little easier, then I am very concerned about those times when perhaps there is a great deal more on the line. For that reason, I will be opposing the adoption of Committee Amendment "A." Thank you.

The Chair ordered a division on the motion to **ADOPT Committee Amendment "A" (H-683)**.

Representative **DUDLEY** of Portland **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-683)**.

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

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

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

The SPEAKER: The Representative may pose his question.

Representative **LESSARD**: Mr. Speaker, Ladies and Gentlemen of the House. Could someone tell me, I can't find it here, what Committee Amendment "A" is?

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

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. In answer to the question, Committee Amendment "A" is the Majority Report. It has 10 members on it. Three member of the other body, by the way, that will allow a continuation of current practice which is where folks do photocopy driver's licenses, but in limited circumstances, the financial institutions that the Representative from Portland, Representative Dudley, sought to carve out, as well as the folks who also showed up, the automobile dealers and employers who employ people with commercial class driver's licenses who need that for verification purposes. The further safeguard on the storage of same photocopy is also delineated in the amendment. Thank you.

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

ROLL CALL NO. 322

YEA - Andrews, Annis, Austin, Barstow, Beaudette, Berry, Berube, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Carr, Churchill E, Churchill J, Clark, Courtney, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dunlap, Duplessie, Duprey B, Earle, Faircloth, Finch, Fletcher, Gagne-Friel, Glynn, Greeley, Hatch, Heidrich, Honey, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Kane, Ketterer, Ledwin, Lemoine, Lessard, Maietta, Marley, Marraché, McCormick, McGowan, McLaughlin, Millett, Mills J, Mills S, Muse, Norbert, Nutting, O'Brien J, O'Brien L, O'Neil, Pellon, Perry A, Perry J, Pineau, Rector, Richardson J, Richardson M, Rines, Rogers, Rosen, Saviello, Sherman, Shields, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Tardy,

Thompson, Tobin D, Trahan, Usher, Vaughan, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Adams, Ash, Bliss, Canavan, Collins, Craven, Dudley, Duprey G, Eder, Gerzofsky, Goodwin, Grose, Hutton, Landry, Lerman, Lundeen, Mailhot, Makas, McGlocklin, McKee, McKenney, McNeil, Moody, Murphy, Norton, Paradis, Patrick, Peavey-Haskell, Percy, Pingree, Piotti, Sampson, Simpson, Thomas, Tobin J, Twomey, Walcott.

ABSENT - Bennett, Clough, Cowger, Dugay, Fischer, Koffman, Lewin, Moore, Richardson E, Treadwell.

Yes, 104; No, 37; Absent, 10; Excused, 0.

104 having voted in the affirmative and 37 voted in the negative, with 10 being absent, and accordingly **Committee Amendment "A" (H-683) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-683)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

BILLS HELD

Bill "An Act To Implement the Recommendations of the Committee To Study the Revenue Sources of the Office of Consumer Credit Regulation"

(S.P. 751) (L.D. 1910)

- In Senate, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES.**

- In House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in **NON-CONCURRENCE.**

HELD at the Request of Speaker COLWELL of Gardiner.

On motion of Representative COLWELL of Gardiner, the House **RECONSIDERED** its action whereby the Bill was **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in **NON-CONCURRENCE.**

On further motion of the same Representative, the Bill was **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

REPORTS OF COMMITTEE

Divided Report

Nine Members of the Committee on **TAXATION** report in Report "A" **Ought Not to Pass** on Bill "An Act To Modernize the State's Tax System"

(H.P. 1020) (L.D. 1394)

Signed:

Senators:

STANLEY of Penobscot

NASS of York

Representatives:

LEMOINE of Old Orchard Beach

COURTNEY of Sanford

CLOUGH of Scarborough

PERRY of Bangor

SIMPSON of Auburn

McCORMICK of West Gardiner

TARDY of Newport

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-745)** on same Bill.

Signed:

Senator:

STRIMLING of Cumberland

Representative:

LERMAN of Augusta

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-746)** on same Bill.

Signed:

Representative:

SUSLOVIC of Portland

READ.

On motion of Representative LEMOINE of Old Orchard Beach, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

On motion of Representative ADAMS of Portland, the House adjourned at 11:37 a.m., until 9:00 a.m., Wednesday, March 10, 2004 in honor and lasting tribute to Constance Marie Coleman Flanagan, of Portland.