

# 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  
25th Legislative Day  
Friday, March 26, 2004

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

Prayer by Reverend Desmond Parker, Interim Minister, Damariscotta United Methodist Church.

National Anthem by Bethany Siderio and Kim Austin, Wales.

Pledge of Allegiance.

Doctor of the day, John Perry, D.P.M., North Yarmouth.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

The following Joint Resolution: (S.P. 779)

**JOINT RESOLUTION RECOGNIZING THE HONORABLE  
GEORGE J. MITCHELL, ARCHITECT OF THE LANDMARK  
FEDERAL CLEAN AIR ACT**

WHEREAS, the Clean Air Act Amendments of 1990 is the most recent version of a law first passed in 1970 and is designed to make sure all Americans have air that is safe to breathe by requiring that the United States Environmental Protection Agency set national health-based air quality standards to protect against common pollutants and work with state governments; and

WHEREAS, by any objective measurement, the Clean Air Act has been a tremendous success. The air is cleaner than before and public health has improved because of it. Emissions of toxic lead have dropped 98%, emissions of sulfur dioxide have dropped 35% and emissions of carbon monoxide have dropped 32%, even while driving has increased 127%; and

WHEREAS, the chief architect of this Act is the Honorable George J. Mitchell, one of the most respected and renowned Maine citizens of our time. Born and raised in Waterville, Maine, he attended Bowdoin College and received his law degree from Georgetown University Law Center; and

WHEREAS, a trial attorney in the United States Justice Department before he joined the congressional staff of Senator Edmund Muskie in 1962, George J. Mitchell entered private practice in 1965 and then was appointed Assistant Cumberland County Attorney in 1970, United States Attorney by President Jimmy Carter in 1977 and United States District Judge by President Carter in 1979; and

WHEREAS, George J. Mitchell served in the United States Senate from 1980 to 1995, being reelected with overwhelming majorities and serving as Senate Majority Leader from 1988 to 1995 with great distinction. He then was prevailed upon by President Clinton to be Special Advisor to Northern Ireland and there played a key role in peace talks; and

WHEREAS, Senator Mitchell was responsible for much notable legislation, particularly in the areas of the environment and health care. He sponsored the Clean Water Act of 1987 and the Clean Air Act Amendments of 1990, which reduced acid rain in Maine and the Northeast, as documented by the state-of-the-art research led by the University of Maine's Senator George J. Mitchell Center for Environmental and Watershed Research; 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, take this opportunity to honor and applaud one of Maine's most famous native sons upon the occasion of the 10-year assessment of the Clean Air Act, which has proved beneficial to all Americans; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George J. Mitchell and the Senator George J. Mitchell Center for Environmental and Watershed Research on behalf of the people of Maine as a token of their esteem and gratitude.

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

**READ** and **ADOPTED** in concurrence.

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**Non-Concurrent Matter**

Bill "An Act To Repeal Outdated and Unfunded Municipal and Educational Mandates"

(H.P. 327) (L.D. 419)

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in the House on February 24, 2004.

Came from the Senate with the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-631)** in **NON-CONCURRENCE**.

Representative McLAUGHLIN of Cape Elizabeth moved that the House **ADHERE**.

On further motion of the same Representative, **TABLED** pending her motion to **ADHERE** and later today assigned.

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

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**COMMUNICATIONS**

The Following Communication: (S.P. 777)

**STATE OF MAINE  
121ST MAINE LEGISLATURE**

March 23, 2004

Sen. Bruce S. Bryant

Senate Chair, Joint Standing Committee on

Agriculture, Conservation and Forestry

Rep. Linda Rogers McKee

House Chair, Joint Standing Committee on

Agriculture, Conservation and Forestry

121st Legislature

Augusta, ME 04333

Dear Senator Bryant and Representative McKee:

Please be advised that Governor John E. Baldacci has nominated James W. Tracy of Farmingdale and Norman G. Trask of Easton for reappointment; and Stanley P. Kuklinski of Farmington for appointment as members of the State Harness Racing Commission.

Pursuant to Title 8, M.R.S.A. § 261-A, these nominations will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett

President of the Senate

S/Patrick Colwell

Speaker of the House

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

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

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The Following Communication: (S.P. 778)

**STATE OF MAINE  
121ST MAINE LEGISLATURE**

March 23, 2004

Sen. Bruce S. Bryant  
Senate Chair, Joint Standing Committee on  
Agriculture, Conservation and Forestry  
Rep. Linda Rogers McKee  
House Chair, Joint Standing Committee on  
Agriculture, Conservation and Forestry  
121st Legislature  
Augusta, ME 04333

Dear Senator Bryant and Representative McKee:  
Please be advised that Governor John E. Baldacci has  
nominated Colon E. Durrell of Farmington and Katherine O.  
Musgrave of Orono for reappointment as members of the Maine  
Milk Commission.

Pursuant to Title 7 M.R.S.A. § 2952, these nominations will  
require review by the Joint Standing Committee on Agriculture,  
Conservation and Forestry and confirmation by the Senate.

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

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

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

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The Following Communication: (S.C. 533)

**MAINE SENATE  
121ST LEGISLATURE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

March 25, 2004

Honorable Millicent M. MacFarland  
Clerk of the House  
State House Station 2  
Augusta, ME 04333

Dear Clerk MacFarland:  
Please be advised the Senate today adhered to its previous  
action whereby it **INDEFINITELY POSTPONED** a Joint Order  
Authorizing the Joint Standing Committee on Inland Fisheries  
and Wildlife To Report Out a Bill Regarding Lead Discharges into  
State Waters (H.P. 1355).

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

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

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**ORDERS**

On motion of Representative MOORE of the Passamaquoddy  
Tribe, the following Joint Resolution: (H.P. 1444) (Cosponsored  
by Senator GAGNON of Kennebec and Representatives:  
BRUNO of Raymond, GOODWIN of Pembroke, JODREY of  
Bethel, RICHARDSON of Brunswick, Senators: BRYANT of

Oxford, DAMON of Hancock, DAVIS of Piscataquis,  
WOODCOCK of Franklin) (Approved for introduction by a  
majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF  
THE UNITED STATES TO EXEMPT THE PASSAMAQUODDY  
TRIBE FROM CERTAIN PROVISIONS OF THE MARINE  
MAMMAL PROTECTION ACT OF 1972**

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

WHEREAS, The federal Marine Mammal Protection Act of  
1972 establishes federal responsibility to conserve marine  
mammals and established a moratorium on the taking and  
importation of marine mammals and marine mammal products;  
and

WHEREAS, the act gave certain exemptions to take marine  
mammals to Indian, Aleut and Eskimo people who live in Alaska  
and dwell on the coast of the North Pacific Ocean or the Arctic  
Ocean, if the taking is done in a nonwasteful manner and is for  
subsistence purposes or for creating and selling authentic native  
handicrafts and clothing; and

WHEREAS, the Passamaquoddy Tribe, a federally  
recognized Indian tribe in the State of Maine, the first to see the  
rising sun each day, has the largest reservation in the State,  
situated on the west branch of the St. Croix River, which leads  
into the sea; and

WHEREAS, the Passamaquoddy Tribe has used marine  
mammals, such as porpoises and seals, for cultural, subsistence,  
ceremonial, medicinal and commercial uses in its long history in  
the area, and still do to a certain extent today; and

WHEREAS, at the time the federal Marine Mammal  
Protection Act of 1972 was written, the Passamaquoddy Tribe  
had not been federally recognized and could not seek exemption  
from the act. In the late 1970s, federal recognition came,  
followed by the Maine Indian Land Claims Case, which defined a  
special relationship between the State of Maine and the  
Passamaquoddy Tribe and Penobscot Nation; and

WHEREAS, it was agreed that these tribes would have  
authority over their own internal matters on the reservations. At  
the same time, it was agreed that they would continue the trust  
relationship with the Federal Government that had been  
recognized during the 1970s; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the  
people of the State, in view of the trust that the Passamaquoddy  
Tribe has in the Federal Government, respectfully urge and  
request that the Congress of the United States give serious  
consideration to giving the Passamaquoddy Tribe of Maine a  
cultural exemption from the federal Marine Mammal Protection  
Act of 1972, as was done for the Alaskan Indian, Aleut and  
Eskimo peoples; and be it further

RESOLVED: That suitable copies of this resolution, duly  
authenticated by the Secretary of State, be transmitted to the  
President of the United States Senate and to the Speaker of the  
United States House of Representatives and to each member of  
the Maine Congressional Delegation.

**READ** and **ADOPTED**.

Sent for concurrence.

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

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Rebecca Martins, of Warren, Executive Director of The Institute for Self-Directed Care, in appreciation of her hard work and dedication as a patient advocate for the citizens of her community, state and nation. Ms. Martin was a prime mover behind recently enacted legislation that is intended to reduce medical errors and improve patient health throughout the State. She is a member of the National Patient Safety Commission and is well-known for her patient rights advocacy. We join citizens throughout the State in sending our thanks to Ms. Martins;

(HLS 1375)

Presented by Representative TRAHAN of Waldoboro. Cosponsored by Representative SUKEFORTH of Union, Senator SAVAGE of Knox, Representative RECTOR of Thomaston, Representative PINGREE of North Haven, Representative EARLE of Damariscotta, Senator HALL of Lincoln.

On **OBJECTION** of Representative TRAHAN of Waldoboro, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

**Representative TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. This is the first time in six years here that I have risen to speak on a sentiment. I wanted to do so that you would have an opportunity to meet someone I see as a hero who walks amongst us. Becky Martins, a young mother from Warren, lost her dad several years ago, to what she considered a medical mistake. Her dad underwent a kidney transplant and complications ensued and he died. Instead of Becky becoming angry and spiteful and seeking revenge, she channeled her energy into public advocacy for citizens seeking health care. She volunteered for different groups and put her energies into changing hospital policy. She introduced legislation for Senator Rand that I had the privilege to cosponsor. That program created a medical errors reporting system for the State of Maine. It was two long years of hard work. No one really knew who was behind the scenes. It was Becky Martins who was behind the scenes. She acted courageously in putting aside her own personal loss to create legislation that eventually became a model for the rest of the nation.

In early May Becky Martins and I will stand before a national audience in Boston to talk about how this legislation was passed and how she worked to get everyone involved to agree on such a controversial matter.

When you see Beck Martins in her travels with her volunteer groups here in Augusta and at home, recognize a hero. In my mind, she is. Thank you.

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

**In Memory of:**

the Honorable Theone Look-Bagley, of Jonesboro, our esteemed colleague and friend, whose service in local, county and state government stretched more than 50 years. She served as Town Clerk of Jonesboro for 24 years, served as a Washington County Commissioner for 10 years and served 5 terms as a member of the House of Representatives in the Maine State Legislature. Fondly remembered as a good listener and a strong advocate for her community, she would often attend meetings and testify at hearings long after her service in the

Legislature. Theone was also an active member of the Jonesboro Union Church, the Jonesboro Grange and the Eastern Star. She will be greatly missed by her loving family, many friends and her beloved Washington County;

(HLS 1399)

Presented by Representative GOODWIN of Pembroke.

Cosponsored by Senator SHOREY of Washington, Representative BUNKER of Kossuth Township, Representative DUGAY of Cherryfield, Representative PELLON of Machias, Representative PERRY of Calais, President DAGGETT of Kennebec, Senator BENNETT of Oxford, Senator BLAIS of Kennebec, Senator BRENNAN of Cumberland, Senator BROMLEY of Cumberland, Senator BRYANT of Oxford, Senator CARPENTER of York, Senator CATHCART of Penobscot, Senator DAMON of Hancock, Senator DAVIS of Piscataquis, Senator DOUGLASS of Androscoggin, Senator EDMONDS of Cumberland, Senator GAGNON of Kennebec, Senator GILMAN of Cumberland, Senator HALL of Lincoln, Senator HATCH of Somerset, Senator KNEELAND of Aroostook, Senator LEMONT of York, Senator MARTIN of Aroostook, Senator MAYO of Sagadahoc, Senator MITCHELL of Penobscot, Senator NASS of York, Senator PENDLETON of Cumberland, Senator ROTUNDO of Androscoggin, Senator SAVAGE of Knox, Senator SAWYER of Penobscot, Senator STANLEY of Penobscot, Senator STRIMLING of Cumberland, President Pro Tem TREAT of Kennebec, Senator TURNER of Cumberland, Senator WESTON of Waldo, Senator WOODCOCK of Franklin, Senator YOUNGBLOOD of Penobscot, Speaker COLWELL of Gardiner, Representative ADAMS of Portland, Representative ANDREWS of York, Representative ANNIS of Dover-Foxcroft, Representative ASH of Belfast, Representative AUSTIN of Gray, Representative BARSTOW of Gorham, Representative BEAUDETTE of Biddeford, Representative BENNETT of Caribou, Representative BERUBE of Lisbon, Representative BIERMAN of Sorrento, Representative BLANCHETTE of Bangor, Representative BLISS of South Portland, Representative BOWEN of Rockport, Representative BOWLES of Sanford, Representative BRANNIGAN of Portland, Representative BREAUULT of Buxton, Representative BROWN of South Berwick, Representative BROWNE of Vassalboro, Representative BRUNO of Raymond, Representative BRYANT-DESCHENES of Turner, Representative BULL of Freeport, Representative CAMPBELL of Newfield, Representative CANAVAN of Waterville, Representative CARR of Lincoln, Representative CHURCHILL of Orland, Representative CHURCHILL of Washburn, Representative CLARK of Millinocket, Representative CLOUGH of Scarborough, Representative COLLINS of Wells, Representative COURTNEY of Sanford, Representative COWGER of Hallowell, Representative CRAVEN of Lewiston, Representative CRESSEY of Baldwin, Representative CROSTHWAITE of Ellsworth, Representative CUMMINGS of Portland, Representative CURLEY of Scarborough, Representative DAIGLE of Arundel, Representative DAVIS of Falmouth, Representative DUDLEY of Portland, Representative DUNLAP of Old Town, Representative DUPLESSIE of Westbrook, Representative DUPREY of Hampden, Representative DUPREY of Medway, Representative EARLE of Damariscotta, Representative EDER of Portland, Representative FAIRCLOTH of Bangor, Representative FINCH of Fairfield, Representative FISCHER of Presque Isle, Representative FLETCHER of Winslow, Representative GAGNE-FRIEL of Buckfield, Representative GERZOSKY of Brunswick, Representative GLYNN of South Portland, Representative GREELEY of Levant, Representative GROSE of Woolwich, Representative HATCH of Skowhegan, Representative

HEIDRICH of Oxford, Representative HONEY of Boothbay, Representative HOTHAM of Dixfield, Representative HUTTON of Bowdoinham, Representative JACKSON of Fort Kent, Representative JACOBSEN of Waterboro, Representative JENNINGS of Leeds, Representative JODREY of Bethel, Representative JOY of Crystal, Representative KAELIN of Winterport, Representative KANE of Saco, Representative KETTERER of Madison, Representative KOFFMAN of Bar Harbor, Representative LANDRY of Sanford, Representative LEDWIN of Holden, Representative LEMOINE of Old Orchard Beach, Representative LERMAN of Augusta, Representative LESSARD of Topsham, Representative LEWIN of Eliot, Representative LORING of the Penobscot Nation, Representative LUNDEEN of Mars Hill, Representative MAIETTA of South Portland, Representative MAILHOT of Lewiston, Representative MAKAS of Lewiston, Representative MARLEY of Portland, Representative MARRACHÉ of Waterville, Representative McCORMICK of West Gardiner, Representative McGLOCKLIN of Embden, Representative McGOWAN of Pittsfield, Representative McKEE of Wayne, Representative McKENNEY of Cumberland, Representative McLAUGHLIN of Cape Elizabeth, Representative McNEIL of Rockland, Representative MILLETT of Waterford, Representative MILLS of Farmington, Representative MILLS of Cornville, Representative MOODY of Manchester, Representative MOORE of the Passamaquoddy Tribe, Representative MOORE of Standish, Representative MURPHY of Kennebunk, Representative MUSE of Fryeburg, Representative NORBERT of Portland, Representative NORTON of Bangor, Representative NUTTING of Oakland, Representative O'BRIEN of Augusta, Representative O'BRIEN of Lewiston, Representative O'NEIL of Saco, Representative PARADIS of Frenchville, Representative PATRICK of Rumford, Representative PEAVEY-HASKELL of Greenbush, Representative PERCY of Phippsburg, Representative PERRY of Bangor, Representative PINEAU of Jay, Representative PINGREE of North Haven, Representative PIOTTI of Unity, Representative RECTOR of Thomaston, Representative RICHARDSON of Greenville, Representative RICHARDSON of Brunswick, Representative RICHARDSON of Skowhegan, Representative RINES of Wiscasset, Representative ROGERS of Brewer, Representative ROSEN of Bucksport, Representative SAMPSON of Auburn, Representative SAVIELLO of Wilton, Representative SHERMAN of Hodgdon, Representative SHIELDS of Auburn, Representative SIMPSON of Auburn, Representative SMITH of Monmouth, Representative SMITH of Van Buren, Representative SNOWE-MELLO of Poland, Representative STONE of Berwick, Representative SUKEFORTH of Union, Representative SULLIVAN of Biddeford, Representative SUSLOVIC of Portland, Representative SYKES of Harrison, Representative TARDY of Newport, Representative THOMAS of Orono, Representative THOMPSON of China, Representative TOBIN of Windham, Representative TOBIN of Dexter, Representative TRAHAN of Waldoboro, Representative TREADWELL of Carmel, Representative TWOMEY of Biddeford, Representative USHER of Westbrook, Representative VAUGHAN of Durham, Representative WALCOTT of Lewiston, Representative WATSON of Bath, Representative WHEELER of Kittery, Representative WOODBURY of Yarmouth, Representative WOTTON of Littleton, Representative YOUNG of Limestone, Representative BERRY of Belmont.

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

**READ.**

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

Representative **BRUNO**: Mr. Speaker, Ladies and Gentlemen of the House. When I look around the room I don't think there were many who actually served with Theone Look. She actually was my seatmate my freshman term up here. She taught me a lot. She taught me what it was like to serve with class, to hold your head up high all the time and not say a bad word about anyone. That was Theone Look. We actually had a casino vote back in 1993 for those of you who weren't here about building a casino in Washington County in Calais. She was such a staunch opponent. She spoke on the floor for a good 20 to 25 minutes on the casino. You know, everyone respected everything Theone Look had to say. She was an elderly woman at the time when she served, but boy did she have a presence about her. For that, I will miss her. I feel bad for the family. I feel bad for her new husband, but I will always treasure the moments of me sitting next to Theone Look and learning a lot from Theone. Thank you.

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

Representative **JOY**: Mr. Speaker, Ladies and Gentlemen of the House. Sometimes as we are going through this world, we will run into people who leave a lasting impression on us all the rest of our lives. They do it by setting a very classic example. Theone was one of those people. When I came down here in 1993, she sat behind me in the House and whenever she rose to speak on the floor of the House, everybody gave her their attention. Nobody stirred around and tried to interrupt while she was speaking. Everybody listened. I know that in this country that we don't have any titles or any aspects of royalty, but she was a princess. I certainly will always remember her and the impact that she made on my life. I think that it is unfortunate that so many people in this body didn't have a chance to get to know her. Thank you very much.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I really, really admired this lady. She had so much. She had such tremendous courage. She would come to this House being very weak and very frail, but she believed in this institution and she came whether she should have been here or not. She came because she felt that this was her service to the people. She was a tremendous Chair to the State and Local Government Committee. She did a wonderful job. She listened to everyone and she was very fair as a chair. The world has lost a very special lady and we always will remember her. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I also had the good fortune to serve with Theone. As I look back over the years, there are people who stand out. I know that whenever Representative Usher and I begin talking between ourselves about those and if other members are around, they start rolling their eyes. I think it is important that we understand that as we are here doing our mission, the shoulders that we are standing on and why this institution is so strong. The people that I remember are those that were colorful, those that were assertive or people that were real advocates for their region. Theone was all three. In a leadership position when we would go out recruiting candidates and we would begin to travel the state, Theone would always put us up. She would always feed us, but she would always give us an earful. As we crossed into Washington County, if we didn't know what the needs were for Washington County, by the time we pulled back, heading back to Augusta, we surely knew at that time.

The other thing I remember is that we would always have caucused in the morning before a session. I know that is hard for some people to understand because there is no food, but 90 or 95 percent of us are there to look at the calendar. I always knew in a leadership position that if I saw Theone in the hall or if she was in that room early and I would hear, I have got an issue or you wouldn't believe what they are trying to do, then I knew Theone was on a tear and that day's session was not going to be like your grandfather's legislature.

A lot of people will tell you, especially if you are a freshman or in your second term, that in a body of 153 members that you cannot stand out. You cannot make a mark. Sit back, be quiet and don't get involved. Don't you listen to them. Theone would be that model, the person to remember that you can speak your peace. You can speak to your county. You can identify what is wrong and stand up and take a stand. I will always remember the colorful woman from Washington County, how assertive she was and the advocate she was for her county.

To give you a mark of the respect in which she was held, Senator Martin tomorrow will be doing the eulogy and carrying his impressions as well as those on this side of the aisle. We would like to thank her family for sharing her. We know that Washington County today is very proud of this tremendous Representative who spoke for her county and fought for her county so ably.

The SPEAKER: The Chair wishes to briefly address the House. I knew Theone Look since I was a little boy and certainly it is a loss for this institution, but she does and still lives in our hearts. She represented everything gracious and important about this institution. I just wanted to weigh in there. I know it is unusual to speak from the Chair, but I know we will all miss her.

The SPEAKER: The Chair recognizes the Representative from Pembroke, Representative Goodwin.

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. I want to thank the other side, especially, for the remarks this morning. I speak from Washington County's point of view. As you can see, I knew Theone Look all the 50 years that she was in service. I am not 39 years of age. I knew her when she was in the county commission working on the old CAP Agency, the Lyndon Johnson program if anyone can when Lyndon Johnson was President? A few of us in this body can. She lived in Jonesboro, but everybody in Washington County claimed her as coming from their town. She was everywhere. She went to the fairs. When we had an activity in a community such as the port development in Eastport, she drove there. When we opened up a dialysis center after a long battle, she was the first to arrive, her and John. The Washington County Heritage Center, she was in the forefront of that battle to bring it forward. The veteran's fights for services, she attended all of the meetings. If you remember the battle we had with the feds over lobsters, she was there for the lobstermen and women. We won that fight. We will continue to win. She was a lifelong fighter. All of us will miss her. This body has missed her and the State of Maine misses all of her services. I want to thank the Speaker and the body for this morning.

At this point, the Members of the House stood and joined in a moment of silence in honor of the Honorable Theone Look-Bagley, of Jonesboro.

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

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

## 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" (S-452)** on Bill "An Act To Amend the Economic Development Laws"

(S.P. 666) (L.D. 1818)

Signed:

Senator:

SHOREY of Washington

Representatives:

SULLIVAN of Biddeford

ROGERS of Brewer

SMITH of Monmouth

JACOBSEN of Waterboro

PELLON of Machias

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 "B" (S-453)** on same Bill.

Signed:

Senators:

BROMLEY of Cumberland

HALL of Lincoln

Representative:

BERUBE of Lisbon

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

**READ**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-452)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, March 29, 2004.

## CONSENT CALENDAR

### First Day

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

(S.P. 712) (L.D. 1866) Bill "An Act Relating to Storm Water Management" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-441)**

(H.P. 1015) (L.D. 1380) Bill "An Act To Promote Safety and Fair Labor Practices for Forestry Workers" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-810)**

(H.P. 1407) (L.D. 1901) Bill "An Act To Protect Health and the Environment by Improving the System for the Collection and Recovery of Mercury-added Thermostats" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-806)**

(H.P. 1417) (L.D. 1915) Resolve, To Implement the Recommendations of the Commission To Study the Scope and Quality of Citizenship Education Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-800)**

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

(H.P. 1375) (L.D. 1849) Resolve, Regarding Legislative Review of Chapter 355: Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-805)**

On motion of Representative PERCY of Phippsburg, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy.

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

The SPEAKER: The Representative may pose her question.

Representative **PERCY**: Mr. Speaker, Ladies and Gentlemen of the House. I would like an explanation about this amendment.

The SPEAKER: The Representative from Phippsburg, Representative Percy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I am pleased to answer this question regarding sand dune laws. The committee, as many of you may know, has been grappling with the issue of the standards and laws that govern development and redevelopment on our sand dunes. Through a very exhaustive process the Board of Environmental Protection over the last couple of years, working with communities, came up with some provisional rules. The committee reviewed those provisional rules and we have passed those community provisional rules with a sunset of 2006. Over the next two years a stakeholder process will be operating to address a set of issues that haven't been addressed as thoroughly as the committee felt should be addressed. Those involved with issues like a comprehensive state beach nourishment policy. For those of you who don't know what nourishment policy is for a beach, it doesn't have to do with vitamins and minerals. It has to do with bringing sand back up on the beach that has washed out to sea. Wildlife and wildlife habitat management and the sand dune system will be reviewed. A program for voluntary acquisition of storm damaged properties or properties for dune enhancement or public access. In state improved coastal hazard mitigation plans that will direct federal spending. There are a variety of other issues that need to be looked at more thoroughly. This will give that stakeholder group the opportunity to present to the committee and two years its recommendations, which will then go onto revise those sand dune laws, hopefully, for the longer haul. It is very clear that some communities are concerned that in the interim of these two years that currently undeveloped sand dunes may be at risk of being developed, perhaps inappropriately. It is our hope that these rules will be reviewed and put appropriate protections in place in the meantime municipalities, I assume, will be watchful and vigilant that whatever takes place in their communities will be with the consent of their communities and will take the conservation issues into account. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative **PERCY**: Mr. Speaker, Ladies and Gentlemen of the House. I went before the Natural Resources Committee

and I spoke against this bill. I realize that in the southern part of the state there is a desperate need for help for some beach communities. My concern was that they were making a law that affected the entire state to help one region. Those vulnerable sand dunes that Representative Koffman just spoke about, many are in my district. I will be voting against this. Mr. Speaker, I would like a roll call.

Representative **PERCY** of Phippsburg **REQUESTED** a roll call on **ACCEPTANCE** of the Committee Report.

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

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Collins.

Representative **COLLINS**: Mr. Speaker, Ladies and Gentlemen of the House. This is a very important piece of legislation in regards to our coastline. For those of us who do not realize this, the Town of Wells, the community I represent, has approximately six or seven miles of sandy beach. This has been a constant debate with groups here in Maine who, under the banner of protection, tries to take away individual property rights. Over the period of the last couple of years we have worked with the Board of Environmental Protection at the public hearings trying to reach a compromise. I bring this to your attention to try to keep you abreast of what is happening behind the scenes in regards to sand dune regulations.

The community of Wells, south coastal Maine, produces a huge amount of tax revenue income for the whole state. It all goes into the general fund. It is an important asset to the State of Maine financially. It is an important asset to protect. We have a situation of a swinging pendulum. You have environmental concerns, financial concerns and hopefully you have a happy medium, a compromise, for lack of another word. It is a compromise of both parties that are involved in the situation can live with. I have been keeping a close eye on this sand dune regulation along with many of my colleagues, the good Representative from Harpswell and many others. It is crucial that we stay in tuned with these regulations, read them thoroughly, and understand them, because they have huge impacts on us as a whole state. It is not just regionalized. It is not just south coastal Maine. It will have a huge impact if these regulations go too far. Everybody in this chamber is a conservationist to one degree or another. We all want to preserve our environment, protect it, but we also want to coexist with the environment and the people who push their agenda to impose these regulations on us.

Down in Wells Beach, the next beach north or Wells Beach is Drakes Island Beach and next beach south of Wells Beach on the coast is Moody Beach. They are all sandy beaches. They are a valuable asset for all of Maine, not just the community of Wells where the income is generated from that coastal sandy beach area.

If we ever got that 100 year storm that comes up the coast, a real traditional northeaster storm that comes up the coast, it is devastating for coastal plane dune area like Wells. It could wipe out many homes and businesses. Putting restrictions on these owners of their property, at one time they wanted to put restrictions on landowners that you could not rebuild your home, your cottage, your motel, or your business if the property was damaged by more than 50 percent. Imagine that? Here we are in the aftermath of a northeaster storm. Your home is damaged by more than 50 percent. You are devastated, the property is devastated and the insurance company is not too happy. We, as a State of Maine, say, you can't rebuild that home or business because we want the dune to revert back to what it was before. I must say that this is what this bill is doing, this amendment. That



was one of their positions at one time. That was one of their positions that they wanted to do.

I referred to you earlier about the swinging pendulum. That went too far. That clearly, ladies and gentlemen, went too far. That kind of restriction is not on your home or your business. It is just along the coastal sand dune area.

If you live on the shores of Sebago Lake or a pond or a river, Moosehead Lake, those kinds of restrictions may apply. I say may apply later on down the road. We are setting dangerous precedence here. We have to be careful of it. We are the voice and the ears of the people of Maine. We have to take into account what regulations we put into place.

This current amendment, it was printed yesterday, as you will note, shows up in our calendar today. It is all happening pretty fast. I get nervous when things move that fast. I go whoa, what's going on. I get nervous. After reading it, I guess it is okay. I probably will not be voting for it. I just don't like the constant intrusion of us, the Maine Legislature, constantly coming to landowners and business owners along the coastal sand dune area or perhaps around the river frontage, the lake frontage, or the pond frontage. We all have constituents that live along the water somewhere. It is not just the sandy beach in Wells. We have to be very careful of what we put into play that could affect property owner's rights, the revenue sources for state government to fund our state government.

The Town of Wells population for the last census figures was 9,400 people. I can assure you one thing, during the summer months, the peak of the tourist season that population will triple. Fourth of July weekend, I think it even quadruples. It is a vacation destination for a lot of people in New England, New York and New Jersey. They like to come to the seashore. I am fortunate enough, my family has lived there for over 100 years. I enjoy it too. I share it with a lot of people in the summertime, but nevertheless it is a valuable asset to our state. We have to be careful how we protect the sand dune, the beach, and water frontage. We have to stay very careful in protection of those property rights. Thank you Mr. Speaker and ladies and gentlemen of the House.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. A little nuance of the major substantive rulemaking process is such that defeat of the pending motion allows the rule to go forward as drafted. Defeating the unanimous committee report does nothing.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. My good friend from Wells may think he represents a community that has a broad and sandy beachfront, but let me remind the members of this body that slightly east of that is a much broader and more expansive beachfront known as Old Orchard Beach that I have the pleasure of representing. Obviously this issue has been of extreme concern to me and my constituents for some time. We followed this very closely over the past three years. The issues on the table are complex. They involve public safety, if we build too close to the waterfront, our experience has been over the years that storm damage can come. It can bring loss of property and sometimes the loss of life. However, we also have vested property rights. There are constitutional issues involved with private property ownership. There are environmental issues regarding wildlife habitat, lost and regained, whether or not the beach will be nourished, replenished, move inland. They are very fluid ecosystems and the tensions between the competing values are extraordinary.

This recommendation simply says that we will continue to study the balancing point between those tensions is, in my mind, appropriate. It is the results of a great deal of work by a great many people. I congratulate the Natural Resources Committee for getting it to the point of a unanimous committee report. I believe that effort reflects the best nature of this institution where we have worked very hard to find consensus, understanding that all the answers are not before us at this point. We need to continue to gather information and gather idea and gather opinions so that we can reach a point that properly balances all the competing public interests. I will be supporting the unanimous Ought to Pass report. Thank you Mr. Speaker.

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

#### ROLL CALL NO. 362

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

NAY - Browne W, Collins, Cressey, Crosthwaite, Goodwin, Heidrich, Moore, Peavey-Haskell, Richardson E, Richardson M, Snowe-Mello, Stone, Tobin J, Treadwell.

ABSENT - Daigle, Dudley, Dugay, Lerman, Lundeen, McGlocklin, McKee, McNeil, Mills J, Pellon, Perry J, Smith W, Sullivan, Sykes.

Yes, 123; No, 14; Absent, 14; Excused, 0.

123 having voted in the affirmative and 14 voted in the negative, with 14 being absent, and accordingly the Committee Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-805)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-805)** and sent for concurrence.

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

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**CONSENT CALENDAR**

**Second Day**

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

(H.P. 678) (L.D. 921) Bill "An Act To Enact the Uniform Trust Code" (C. "A" H-795)

(H.P. 1353) (L.D. 1830) Resolve, Regarding Legislative Review of Portions of Chapter 16: Foster Home Licensing Rule Regarding Smoking by Foster Parents, a Major Substantive Rule of the Department of Human Services (EMERGENCY) (C. "A" H-798)

(H.P. 1388) (L.D. 1865) Resolve, Regarding Legislative Review of Portions of Chapter 755: Health Insurance Classifications, Disclosure and Minimum Standards, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance (EMERGENCY) (C. "A" H-797)

(H.P. 1390) (L.D. 1870) Bill "An Act To Prohibit the Sale of Gasoline Containing MTBE" (C. "A" H-793)

(H.P. 1411) (L.D. 1907) Bill "An Act To Govern and Regulate Life Settlements" (C. "A" H-796)

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

**BILLS IN THE SECOND READING**

**House as Amended**

Bill "An Act Regarding Wildlife Habitat Conservation"  
(H.P. 604) (L.D. 827)  
(C. "A" H-799)

Bill "An Act To Improve Subdivision Standards"  
(H.P. 1195) (L.D. 1617)  
(C. "A" H-792)

Bill "An Act To Recruit and Retain College Graduates through Loan Repayment"  
(H.P. 1387) (L.D. 1864)  
(C. "A" H-794)

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

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

**ENACTORS**

**Emergency Measure**

An Act To Provide for the Assessment of the Mahogany Quahog Resource  
(H.P. 1271) (L.D. 1749)  
(C. "A" H-769)

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

**Emergency Measure**

An Act To Amend the Charter of the South Berwick Water District  
(S.P. 722) (L.D. 1874)

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

**Emergency Measure**

An Act To Amend the Laws Governing the Loring Development Authority of Maine  
(S.P. 728) (L.D. 1880)  
(C. "A" S-432)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

**Emergency Measure**

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

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 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

**Emergency Measure**

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  
(H.P. 1393) (L.D. 1869)

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

**Acts**

An Act To Provide Assistance to Municipalities Regarding Downtown Rehabilitation Building Codes  
(H.P. 1239) (L.D. 1663)  
(C. "A" H-770)

An Act Making Amendments to the Uniform Commercial Code Covering Provisions Dealing with Negotiable Instruments and Bank Deposits and Collections  
(H.P. 1308) (L.D. 1786)  
(C. "A" H-772)

An Act To Amend the Boiler and Pressure Vessel Law  
(S.P. 727) (L.D. 1879)  
(C. "A" S-431)

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)

An Act To Clarify Departmental Reporting Requirements for Developmental Disability Prevention Activities

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

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

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

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 Adopt a Model Building Code

(S.P. 356) (L.D. 1025)

(C. "A" S-417)

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

On motion of Representative GLYNN of South Portland, 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. 363**

YEA - Andrews, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Berube, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Clough, Collins, Courtney, Cowger, Craven, Crosthwaite, Cummings, Curley, Davis, Dudley, Dunlap, Duplessie, Duprey B, Earle, Eder, Faircloth, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lewin, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McKenney, McLaughlin, Millett, Mills S, Moody, Moore, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Percy, Perry A, Pineau, Piotti, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Shields, Simpson, Smith N, Snowe-Mello, Stone, Sukeforth, Suslovic, Tardy, Thomas, Thompson, Tobin D, Trahan, Twomey, Usher, Vaughan, Walcott, Watson, Wheeler, Wotton, Young, Mr. Speaker.

NAY - Annis, Bierman, Carr, Churchill E, Churchill J, Clark, Cressey, Dugay, Duprey G, Finch, Glynn, Joy, Maietta, McGowan, Peavey-Haskell, Pingree, Sherman, Tobin J, Treadwell.

ABSENT - Adams, Daigle, Goodwin, Greeley, Lundeen, McKee, McNeil, Mills J, Pellon, Perry J, Rector, Smith W, Sullivan, Sykes, Woodbury.

Yes, 117; No, 19; Absent, 15; Excused, 0.

117 having voted in the affirmative and 19 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. **ORDERED SENT FORTHWITH**.

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.

Bill "An Act To Encourage Financial Efficiency of Facilities for Persons with Mental Retardation" (EMERGENCY)

(S.P. 613) (L.D. 1681)

(C. "A" S-434)

TABLED - March 25, 2004 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **PASSAGE TO BE ENGROSSED**.

On motion of Representative KANE of Saco, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-434)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-811)** to **Committee Amendment "A" (S-434)** which was **READ**.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. The amendment strips the emergency provision of a majority, bipartisan majority, report that would make the rules applying to mental retardation facilities major substantive. That is what the bill does. It was a 10-1-1 vote. Please support the bipartisan Majority Report. Mr. Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-811)** to **Committee Amendment "A" (S-434)**.

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 Adoption of House Amendment "A" (H-811) to Committee Amendment "A" (S-434). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 364**

YEA - Adams, Andrews, Annis, Ash, Barstow, Beaudette, Bennett, Berube, Blanchette, Bliss, Brannigan, Breault, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Clark, Cowger, Craven, Crosthwaite, Cummings, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Grose, Hatch, Honey, Hutton, Jackson, Jennings, Jodrey, Kaelin, Kane, Ketterer, Koffman, Landry, Lemoine, Lerman, Lessard, Mailhot, Makas, Marley, Marraché, McGlocklin, McGowan, McLaughlin, Millett, Mills S, Moody, Moore, Muse, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Percy, Perry A, Pineau, Pingree, Piotti, Richardson E, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Snowe-Mello, Sukeforth, Suslovic, Thomas, Thompson, Tobin D, Trahan, Twomey, Walcott, Watson, Wheeler, Wotton, Mr. Speaker.

NAY - Austin, Berry, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Churchill J, Clough, Collins, Courtney, Cressey, Curley, Duprey B, Fletcher, Heidrich, Hotham, Jacobsen, Joy, Ledwin, Lewin, Maietta, McCormick, McKenney, Murphy, Nutting, Peavey-Haskell, Richardson M, Rogers, Rosen, Sherman, Shields, Stone, Tardy, Tobin J, Treadwell, Vaughan, Young.

ABSENT - Daigle, Goodwin, Greeley, Lundeen, McKee, McNeil, Mills J, Pellon, Perry J, Rector, Smith W, Sullivan, Sykes, Usher, Woodbury.

Yes, 97; No, 39; Absent, 15; Excused, 0.

97 having voted in the affirmative and 39 voted in the negative, with 15 being absent, and accordingly **House Amendment "A" (H-811) to Committee Amendment "A" (S-434) was ADOPTED.**

**Committee Amendment "A" (S-434) as Amended by House Amendment "A" (H-811) thereto was ADOPTED.**

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

Representative **SHIELDS**: Mr. Speaker, Men and Women of the House. The bill that you are voting on is a bill that has a principle in it that I object. I think the bill is unfair to the taxpayers of the State of Maine. I have nothing against taking care of the mentally retarded, which is what this bill is about. It says that when we pay their expenses and they don't spend it all on certain items, they can keep 75 percent of it instead of returning it to the taxpayers as a so-called incentive payment. I think this is wrong. It is a wrong principle to use. We should pay them to take care of these folks. If there is any change left over, we should not subscribe to the keep the change mentality that this bill has in it. I urge you to vote against the bill.

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

Representative **CURLEY**: Mr. Speaker, Men and Women of the House. I have had some questions about why I voted no on this bill when I agreed with it in principle. I just want to clear that up. The reason that this bill is good is that it provides for major substantive rules for reimbursement to be discussed by the committee of oversight, Health and Human Services. This discussion would include stakeholders, caregivers, interested parties, patients, their families and the state. My objection is that this does not go far enough. What I have wanted to do was to include all providers. I just wanted to be clear that I was not voting against this. I am really pleased that the authors of this bill brought it forward. My objection is that it only included one group. We are leaving out a lot of other people that count on the state to take care of them. Again, I will be voting no, not because of what this bill does, but because it leaves many other people out that we are responsible for. Thank you.

The Chair ordered a division on **PASSAGE TO BE ENGROSSED as Amended.**

Representative **SHIELDS** of Auburn **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

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

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

**ROLL CALL NO. 365**

YEA - Adams, Ash, Barstow, Beaudette, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Campbell, Canavan, Carr, Clark, Collins, Cowger, Craven, Crosthwaite, Cummings, Davis, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Grose, Hatch, Hutton, Jackson, Jennings, Kaelin, Kane, Ketterer, Koffman, Landry, Lemoine, Lerman, Lessard, Mailhot, Makas, Marley, Marraché, McGlocklin, McGowan, McLaughlin, Millett, Mills S, Moody, Moore, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Percy, Perry A, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Suslovic, Thomas, Thompson, Tobin D, Trahan, Twomey, Usher, Walcott, Watson, Wheeler, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Churchill E, Churchill J, Clough, Courtney, Cressey, Curley, Duprey B, Fletcher, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Ledwin, Lewin, Maietta, McCormick, McKenney, Murphy, Muse, Nutting, Peavey-Haskell, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Tardy, Tobin J, Treadwell, Vaughan, Young.

ABSENT - Daigle, Dugay, Goodwin, Greeley, Lundeen, McKee, McNeil, Mills J, Pellon, Perry J, Rector, Smith W, Sullivan, Sykes, Woodbury.

Yes, 87; No, 49; Absent, 15; Excused, 0.

87 having voted in the affirmative and 49 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-434) as Amended by House Amendment "A" (H-811) thereto in NON-CONCURRENCE** and sent for concurrence.

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

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On motion of Representative **GOODWIN** of Pembroke, the House adjourned at 11:00 a.m., until 9:00 a.m., Monday, March 29, 2004 pursuant to the Joint Order (S.P. 780) and in honor and lasting tribute to the Honorable Theone Look-Bagley, of Jonesboro and Donald Philip Richards, of Strong.