

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
20th Legislative Day
Thursday, March 18, 2004

The Speaker resumed the Chair.

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

Prayer by Father Michael Gendreau, St. Mary of the Assumption, Augusta.

Colors presented by Franco American War Veterans' Color Guard, Post 31, Lewiston.

National Anthem by Melanie Saucier, Fort Kent Elementary School.

Pledge of Allegiance.

Doctor of the day, Ray Nichols, M.D., Jonesport.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Expression of Legislative Sentiment Recognizing Anthony Major as Eagle Scout

(HLS 1265)

PASSED in the House on March 4, 2004.

Came from the Senate **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (H.P. 1438)

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

March 4, 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 Prohibiting Certain Bear Hunting Practices."

Sincerely,

S/Dan A. Gwadosky

Secretary of State

**STATE OF MAINE
DEPARTMENT OF STATE**

I, **Dan A. Gwadosky, Secretary of State**, hereby certify that written petitions bearing signatures of 97,622 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 January 28, 2004, requesting that the Legislature consider an act entitled "An Act Prohibiting Certain Bear Hunting Practices."

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 fourth day of March 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 Prohibiting Certain Bear Hunting Practices"

(I.B. 5) (L.D. 1938)

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE**, ordered printed and sent for concurrence.

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

The Following Communication: (S.C. 506)

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

March 16, 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 nominations:

Upon the recommendation of the Joint Standing Committee on Criminal Justice and Public Safety, the nomination of Major Craig A. Poulin of Gardiner for appointment as Chief of the Maine State Police.

Upon the recommendation of the Joint Standing Committee on Education and Cultural Affairs, the nominations of Jean Gulliver of Falmouth and Jack Norris of Wallagrass for reappointment to the State Board of Education.

Upon the recommendation of the Joint Standing Committee on Labor, the nominations of Peter Leslie of Cape Elizabeth for reappointment, Eunice Mercier of Augusta for reappointment, and Benedetto Viola of Scarborough for appointment to the Maine Retirement System, Board of Trustees.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Amend the Laws Governing Blood Tests for Persons Suspected of Operating Under the Influence"

(H.P. 1434) (L.D. 1936)

Sponsored by Representative GAGNE-FRIEL of Buckfield.

Cosponsored by Senator GAGNON of Kennebec and Representatives: BLANCHETTE of Bangor, CRAVEN of Lewiston, LESSARD of Topsham, MAKAS of Lewiston, MILLETT of Waterford, O'BRIEN of Lewiston, WALCOTT of Lewiston.

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

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent for concurrence.

Bill "An Act To Decrease Insurance Fraud in This State"

(H.P. 1435) (L.D. 1939)

Sponsored by Representative BUNKER of Kossuth Township.

Cosponsored by Senator LAFOUNTAIN of York and Representatives: O'NEIL of Saco, PERRY of Calais, Senator: DOUGLASS of Androscoggin.

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.

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

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

ORDERS

On motion of Representative PARADIS of Frenchville, the following Joint Resolution: (H.P. 1436)

RÉSOLUTION CONJOINTE HONORANT LES FRANCO-AMÉRICAINS

Considérant que, l'état du Maine est nommé après la province du Maine en France et que les villages de Calais et Paris dans l'état du Maine portent les noms de la capitale de France et du port français de Calais, respectivement; et

Considérant que, l'état du Maine célèbre cette année le 400ième anniversaire du premier village français au Nouveau Monde sur l'île Sainte-Croix en 1604; et

Considérant que, plus d'un tiers de la population du Maine est de descendance française ou canadienne; et

Considérant que, les franco-américains du Maine ont contribué beaucoup à la beauté et la qualité de cet état; et

Considérant que, le français est la première langue de milliers de citoyens du Maine; et

Considérant que, il y a eu une augmentation de l'utilisation de la langue française et une appréciation croissante de l'héritage franco-américain à travers l'état; et

Considérant que, des clubs et des associations pour promouvoir la culture et la langue française sont nés à travers l'état, y inclus le caucus francophone à la capitale; et

Considérant que, les gens qui parlent couramment le français et l'anglais sont une ressource économique et culturelle pour l'état du Maine; et

Considérant que, le tourisme culturel sera accru par les véritables centres franco-américains à travers l'état et la grande présence de franco-américains dans le Maine peut renforcer davantage nos relations avec le Canada, la France, et les autres pays francophones; et

Considérant que, le premier Jour Franco-Américain a été célébré mercredi, 6 mars, 2002, à la Capitale de l'État; maintenant, alors, qu'il soit

Résolu, que nous, les membres de la Cent-Vingt-et-Unième Législature, assemblés dans la deuxième session spéciale, au nom des gens que nous représentons, proclamons que le Jour Franco-Américain soit célébré jeudi, 18 mars, 2004, à la Capitale de l'État; et qu'il soit aussi

Résolu, que nous suggérons que le Jour Franco-Américain soit célébré chaque année au mois de mars pour commémorer la riche histoire du peuple français dans l'état du Maine et aux États-Unis d'Amérique.

JOINT RESOLUTION RECOGNIZING FRANCO-AMERICAN DAY

WHEREAS, the State of Maine is named after the Province of Maine in France and the Towns of Paris and Calais owe their names to the capital city of France and the French port city of Calais, respectively; and

WHEREAS, the State of Maine is celebrating this year the 400th anniversary of the first French settlement in the New World, on Saint Croix Island in 1604; and

WHEREAS, more than 1/3 of the population of Maine is of French and Canadian descent. Franco-Americans in Maine have contributed much to the beauty and quality of this State; and

WHEREAS, French is the primary language of thousands of Mainers and there has been a resurgence in the use of the French language and a heightened appreciation of the Franco-American heritage throughout the State; and

WHEREAS, clubs and organizations to promote French culture and language have sprung up throughout the State, including the Francophone Caucus at the Capitol; and

WHEREAS, fluent French-English bilingual people are a cultural and economic resource to the State of Maine; and

WHEREAS, cultural tourism can be greatly enhanced by the genuine Franco-American centers throughout the State and the large Franco-American presence in Maine can further strengthen our relationships with Canada, France and the rest of the francophone world; and

WHEREAS, the first Franco-American Day was celebrated on Wednesday, March 6, 2002 at the State Capitol; now, therefore, be it

RESOLVED: That, We, the members of the One Hundred and Twenty-first Legislature, now assembled in the Second Special Session, on behalf of the people we represent, proclaim that Franco-American Day be celebrated Thursday, March 18, 2004 at the State Capitol; and be it further

RESOLVED: That we suggest that Franco-American Day be celebrated annually in March to commemorate the rich history of the French people in the State of Maine and the United States of America.

READ.

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

Representative **TWOMEY**: Mr. Speaker, Ladies and Gentlemen of the House. RÉSOLUTION CONJOINTE HONORANT LES FRANCO-AMÉRICAINS. Considérant que, l'état du Maine est nommé après la province du Maine en France et que les villages de Calais et Paris dans l'état du Maine portent les noms de la capitale de France et du port français de Calais, respectivement; et

Considérant que, l'état du Maine célèbre cette année le 400ième anniversaire du premier village français au Nouveau Monde sur l'île Sainte-Croix en 1604; et

Considérant que, plus d'un tiers de la population du Maine est de descendance française ou canadienne; et

Considérant que, les franco-américains du Maine ont contribué beaucoup à la beauté et la qualité de cet état; et

Considérant que, le français est la première langue de milliers de citoyens du Maine; et

Considérant que, il y a eu une augmentation de l'utilisation de la langue française et une appréciation croissante de l'héritage franco-américain à travers l'état; et

Considérant que, des clubs et des associations pour promouvoir la culture et la langue française sont nés à travers l'état, y inclus le caucus francophone à la capitale; et

Considérant que, les gens qui parlent couramment le français et l'anglais sont une ressource économique et culturelle pour l'état du Maine; et

Considérant que, le tourisme culturel sera accru par les véritables centres franco-américains à travers l'état et la grande présence de franco-américains dans le Maine peut renforcer davantage nos relations avec le Canada, la France, et les autres pays francophones; et

Considérant que, le premier Jour Franco-Américain a été célébré mercredi, 6 mars, 2002, à la Capitale de l'État; maintenant, alors, qu'il soit

Résolu, que nous, les membres de la Cent-Vingt-et-Unième Législature, assemblés dans la deuxième session spéciale, au nom des gens que nous représentons, proclamons que le Jour Franco-Américain soit célébré jeudi, 18 mars, 2004, à la Capitale de l'État; et qu'il soit aussi

Résolu, que nous suggérons que le Jour Franco-Américain soit célébré chaque année au mois de mars pour commémorer la riche histoire du peuple français dans l'état du Maine et aux États-Unis d'Amérique.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Landry.

Representative **LANDRY**: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to take a moment to welcome the Franco-American guests that are here today, every last one of them. As a son of a Canadian immigrant and as a former member of the Franco-American War Veterans Color Guard, I have done an awful lot to keep up the traditions and the culture of the Franco-American people. I pass that on to my children and my grand children. I would like to thank the Speaker for his efforts in making today possible. I think that I speak for the House in its entirety and we thank you for your efforts on today's schedule. I know that you and your wife did an awful lot of work putting this day together. I am very grateful to you for that. I would like to invite the Franco-American community to come into the chambers after session and I will be glad to give them a personal tour.

Subsequently, was **ADOPTED**.

Sent for concurrence.

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:

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Rita Saucier Dubé, of Lewiston, who has been elected to the Franco-American Hall of Fame. She and her husband Paul owned and operated Dubé Travel Agency, where their

bilingualism was a real asset, as it was when they traveled the globe. As a member of the board of St. Mary's Church, Rita has raised funds for the Franco-American Heritage Center. The Heritage Center, a former church in the heart of "Petit Canada," was built by the French-speaking immigrants in the early 1900s. It will now be a museum, performing arts center and education center to pay tribute to those immigrants who were a vital part of the industrialization of Maine. These individuals brought their language, culture, Catholic faith, work ethic, strong family values, patriotism and good citizenship to the building of a better society. Rita, a mother and grandmother of 3, is a very important part of the effort to preserve the French heritage, language and culture. Rita and the Franco-American Heritage Center pay tribute to her ancestors' efforts to build Maine;

(HLS 1343)

Presented by Representative MAILHOT of Lewiston.

Cosponsored by Senator ROTUNDO of Androscoggin, Senator DOUGLASS of Androscoggin, Representative O'BRIEN of Lewiston, Representative MAKAS of Lewiston, Representative CRAVEN of Lewiston, Representative WALCOTT of Lewiston.

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

READ.

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

Recognizing:

the Franco-American Heritage Center at St. Mary's in Lewiston. The Heritage Center, a former church in the heart of "Petit Canada," was built by the French-speaking immigrants in the early 1900s. It will now be a museum, performing arts center and education center to pay tribute to those immigrants who were a vital part of the industrialization of Maine. These individuals brought their language, culture, Catholic faith, work ethic, strong family values, patriotism and good citizenship to the building of a better society. We join the Franco-American Heritage Center in celebrating "The Week of the Francophones";

(HLS 1346)

Presented by Representative MAILHOT of Lewiston.

Cosponsored by President DAGGETT of Kennebec, Speaker COLWELL of Gardiner, Senator ROTUNDO of Androscoggin, Senator DOUGLASS of Androscoggin, Representative WALCOTT of Lewiston, Representative CRAVEN of Lewiston, Representative O'BRIEN of Lewiston, Representative MAKAS of Lewiston, Representative SHIELDS of Auburn, Representative SIMPSON of Auburn, Representative SAMPSON of Auburn.

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

READ and **PASSED** and sent for concurrence.

Recognizing:

Marie-Anne Gauvin, of Madawaska, who has been elected to the Franco-American Hall of Fame. After retiring as a French teacher in Connecticut, she returned to her native Madawaska and has been a relentless advocate for the preservation and active use of French in the St. John Valley. She became involved in the Save Our French movement in the 1990s and was one of the founding members of Le Club Français, a nonprofit advocacy group for the French language. She created the club's inspirational and meaningful newsletter, "Le Fanal," which she continues to write under her pen name, "la pie bavarde." She also chairs the organization's finance committee, which she steers with aplomb and common sense. She was instrumental in

securing a trust fund from Marvin and Marie-Reine Mikesell from Chicago, Illinois, and is making sure that those and other funds will be dispensed wisely to help younger generations learn French. Marie-Anne remains an inspiration to Franco-Americans of all ages;

(HLS 1347)

Presented by Representative PARADIS of Frenchville.
Cosponsored by Senator MARTIN of Aroostook, Representative SMITH of Van Buren, Representative JACKSON of Fort Kent.

On **OBJECTION** of Representative PARADIS of Frenchville, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

Doctor Marc Chasse, of Fort Kent, who has been inducted into the Franco-American Hall of Fame. A retired chiropractor, Dr. Chasse continues his active advocacy for the Acadian and Franco-American populations of the St. John Valley and the State. He is active in the Save Our French movement, a founding member and first president of Le Club Français. He served as the first president of the Maine Acadian Heritage Council. He has videotaped French-speaking residents of northern Aroostook County to ensure that their stories will be preserved for posterity. He films current events involving Franco-Americans and has built an impressive library of videos about the St. John Valley people and their important milestones. He has labored tirelessly in revitalizing the Fort Kent Historical Society. He led the restoration of the old B&A Railroad Station for the Society while serving as its president from 1986 to 1990. He is presently compiling and will publish *Les Belles Histoires* in honor of a century of service of Daughters of Wisdom, a French order of sisters that settled in St. Agathe in 1904. Dr. Chasse is married to the former Priscilla Hanna of Biddeford and has 4 children: Daniel, Carl, Kevin and Christine. We extend our congratulations and best wishes to Dr. Chasse;

(HLS 1348)

Presented by Representative PARADIS of Frenchville.
Cosponsored by Senator MARTIN of Aroostook, Representative SMITH of Van Buren, Representative JACKSON of Fort Kent.

On **OBJECTION** of Representative PARADIS of Frenchville, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Resolve

Representative KANE for the **Joint Standing Committee on Health and Human Services** on Bill "An Act To Clarify Departmental Reporting Requirements for Developmental Disability Prevention Activities"

(H.P. 1437) (L.D. 1940)

Reporting **Ought to Pass** pursuant to Resolve 2003, chapter 69 and Resolve 2003, chapter 101, section 3.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and was assigned for **SECOND READING** Friday, March 19, 2004.

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Strengthen Health Data Information and Health Planning"

(S.P. 175) (L.D. 535)

Signed:

Senator:

BRENNAN of Cumberland

Representatives:

KANE of Saco

DUGAY of Cherryfield

CRAVEN of Lewiston

EARLE of Damariscotta

PERRY of Calais

CAMPBELL of Newfield

WALCOTT of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-426)** on same Bill.

Signed:

Senator:

WESTON of Waldo

Representatives:

CURLEY of Scarborough

SHIELDS of Auburn

LEWIN of Eliot

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

READ.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-427)** on Bill "An Act To Provide Safe Staffing Levels for Patients and To Retain Registered Nurses"

(S.P. 225) (L.D. 616)

Signed:

Senators:

BRENNAN of Cumberland

MARTIN of Aroostook

WESTON of Waldo

Representatives:

EARLE of Damariscotta

CRAVEN of Lewiston

KANE of Saco

CURLEY of Scarborough

WALCOTT of Lewiston

PERRY of Calais

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

Signed:

Representatives:

SHIELDS of Auburn

DUGAY of Cherryfield

CAMPBELL of Newfield

LEWIN of Eliot

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-427)**.

READ.

Representative KANE of Saco moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Resolve, Related to Aquaculture Leases in Blue Hill Bay

(S.P. 410) (L.D. 1279)

Signed:

Senator:

BENNETT of Oxford

Representatives:

BULL of Freeport

ASH of Belfast

DUGAY of Cherryfield

PERCY of Phippsburg

MUSE of Fryeburg

McNEIL of Rockland

BIERMAN of Sorrento

RECTOR of Thomaston

Minority Report of the same Committee reporting **Ought to Pass** on same Resolve.

Signed:

Senators:

DAMON of Hancock

PENDLETON of Cumberland

Representative:

SULLIVAN of Biddeford

Came from the Senate with the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

READ.

On motion of Representative BULL of Freeport, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent concurrence.

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

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-424)** on Bill "An Act To Support Clean and Efficient Energy for the Future of Maine's Economy and Environment"

(S.P. 407) (L.D. 1261)

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

RICHARDSON of Skowhegan

Minority Report of the same Committee reporting **Ought to**

Pass as Amended by Committee Amendment "B" (S-425) 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-424)**.

READ.

Representative BLISS of South Portland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative RICHARDSON of Brunswick **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than

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

ROLL CALL NO. 336

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

NAY - Clark, Goodwin.

ABSENT - Cowger, Dugay, Eder, Kaelin, Landry, Maietta, Mailhot, McGlocklin, McGowan, O'Brien L, Paradis, Perry J, Snowe-Mello, Usher, Walcott, Watson, Woodbury.

Yes, 132; No, 2; Absent, 17; Excused, 0.

132 having voted in the affirmative and 2 voted in the negative, with 17 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-424)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, March 19, 2004.

On motion of Representative CLARK of Millinocket, the following Joint Order: (H.P. 1439)

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs report out, to the House, a bill repealing term limits.

READ.

Representative BRUNO of Raymond **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 South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise on this issue because I feel it is pretty much a violation of our process. We already considered a bill dealing with term limits. In our committee, the Committee on Legal and Veterans Affairs, which I am a member of did report out a bill on term limits, consideration of repealing it. It was defeated. I understand that we are coming upon an election. I understand that there are some members of this body that may like to run for reelection that are prohibited. However, I don't believe we should be considering this bill and extending our terms and extending term limits. I will be voting opposed to this measure.

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. The reason for this Joint Order is very clear. Yes, I am termed out, but my idea of a bill coming out of committee would go on the November ballot, up or down, to get rid of term limits all together. What was reported out of the Committee on Legal and Veterans Affairs was not to get rid of term limits. It was to extend them to 12 years. That was the bill that came out of committee. It had nothing to do with getting rid of term limits whatsoever. It was just extending term limits. Me, being a legislator that is termed out, I have no problem being termed out. If this bill passes and goes to the voters in 2004 and if they decide, the voters, the people that elect you and I, they decide to get rid of term limits, then it won't take effect until 2006. Most people who are up for reelection and running for the House in 2006, those are the people that will have the choice with term limits being rescinded or not, not us sitting here today, unless you are still here in 2006.

The people that are termed out today, I think there are 18 of us, myself and the good Representative from Raymond are just two of us that are termed out. Yes, people have put in their papers for the other body and other decisions for political aspirations. Term limits in the House and what we decided in committee last session was just to extend term limits, not to get rid of them. I hope you support me and my Joint Order. Thank you.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. There have not been a lot of constituent calls to my house to repeal term limits. Term limits were put in place by the people of the State of Maine. Until the people of the State of Maine speak against it, even though I am not a supporter of term limits, I will not be supporting any bill that makes us want to repeal term limits. I agree that we dealt with a similar bill last session. It was defeated overwhelmingly. I think this Joint Order ought to go the same way of defeating this overwhelmingly and let the people of Maine decide if they need to overturn term limits.

The SPEAKER: The Chair recognizes the Representative from York, Representative Andrews.

Representative **ANDREWS**: Mr. Speaker, Ladies and Gentlemen of the House. We are looking at massive Medicaid cuts. Taking prosthesis away from people who need artificial limbs, taking away the care of our brain injured people, etc., etc., etc. We are looking at conflicting tax proposals. I find that we have many serious things we need to deal with at this time that should take precedent. I do not feel we should be dealing with this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

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

The SPEAKER: The Representative may pose his question.

Representative **CARR**: Mr. Speaker, is this property before us if we have already dealt with the same thing previously in the same session of the Legislature?

Representative CARR of Lincoln asked the chair to rule if the Joint Order was properly before the body.

The SPEAKER: The Chair would rule that although the Chair is often frustrated with the Joint Order process. First and foremost the legislation that was taken up by this body in the First Session of the 121st Legislature was a bill. This is a Joint Order. If the previous way that that legislation came before us was through a Joint Order, then the Chair would rule as the Representative suggests, but that wasn't the way that went.

Secondly, from the Chair's memory, that bill was an extension of term limits, not an outright repeal as is being proposed here in this Joint Order. The Chair does share the Representative's frustration with the Joint Order process.

Subsequently, the Chair **RULED** the Joint Order was properly before the body.

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

ROLL CALL NO. 337

YEA - Adams, Ash, Beaudette, Blanchette, Brannigan, Breault, Bunker, Canavan, Clark, Craven, Daigle, Dudley, Dunlap, Duplessie, Earle, Faircloth, Gagne-Friel, Gerzofsky, Goodwin, Grose, Hutton, Jackson, Jennings, Kane, Ketterer, Landry, Lessard, Lundeen, Mailhot, Makas, McGlocklin, McKee, Norton, O'Brien L, O'Neil, Patrick, Pellon, Percy, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Simpson, Smith W, Sullivan, Suslovic, Thomas, Twomey, Wheeler.

NAY - Andrews, Annis, Austin, Barstow, Bennett, Berry, Berube, Bierman, Bliss, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Cummings, Curley, Davis, Duprey B, Duprey G, Finch, Fischer, Fletcher, Glynn, Greeley, Hatch, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Koffman, Ledwin, Lemoine, Lerman, Lewin, Marley, Marraché, McCormick, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, Peavey-Haskell, Perry A, Perry J, Rector, Richardson E, Richardson M, Rogers, Rosen, Saviello, Sherman, Shields, Smith N, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Wotton, Young.

ABSENT - Cowger, Dugay, Eder, Kaelin, Maietta, McGowan, Paradis, Usher, Walcott, Watson, Woodbury, Mr. Speaker.

Yes, 51; No, 88; Absent, 12; Excused, 0.

51 having voted in the affirmative and 88 voted in the negative, with 12 being absent, and accordingly the Joint Order **FAILED PASSAGE**.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 50)

ORDERED, that Representative Harold A. Clough of Scarborough be excused Thursday, March 11th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Kevin J. Glynn of South Portland be excused Wednesday, March 10th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Guy J. Duprey, Jr. of Medway be excused Wednesday, March 10th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Russell P. Treadwell of Carmel be excused Tuesday, March 9th and Wednesday, March 10th for health reasons.

READ and PASSED.

CONSENT CALENDAR

First Day

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

(S.P. 622) (L.D. 1690) Bill "An Act To Authorize the STARBASE Program" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-423)**

(H.P. 1271) (L.D. 1749) Bill "An Act To Provide for the Assessment of the Mahogany Quahog Resource" (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-769)**

(H.P. 1308) (L.D. 1786) Bill "An Act Making Amendments to the Uniform Commercial Code Covering Provisions Dealing with Negotiable Instruments and Bank Deposits and Collections" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-772)**

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:

(H.P. 1384) (L.D. 1859) Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Bureau of Insurance (EMERGENCY)

(H.P. 1393) (L.D. 1869) Resolve, Regarding Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education, State Board of Education (EMERGENCY)

(H.P. 1403) (L.D. 1896) Resolve, Authorizing the Town of Eustis To Exchange a Certain Parcel of Land

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

BILLS IN THE SECOND READING

House

Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Business, Research and Economic Development Regarding the Board of Licensure in Medicine Pursuant to Reviews Conducted under the State Government Evaluation Act"

(H.P. 1432) (L.D. 1933)

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

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

ENACTORS

Emergency Measure

An Act To Conform to Federal Law Regarding Electronically Printed Credit and Debit Card Receipts and To Delay Enforcement of Civil Penalties

(S.P. 694) (L.D. 1854)

(C. "A" S-420)

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

Acts

An Act To Provide Accurate Vital Records for Adults in Maine (H.P. 1217) (L.D. 1640)

(C. "A" H-739)

An Act To Improve Awareness of Meningococcal Disease (S.P. 617) (L.D. 1685)

(C. "A" S-418)

An Act To Facilitate the Recovery of Stolen Property (S.P. 647) (L.D. 1715)

(C. "A" S-407)

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 Establish a Committee To Examine Issues Relating to the Administration of Municipal General Assistance (H.P. 784) (L.D. 1066)

(C. "A" H-738)

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

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-770)** on Bill "An Act To Provide Assistance to Municipalities Regarding Downtown Rehabilitation Building Codes"

(H.P. 1239) (L.D. 1663)

Signed:

Senators:

BROMLEY of Cumberland

HALL of Lincoln

Representatives:

SULLIVAN of Biddeford
AUSTIN of Gray
BEAUDETTE of Biddeford
JACOBSEN of Waterboro
SMITH of Monmouth
ROGERS of Brewer

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

Signed:

Representative:

DUPREY of Medway

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-770)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, March 19, 2004.

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 yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

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

(H.P. 1404) (L.D. 1897)
(S. "A" S-416)

TABLED - March 16, 2004 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative NORBERT of Portland, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Senate Amendment "A" (S-416)** was **ADOPTED**.

On further motion of the same Representative, **Senate Amendment "A" (S-416)** was **INDEFINITELY POSTPONED**.

The Bill was **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Bill "An Act To Permit Small Game Hunting on Private Property on Sunday in Unorganized Territory"

(H.P. 308) (L.D. 388)

- In House, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623)** on January 27, 2004.

- In Senate, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

TABLED - March 17, 2004 (Till Later Today) by Representative DUNLAP of Old Town.

PENDING - Motion of same Representative to **INSIST**.

Subsequently, the House voted to **INSIST**. Sent for concurrence.

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-771)** on Bill "An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships" (EMERGENCY)

(H.P. 1289) (L.D. 1767)

Signed:

Senators:

PENDLETON of Cumberland

CATHCART of Penobscot

Representatives:

NORBERT of Portland

BULL of Freeport

SIMPSON of Auburn

GERZOFKY of Brunswick

BENNETT of Caribou

MILLS of Farmington

SHERMAN of Hodgdon

CARR of Lincoln

DUPREY of Hampden

BRYANT-DESCHENES of Turner

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

Signed:

Senator:

WOODCOCK of Franklin

Representative LORING of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-771)** Report.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-771)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, March 19, 2004.

SENATE PAPERS

The following Joint Order: (S.P. 772)

ORDERED, the House concurring, that when the Senate adjourns Thursday, March 18, 2004 it does so until Monday, March 22, 2004 at 10:00 in the morning and when the House adjourns Friday, March 19, 2004, it does so until Monday, March 22, 2004, at 9:00 in the morning.

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

SENATE PAPERS

Bill "An Act To Appropriate Funds to the Maine Potato Board for the Purchase of Potatoes in Need of Disposal Due to Weather Conditions during the Harvest in 2003" (EMERGENCY)

(S.P. 771) (L.D. 1937)

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.

Bill "An Act To Create the Starboard Water District" (EMERGENCY)

(S.P. 770) (L.D. 1935)

Came from the Senate, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** in concurrence.

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

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (S-426)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Strengthen Health Data Information and Health Planning"

(S.P. 175) (L.D. 535)

Which was **TABLED** by Representative KANE of Saco pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH**.

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-427)** - Minority (4) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Safe Staffing Levels for Patients and To Retain Registered Nurses"

(S.P. 225) (L.D. 616)

Which was **TABLED** by Representative KANE of Saco pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. This bill received a bountiful amount of testimony against it and the amendment transfers this bill to a study. It says that it will direct this study by the Maine Quality Forum Advisory Council to review direct care registered nursing staff levels in general acute and specialty care hospitals. I mean no disrespect to anyone, but I reviewed who was on the Maine Quality Forum Advisory Council and there isn't one acute care nurse there. They are all executives, some of whom probably have some nursing background. I just think that this bill ought to just go away. Since there are no bedside nurses involved in this

quality forum and as General McArthur said, "You have to be out in the trenches with the troops to find out what is really going on. You can't run the war five miles behind the lines." I hope that you will defeat this motion and we will put this bill away. Thank you.

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

Representative **PERRY**: Mr. Speaker, Ladies and Gentlemen of the House. Regardless of who is on the Health Quality Forum, this bill came forward because of quality issues and patient safety, as well as nursing retention. There was a great deal of debate within the Health and Human Services Committee and also it went to be talked with some of the parties during the summer. The thing that we were able to agree to is that we should look at the facts around this and determine if this is a patient safety issue and also it does affect the quality of health care within this state. This seems to be the place to put it. I certainly do not want to see this go away, because I think this is a real issue that should be looked at within the State of Maine. There are studies outside of the State of Maine that show that this is a safety issue. I would like to see you follow my light and vote for this amendment.

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. I don't think anybody would argue against having better quality. However, I am not sure that this forum is a place to take care of that. Mr. Speaker when a roll call is taken I ask for the yeas and nays to be recorded.

Representative **SHIELDS** of Auburn **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. As one looks at the Maine Health Quality Forum and its role and functions and why it was established as a component of Dirigo, this is exactly the purpose for which it was put in place. In order to have a place where different interests could come together and present their views, but to have the ultimate decisions being made on a data based very objective basis. I disagree with my good friend on the other side and would rather submit that this is, in fact, a place where it ought to be. If Dirigo is not up and functioning and did not have a quality forum council, we would be trying to create something like that in order to handle this issue. Thank you Mr. Speaker.

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

ROLL CALL NO. 338

YEA - Adams, Ash, Barstow, Beaudette, Bennett, Blanchette, Bowen, Brannigan, Breault, Bull, Bunker, Canavan, Clark, Cummings, Curley, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Goodwin, Grose, Hatch, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Lemoine, Lerman, Lessard, Marley, Marraché, McGlocklin, McKee, McLaughlin, Mills J, Moody, Norbert, Norton, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Trahan, Twomey, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Bierman, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr,

Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Daigle, Duprey B, Fletcher, Glynn, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Ledwin, Lewin, McCormick, McKenney, McNeil, Millett, Mills S, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Smith N, Snowe-Mello, Stone, Sykes, Tardy, Tobin D, Tobin J, Treadwell, Young.

ABSENT - Berube, Bliss, Churchill E, Cowger, Craven, Eder, Gerzofsky, Kaelin, Lundeen, Maietta, Mailhot, Makas, McGowan, O'Brien L, Smith W, Usher, Vaughan, Walcott, Watson.

Yes, 74; No, 58; Absent, 19; Excused, 0.

74 having voted in the affirmative and 58 voted in the negative, with 19 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-427) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Friday, March 19, 2004.

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

UNFINISHED BUSINESS

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

An Act to Allow Beverage Sales from Mobile Service Bars on Golf Courses

(H.P. 486) (L.D. 656)
(C. "A" H-636)

TABLED - March 17, 2004 (Till Later Today) by Representative CLARK of Millinocket.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative CLARK of Millinocket, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-636) was ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-773) to Committee Amendment "A" (H-636) which was READ** by the Clerk.

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

Representative **CLARK:** Mr. Speaker, Ladies and Gentlemen of the House. I present this amendment to try to get more people involved in support of this piece of legislation. What it does is this amendment provides that malt liquor, in case anyone doesn't have it in front of you, may be sold, served or dispensed from a mobile service cart only during a golf tournament in which all players are 21 years of age or older. That is all the amendment does.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative **BROWNE:** Mr. Speaker, Ladies and Gentlemen of the House. As you can tell, I am a little new at this I guess. I am sorry to keep rehashing this again. I think most of these issues have been pretty well addressed. It is just kind of a cumbersome issue as far as the golf courses go. We have rules

and regulations for having alcoholic beverages, beer in particular when minors are around. We have rules that cover this. This is a prevalent situation if you go to the Sea Dogs game or pizza parlors or whatever. I guess I think from the golf course point of view, I think it is well covered, it is well regulated. I would ask that you vote against this amendment and let the original motion go. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE:** Mr. Speaker, Men and Women of the House. I certainly appreciate the amendment because it does answer some of the questions that I had, which are, is a mobile bar on a golf course just like a bar anywhere else? Consequently I was concerned about students, our children and grandchildren being there and so forth. If we stay with the amendment, that solves that. However, I have a question about the amendment to anyone who can answer the question. If someone who is the bartender for the mobile bar serves someone who subsequently has an accident on a cart and injures himself, is the bartender as with current law regarding bars, is he also responsible in that situation?

The SPEAKER: The Representative from Wayne, Representative McKee 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, as a bartender myself, I am very familiar with the laws surrounding service of alcohol to patrons. The way the laws have been written, my understanding is that as a server you can be held accountable if someone does, in fact, have an accident and you can face a fine up to \$500 and also you may be prohibited from serving alcohol for up to five years.

Representative **BROWNE** of Vassalboro **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-773) to Committee Amendment "A" (H-636).**

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

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE:** Mr. Speaker, Ladies and Gentlemen of the House. I viewed this bill as it was about ready to be finalized as one that brought some accountability and rationality to the use of alcohol on the golf course. Make no mistake about it, alcohol is being consumed on the golf course. It is being brought on golf courses by adults and maybe by even younger people. What this bill did in its intent was to establish a formal system of accountability and control, to the extent that it would discourage through peer pressure anybody bringing bottles of booze or cans of booze in their golf bags and drinking on the golf course. It was a systemic regulated approach to managing it in an appropriate way. I believe that the amendment would so significantly reduce the ability to manage and regulate the use of alcohol in golf courses would be a serious setback. I think that most golf courses today are enlightened and welcome an ability to regulate and to have some oversight and to have very clear requirements with respect to their accountability, the communications system with the server and the age of the server. I urge you, men and women of the House, to rely on the original bill and to defeat the proposed more restrictive amendment. Thank you.

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

Representative **BLANCHETTE:** Mr. Speaker, Ladies and Gentlemen of the House. I speak to you today and ask you to

support this very good business bill for the State of Maine. The amendment is a peacekeeping thing to make people realize that we are not going to be legally selling liquor to minors. I have to remind you of some of the debate and some of the talk that we had at the committee level on this. Maine is a tourist state and we attract millions of people a year to our state. In my town in Bangor alone over 3 million people go to attend down to Acadia National Park. There are many nice golf courses down on the Mt. Desert areas that people want to use. Our neighbors to the north and our neighbors to the south, which border New Hampshire and the Maritime Provinces are in direct competition with us for dollars that are collected through the state through the taxes and through the money that these tourists spend in golf tournaments. I have heard times through people in the southern part of the state, especially, that they will call and book a tournament that pays big bucks, attracts a lot of participants and a lot of spectators to these events and they will call to arrange this and they will say, do you have beer sales on the golf course? They are told no. They say that my people are used to having this amenity offered to them in their home state. We will take our tournament over the border to New Hampshire. How many times are we going to keep slamming the door in tourists face that want to come to Maine? They want to enjoy a vacation here. They want to leave their money here and we just say no. Prohibition allows liquor to be consumed in the State of Maine now. It is a legal substance. There are laws governing who can drink it and who cannot. This is one more area that we need to open our minds and realize that by selling beer legally on a golf course, you are, in fact, controlling drinking. I do urge you to support this, to support the amendment. I think it is a good amendment. It puts a little more control on this. Let's stop saying no to the revenue that is trying to come across the border. We just keep refusing it. I just can't understand the reasoning why.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. This bill like so many others has been around. For our new people it seems such an easy bill. It certainly did to me in my first session here and I voted in opposition to it. I have changed my mind since, for a variety of reasons, most of which, the Representative from Bangor, Representative Blanchette, just said. Coming from southern Maine and having several golf courses around, we have lost major money to the Balsams, Wentworth by the Sea, Portsmouth Golf Clubs and all kinds of associations, not only is it the golfing we have lost, it is the lodging. It is the people who have made it part of a family vacation to continue on our seashore or whatever and instead that money is going to New Hampshire.

If you don't have a boundary nearby, then maybe it has not been a concern for your community, but it has very much been a concern for southern Maine. I would remind you that 68 percent of the people live in southern Maine, which is only about 20 percent of the land territory. It is important.

Mr. Speaker, I have a question to you on procedure. If this amendment is voted down, are we then in the position and posture that we have the bill as passed prior to this without the committee or did we reconsider and move that and get rid of the last positive vote.

The SPEAKER: If I understand it, the question is before us pending passage to be Enacted as amended by Committee Amendment "A." The pending question is adoption of the House Amendment. If the amendment is defeated, then the pending question is Enactment of the bill as amended by Committee Amendment "A," which was the original vote of this body. Does that clarify? The Representative may proceed.

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I just need to rephrase. If this is defeated, we still have a bill that allows this and our vote will then be on enactment. Is that correct?

The SPEAKER: That is correct.

The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. As someone who operated a golf course for a few years and someone who has run many golf tournaments in his day, this amendment is unworkable the way it is drafted right now. You don't know who the players are until the day of the tournament. You may have a mobile cart all set to go with someone ready to ride around and then a 13 year old shows and you have brought all kinds of people in to run a tournament with alcohol and the 13 year old substitutes at the last minute, you can't do it. I would urge you to defeat this amendment. Let's leave the bill alone and let's move onto enactment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I actually support this amendment. I think that this is a good compromise if it is only going to be for people who are 21 years and older and they are only going to be the people who show up. I am still concerned about the person who serves because even if we don't have players who are on the course who are under 21, we often have caddies who are. If the bartender gives or sells to an adult 21 years or older and then that person gives alcohol to the caddy who then goes home or in route home has an accident, posing a question through the Speaker, is the person who serves at that mobile bar then responsible indirectly for the accident the caddy has on the way home or is it the adult who receives it from the bartender and gives it to the caddy. Thank you.

The SPEAKER: The Representative from Wayne, Representative McKee 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, Men and Women of the House. Again, my understanding of the law as written is the server does have ultimate responsibility for what they dispense. They are not only subject to fine and loss of ability to dispense alcohol, but they are also subject to civil proceedings in court as well. I think there is a positive disincentive to violating the spirit of those laws.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

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

The SPEAKER: The Representative may pose her question.

Representative **MCKEE**: Mr. Speaker, Ladies and Gentlemen of the House. I need to clarify. I don't want to be voting for something that I misunderstand. Is this amendment to now allow mobile bars only during golf tournaments at which all players are 21 years and older? This is not for regular golf course activity. Am I mistaken or not?

The SPEAKER: The Representative from Wayne, Representative McKee has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. To the good Representative from Wayne, Representative McKee, that is correct. This is only for golf tournaments and all the players have to be 21 or over.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-773) to Committee Amendment "A" (H-636). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 339

YEA - Adams, Annis, Blanchette, Brannigan, Breault, Canavan, Clark, Craven, Crosthwaite, Cummings, Duplessie, Finch, Gagne-Friel, Goodwin, Lemoine, McKee, Mills S, Norton, O'Brien L, Patrick, Pellon, Percy, Pineau, Smith W, Suslovic, Wheeler, Mr. Speaker.

NAY - Andrews, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Carr, Churchill J, Clough, Collins, Courtney, Cressey, Curley, Daigle, Davis, Dudley, Dugay, Dunlap, Duprey B, Duprey G, Earle, Faircloth, Fischer, Fletcher, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Jackson, Jacobsen, Jodrey, Joy, Kane, Ketterer, Koffman, Landry, Ledwin, Lerman, Lessard, Lewin, Mailhot, Marley, Marraché, McCormick, McGlocklin, McKenney, McLaughlin, McNeil, Millett, Mills J, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Neil, Paradis, Peavey-Haskell, Perry A, Perry J, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Snowe-Mello, Stone, Sukeforth, Sullivan, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Walcott, Woodbury, Wotton, Young.

ABSENT - Bliss, Churchill E, Cowger, Eder, Gerzofsky, Hutton, Jennings, Kaelin, Lundeen, Maietta, Makas, McGowan, Usher, Watson.

Yes, 27; No, 110; Absent, 14; Excused, 0.

27 having voted in the affirmative and 110 voted in the negative, with 14 being absent, and accordingly the motion to **ADOPT House Amendment "A" (H-773) to Committee Amendment "A" (H-636) FAILED.**

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-636).**

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 Wayne, Representative McKee.

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

The SPEAKER: The Representative may pose her question.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Would someone remind me if we are back at the original bill or do we still have this additional amendment about the porta-potties on Committee Amendment "A"?

The SPEAKER: The Representative from Wayne, Representative McKee has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Men and Women of the House. The way I understand it, it is back to the original Committee Amendment without the other body's amendment.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. One final comment if we are back to the original bill. One of the reasons we didn't take our children to Sea Dogs games or the Boston Red Sox is because of an experience we had when we first started doing this. When you sit down and people are spilling beer all over your children and you and beer is

a part of that experience that is what baseball is about. That is not the way I want students or grandchildren to think about golf. Golf is one of those games that is free of alcohol in the State of Maine. It would be nice if we could have at least one sport, one great public sport, where we didn't have the alcohol. Just a final comment. Thank you Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-636). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 340

YEA - Andrews, Annis, Ash, Austin, Barstow, Bennett, Berube, Bierman, Blanchette, Bowen, Bowles, Brannigan, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Carr, Churchill J, Clark, Collins, Courtney, Curley, Daigle, Davis, Dugay, Dunlap, Duplessie, Duprey G, Faircloth, Fischer, Fletcher, Goodwin, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Jackson, Jacobsen, Jodrey, Joy, Kane, Ketterer, Landry, Ledwin, Lerman, Lessard, Marraché, McCormick, McGlocklin, McKenney, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Neil, Paradis, Pellon, Perry J, Pineau, Pingree, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Snowe-Mello, Sukeforth, Sullivan, Sykes, Tardy, Thomas, Thompson, Tobin D, Trahan, Vaughan, Wheeler, Woodbury, Wotton, Young.

NAY - Adams, Beaudette, Berry, Bliss, Breault, Canavan, Clough, Craven, Cressey, Crosthwaite, Cummings, Dudley, Duprey B, Finch, Gagne-Friel, Glynn, Koffman, Lemoine, Lewin, Marley, McKee, McLaughlin, Norton, Patrick, Peavey-Haskell, Percy, Perry A, Piotti, Smith W, Stone, Suslovic, Tobin J, Treadwell, Twomey, Walcott.

ABSENT - Churchill E, Cowger, Earle, Eder, Gerzofsky, Hutton, Jennings, Kaelin, Lundeen, Maietta, Mailhot, Makas, McGowan, O'Brien L, Usher, Watson, Mr. Speaker.

Yes, 99; No, 35; Absent, 17; Excused, 0.

99 having voted in the affirmative and 35 voted in the negative, with 17 being absent, and accordingly **Committee Amendment "A" (H-636) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-636)** in concurrence.

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.**

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

Representative **PARADIS**: Thank you Mr. Speaker. In reference to Roll Call 329 on LD 1802, if I had been present, I would have voted yea.

On motion of Representative SHIELDS of Auburn, the House adjourned at 1:08 p.m., until 9:00 a.m., Friday, March 19, 2004 in honor and lasting tribute to Daniel J. Desjardin, D.P.M., of Auburn.