

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
27th Legislative Day
Tuesday, March 30, 2004

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

Prayer by Elder Lorraine Knowlton, Community of Christ, Stonington.

Pledge of Allegiance.

Doctor of the day, Kathy Lees, M.D., Vassalboro.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate in Presque Isle, Known as the "Aroostook Residential Center"

(H.P. 1307) (L.D. 1785)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-696) in the House on February 19, 2004.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-696) AND SENATE AMENDMENT "A" (S-457) in NON-CONCURRENCE.**

Representative McLAUGHLIN of Cape Elizabeth moved that the House **RECEDE AND CONCUR.**

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

COMMUNICATIONS

The Following Communication: (H.C. 379)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

March 25, 2004

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under M.R.S.A. Title 3 § 227, I hereby appoint the following Representatives and members of the public to serve as a member of the Maine-Canadian Legislative Advisory Commission:

Representative Richard H. Mailhot of Lewiston

Representative Elaine Makas of Lewiston

Hon. Paul Tessier of Fairfield

Mr. Robert Pelletier of Winthrop

Should you have any questions concerning these appointments, please feel free to contact me.

Sincerely,

S/Patrick Colwell

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 380)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

March 22, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

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

L.D. 1591

An Act To Authorize a General Fund Bond Issue in the Amount of \$13,300,000 To Address Health, Safety and Compliance Deficiencies in the University of Maine System; To Expedite the Creation of a Community College System; To Make Improvements to State Parks; To Make Cultural Improvements; and To Modernize the State Court System

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

Sincerely,

S/Sen. Mary R. Cathcart

Senate Chair

S/Rep. Joseph C. Brannigan

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 381)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

March 25, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

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

L.D. 1729

An Act To Strengthen the Sex Offender Registration and Notification Act of 1999

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

Sincerely,

S/Sen. Ethan Strimling

Senate Chair

S/Rep. Patricia A. Blanchette

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 382)

STATE OF MAINE

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

March 25, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature
State House
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1911 An Act To Authorize Municipalities To Establish
Local Tax Relief Programs

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

Sincerely,
S/Sen. Stephen Stanley
Senate Chair
S/Rep. David G. Lemoine
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 383)

STATE OF MAINE

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

March 25, 2004
Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333

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

L.D. 1905 An Act To Establish Reciprocity in Laws
Governing the Transportation of Lobsters by
Nonresidents

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

Sincerely,
S/Sen. Dennis Damon
Senate Chair
S/Rep. Thomas Bull
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 783)

STATE OF MAINE

121ST MAINE LEGISLATURE

March 25, 2004
Sen. Bruce S. Bryant
Senate Chair, Joint Standing Committee on
Inland Fisheries and Wildlife
Rep. Matthew Dunlap
House Chair, Joint Standing Committee on
Inland Fisheries and Wildlife
121st Legislature
Augusta, ME 04333

Dear Senator Bryant and Representative Dunlap:
Please be advised that Governor John E. Baldacci has nominated John Law of Mexico and the Honorable R. Leo Kieffer of Caribou for appointment as members of the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12 M.R.S.A. § 10151, these nominations will require review by the Joint Standing Committee on Inland Fisheries and Wildlife 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 **INLAND FISHERIES AND WILDLIFE.**

READ and REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

The Following Communication: (S.P. 784)

STATE OF MAINE

121ST MAINE LEGISLATURE

March 25, 2004
Sen. Peggy A. Pendleton
Senate Chair, Joint Standing Committee on
Judiciary
Rep. William S. Norbert
House Chair, Joint Standing Committee on
Judiciary

121st Legislature
Augusta, ME 04333
Dear Senator Pendleton and Representative Norbert:
Please be advised that Governor John E. Baldacci has nominated Gregory M. Cunningham of Yarmouth; Karin R. Tilberg, Esq. of Bowdoinham; and Thomas A. Santaguida of New Gloucester for appointment as members of the Maine Indian Tribal-State Commission.

Pursuant to Title 30 M.R.S.A. § 6212, these nominations will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY.**

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

The Following Communication: (S.P. 785)

STATE OF MAINE

121ST MAINE LEGISLATURE

March 25, 2004
Sen. Kenneth T. Gagnon
Senate Chair, Joint Standing Committee on
Legal and Veterans Affairs
Rep. Joseph E. Clark
House Chair, Joint Standing Committee on
Legal and Veterans Affairs
121st Legislature
Augusta, ME 04333

Dear Senator Gagnon and Representative Clark:
Please be advised that Governor John E. Baldacci has nominated James N. Dearman of Orono for appointment as a member of the State Liquor and Lottery Commission.
Pursuant to Title 5 M.R.S.A. § 283-A, this nomination will require review by the Joint Standing Committee on Legal and Veterans Affairs and confirmation by the Senate.

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

Came from the Senate, **READ** and **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

READ and **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

The Following Communication: (S.C. 541)
MAINE SENATE
121ST LEGISLATURE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333

March 29, 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 Education and Cultural Affairs, the nomination of Samuel S. Gulliver of Blue Hill, for appointment as the student member of the Board of Trustees, Maine Maritime Academy; Dale E. Hartford of Smithfield, Robert Peacock of Lubec, and Victoria M. Larson of Auburn for appointment to the Board of Trustees, Maine Maritime Academy.

Upon the recommendation of the Joint Standing Committee on Inland Fisheries and Wildlife, the nomination of Richard P. Ruhlin of Brewer, for appointment to the Atlantic Salmon Board.

Upon the recommendation of the Joint Standing Committee on Transportation, the nomination of the Honorable Gerard P. Conley, Sr. of Portland, for appointment to the Maine Turnpike Authority.

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 Encourage the Future of Maine's Dairy Industry"

(H.P. 1445) (L.D. 1945)

Sponsored by Representative PIOTTI of Unity. (GOVERNOR'S BILL)

Cosponsored by Senator BRYANT of Oxford and Representatives: MILLS of Cornville, PERRY of Bangor, SMITH of Monmouth, THOMPSON of China, Senators: HATCH of Somerset, STANLEY of Penobscot, President Pro Tem TREAT of Kennebec, WESTON of Waldo.

Resolve, To Clarify Title to Land Related to the Waldo-Hancock Bridge Replacement

(H.P. 1447) (L.D. 1947)

Sponsored by Representative MARLEY of Portland. (GOVERNOR'S BILL)

Cosponsored by Senator HATCH of Somerset.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent for concurrence.

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

ORDERS

On motion of Representative BULL of Freeport, the following Joint Order: (H.P. 1448)

ORDERED, the Senate concurring, that the Joint Standing Committee on Marine Resources report out, to the House, a resolve that directs the Commissioner of Marine Resources to review the issues associated with the issuance of a nonresident lobster license in light of the September 30, 2003 decision by the United States Court of Appeals for the 2nd Circuit in the case of Volovar, et al. v. Cahill, et al. and that authorizes the commissioner to report back findings, along with any recommended implementing legislation, to the First Regular Session of the 122nd Legislature.

READ and **PASSED**.

Sent for concurrence. **ORDERED SENT FORTHWITH**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the following members of the Greely High School Girls Basketball Team, the Greely Rangers, of Cumberland, for winning the 2004 Class B Girls Basketball State Championship: players Karly Daigle, Amanda Gray, Brigitte Demers, Erica Davis, Marnie Sicard, Emma Dickson, Lauren Wyatt, Michelle Robb and Renee Jordan; captains Erin Cassidy, Stephanie Ginn and Abby Marsteller; and Coach James Seavey. This is the Rangers' first title in the past 20 years of competition. We extend our congratulations to the team on winning the championship and we wish the team well on all future endeavors;

(HLS 1370)

Presented by Representative McKENNEY of Cumberland.

Cosponsored by Senator TURNER of Cumberland, Representative DAVIS of Falmouth.

On **OBJECTION** of Representative McKENNEY of Cumberland, was **REMOVED** from the Special Sentiment Calendar.

READ,

The **SPEAKER**: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. It is always a pleasure when our one of our hometown teams wins a championship. It is equally as much fun when they come up here so we can show them off. The Greely Lady Rangers came ever so close last year, losing in the state finals. They put everything together this year to win the Class B Championship for the first time in 20 years. I think this team has always been known for its defense, but this year their offense was right there as well. They shut down the big shooters of Camden Hills and wouldn't let them play their game, penetrate to the middle. As a result, they created opportunities for their own offense.

As a former hockey coach, I love to watch a team that is well coached as this one. Jim Seavey had his girls following their game plan flawlessly. As a result, the gold ball is there. They even gave me an award. I get my own gold ball. For the girls that are moving on, I wish them success in their future endeavors and I know they will never forget this season. For the girls that are staying, how about you and I meeting up here again next year?

The **SPEAKER**: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Mr. Speaker, Ladies and Gentlemen of the House. Representing Gray/New Gloucester and being a very close neighbor to Cumberland and certainly avid competitors with the Greeley Rangers, I want to wholeheartedly congratulate Coach Jim Seavey and the Lady Rangers on their state championship. I knew it was just a matter of time before the obvious was accomplished. You see I met Coach 12 years ago when he interviewed with our search committee at Gray/New Gloucester. Hands down, he was appointed our girl's varsity basketball position. I sensed then that this day would be celebrated. I just didn't know when or where. Ladies, as athletes you have been fortunate to have the goals and high aspirations of your coach to guide you. Likewise, your coach has been fortunate to have your qualities and abilities to work with and help refine. That is the true essence of teamwork. Together a dream became this reality. Your hours of sacrifice and a dedication through leadership have truly paid off. This is a time in your lives that you will never ever forget. Enjoy this aftermath of success as it is so well deserved. Congratulations ladies.

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

REPORTS OF COMMITTEE

Ought to Pass in New Draft under New Title

Representative CUMMINGS from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Facilitate Summer Employment for Youths"

(H.P. 154) (L.D. 195)

Reporting **Ought to Pass in New Draft under New Title** Bill "An Act to Promote the Coordination of School Calendars for Career and Technical Education Students"

(H.P. 1446) (L.D. 1946)

Report was **READ** and **ACCEPTED**. The **NEW DRAFT** under **NEW TITLE** was **READ ONCE**.

The Bill was assigned for **SECOND READING** Wednesday, March 31, 2004.

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-436)** on Bill "An Act To Prevent the Sale of Water Laced with Nicotine in Maine"

(S.P. 587) (L.D. 1631)

Signed:

Senators:

BRENNAN of Cumberland

MARTIN of Aroostook

Representatives:

KANE of Saco

DUGAY of Cherryfield

CRAVEN of Lewiston

EARLE of Damariscotta

PERRY of Calais

WALCOTT of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-437)** on same Bill.

Signed:

Senator:

WESTON of Waldo

Representatives:

CURLEY of Scarborough

SHIELDS of Auburn

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-436)**.

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 **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-451)** on Bill "An Act To Streamline the Sales Tax Credit for Worthless Accounts To Eliminate Unnecessary Burdens on Certain Maine Businesses and Consumers"

(S.P. 646) (L.D. 1714)

Signed:

Senators:

STANLEY of Penobscot

STRIMLING of Cumberland

NASS of York

Representatives:

COURTNEY of Sanford

CLOUGH of Scarborough

McCORMICK of West Gardiner

TARDY of Newport

SUSLOVIC of Portland

SIMPSON of Auburn

PERRY of Bangor

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

Signed:

Representatives:

LEMOINE of Old Orchard Beach

LERMAN of Augusta

McGOWAN of Pittsfield

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-451)**.

READ.

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

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-446)** on Bill "An Act To Enhance Pine Tree Development Zones"

(S.P. 624) (L.D. 1692)

Signed:

Senators:

HALL of Lincoln
BROMLEY of Cumberland
YOUNGBLOOD of Penobscot

Representatives:

RINES of Wiscasset
FLETCHER of Winslow
LUNDEEN of Mars Hill
ADAMS of Portland
MOODY of Manchester
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-447)** 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-446)**.

READ.

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

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

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. I urge you to vote against the motion to accept Committee Amendment "A" (S-446). When the vote is taken, I request a roll call.

First off, I must report to you that we have no shortage of power in this great State of Maine. Starting yesterday in California they had power outages. They will be having rolling blackouts for the rest of the year. We don't have that problem in Maine. This bill, as it was proposed, exempts a business that is certified in a qualified Pine Tree Development Zone business from the stranded cost portion of the businesses utility bill. The title of the bill is "An Act to Enhance Pine Tree Development Zones". I read it differently. This is an act to fund Pine Tree Development Zones when there were no funds put into the program.

When the program was first proposed it had a gigantic fiscal note. It did not go through this body. It went through as a budgeted item and, again, with no money. We, the people of Maine, are paying, we have a bill with stranded costs, \$100 million. We pay for that in a monthly bill. Every month you get a bill and added to it is 1.5 cents. It is one of the added items that we see on our utility bill.

The Pine Tree Zones were proposed for eastern Maine in areas of nasty unemployment numbers. So far we haven't seen any results of the Pine Tree Zones. This was for new business, to entice new businesses to come to areas of under employed people.

We have 600,000 ratepayers in the State of Maine who will be forced to pay stranded costs if you allow this measure to go as it is proposed. The 25 or 30 years of stranded costs may be expanded and moved out to 35 or 40 years. Even the commission chair can't tell you how long the stranded costs are going to be out there. We just continue to pay. The last Pine

Tree Zone Development paperwork I received, the State of Maine is peppered with dots where Pine Tree Zones are going in. I am not certain those are new developments, creating new jobs where they are entitled to these developments.

The cities and towns across the state in the Pine Tree Zones will have to absorb the costs of deleting all of the taxes in the Pine Tree Zones. That is quite a benefit to an industry that you are enticing into your city, town or village.

I ask you to vote against the motion and accept another version that will do it without a charge to the ratepayers. I thank the Speaker and I thank the body.

Representative **GOODWIN** of Pembroke **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 South Portland, Representative Bliss.

Representative **BLISS**: Mr. Speaker, Men and Women of the House. Of course we haven't seen any results from the Pine Tree Zones yet. They have only just been established. The bill that first came to us did indeed ask for elimination of stranded costs for these businesses, but the committee didn't like that at all. That is why we are asking to approve this as amended by Committee Amendment "A". Committee Amendment "A" does three things. Committee Amendment "A" authorizes T & D utilities, the utility that brings the power from the plant to your business or your home, it authorizes those T & D utilities to offer discounted rates to businesses that locate in Pine Tree Zones. It is one more enticement to bring businesses to those parts of the state that need business the most.

The second thing it does is it authorizes the Public Utilities Commission to take into account the overall benefits to all ratepayers when approving these discounted rates. The third thing it does is automatically sunsets in five years. This is not a boondoggle. It is an opportunity to help bring businesses to those parts of the state that we think most need business and most need economic development.

Mr. Speaker, with your permission could we ask the Clerk to read the committee report. Thank you.

Representative **BLISS** of South Portland **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

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

The SPEAKER: The Representative may pose his question.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. If a new business relocates in a Pine Tree Zone and they are a big business that consumes lots of power in Maine and they negotiate a contract with a T & D company, would they also be eligible for getting another discount if this bill was to pass?

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

Representative **BLISS**: Mr. Speaker, Men and Women of the House. The answer is no. That is precisely the point of the second of the three things that this amendment does. This amendment authorizes the PUC to take into account the overall benefit to ratepayers and those special circumstances before approving these discounted rates.

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. 372

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill J, Clough, Collins, Courtney, Craven, Crosthwaite, Cummings, Curley, Daigle, Davis, Dudley, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Greeley, Hatch, Heidrich, Hotham, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Mailhot, Makas, Marley, McCormick, McKee, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Perry A, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Saviello, Shields, Smith N, Smith W, Snowe-Mello, Suslovic, Tardy, Thomas, Thompson, Tobin D, Trahan, Usher, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Churchill E, Clark, Cressey, Eder, Goodwin, Honey, Hutton, Joy, McGowan, Peavey-Haskell, Percy, Sherman, Simpson, Stone, Sukeforth, Tobin J, Treadwell.

ABSENT - Beaudette, Bruno, Cowger, Dugay, Grose, Jackson, Maietta, Marraché, McGlocklin, McNeil, Moore, Pellon, Perry J, Sampson, Sullivan, Sykes, Twomey.

Yes, 117; No, 17; Absent, 17; Excused, 0.

117 having voted in the affirmative and 17 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-446)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 31, 2004.

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass** on Bill "An Act To Amend the Licensing Laws for Hearing Aid Dealers and Fitters"

(S.P. 747) (L.D. 1908)

Signed:

Senators:

BROMLEY of Cumberland
SHOREY of Washington
HALL of Lincoln

Representatives:

SULLIVAN of Biddeford
AUSTIN of Gray
DUPREY of Medway
BEAUDETTE of Biddeford
O'BRIEN of Lewiston
PELLON of Machias
SMITH of Monmouth
ROGERS of Brewer

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

Signed:

Representatives:

BERUBE of Lisbon
JACOBSEN of Waterboro

Came from the Senate with the Majority **OUGHT TO PASS**

Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.
READ.

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Wednesday, March 31, 2004.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-814)** on Bill "An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations" (H.P. 996) (L.D. 1354)

Signed:

Senators:

GAGNON of Kennebec
MAYO of Sagadahoc

Representatives:

CLARK of Millinocket
LANDRY of Sanford
HOTHAM of Dixfield
BROWN of South Berwick
MOORE of Standish
PATRICK of Rumford
BLANCHETTE of Bangor
CANAVAN of Waterville
JENNINGS of Leeds

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

Signed:

Senator:

LEMONT of York

Representative:

GLYNN of South Portland

READ.

Representative CLARK of Millinocket 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.

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

CONSENT CALENDAR

First Day

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

(H.P. 447) (L.D. 584) Bill "An Act To Strengthen the Maine Certificate of Need Act of 2002" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-816)**

(H.P. 1275) (L.D. 1753) Bill "An Act To Improve the Quality and Safety in the Delivery of Personal Care Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-817)**

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

(H.P. 1255) (L.D. 1733) Bill "An Act To Obtain Severance Pay for the Employees of Great Northern Paper Company" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-815)**

On motion of Representative TREADWELL of Carmel, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

The **SPEAKER**: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to speak very briefly to this bill. This is a bipartisan piece of legislation that was sponsored by the good Representative from Millinocket, Representative Clark and cosponsored by four other members of this body and Senator Davis from the other body.

The intent of the bill is to recover or collect some of the money that is owed to those displaced workers from Great Northern Paper Mill as a result of the closing and the bankruptcy that was filed by the previous owners of that mill. The Assistant Attorney General that testified before our committee said that the union didn't have the money to represent those employees to do the legal work that was required. I find it hard to understand why the unions couldn't defend those people, those members that had been paying those dues to that mill. I think it is a very worthwhile for us here in the Legislature to step and try to recover some of that money. Thank you Mr. Speaker. I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Committee Report.

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

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

ROLL CALL NO. 373

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

NAY - NONE.

ABSENT - Beaudette, Bruno, Cowger, Goodwin, Grose, Jackson, Landry, Maietta, McGlocklin, McNeil, Moore, Pellon, Sampson, Sullivan, Sykes, Twomey.

Yes, 135; No, 0; Absent, 16; Excused, 0.

135 having voted in the affirmative and 0 voted in the negative, with 16 being absent, and accordingly the Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-815)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-815)** and sent for concurrence.

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

CONSENT CALENDAR

Second Day

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

(S.P. 615) (L.D. 1683) Bill "An Act Creating the Central Maine Regional Public Safety Communication Center" (C. "A" S-454)

(S.P. 648) (L.D. 1716) Resolve, Regarding Participation in the Federal No Child Left Behind Act of 2001 (EMERGENCY) (C. "A" S-443)

(S.P. 652) (L.D. 1719) Resolve, Authorizing the Conveyance of a Conservation Easement on a Parcel of Land on Peaks Island to the Peaks Island Land Preserve (C. "A" S-455)

(S.P. 656) (L.D. 1723) Bill "An Act To Establish a Monitoring Program of Maine Lakes Identified as Having Invasive Aquatic Species" (C. "A" S-450)

(S.P. 705) (L.D. 1858) Bill "An Act To Change the Point System for Clearing Vegetation Adjacent to Protected Natural Resources" (C. "A" S-448)

(S.P. 708) (L.D. 1862) Bill "An Act To Expand Access to Higher Education and Employment for Youth" (C. "A" S-445)

(S.P. 709) (L.D. 1863) Bill "An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Handling Facility Site in Plymouth" (C. "A" S-449)

(S.P. 720) (L.D. 1872) Bill "An Act To Extend the Deadline for Reconsideration by Boards of Appeals" (C. "A" S-444)

(H.P. 1425) (L.D. 1925) Bill "An Act To Change the Name of Township 17, Range 5, WELS, in the Unorganized Territory to Cross Lake" (EMERGENCY) (C. "A" H-812)

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

BILLS IN THE SECOND READING

Senate as Amended in Non-Concurrence

Bill "An Act To Increase Maine's Minimum Wage"

(S.P. 237) (L.D. 673)

(C. "A" S-359)

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

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

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

House as Amended

Bill "An Act To Reclassify Certain Downeast Waters"

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

(C. "A" H-791)

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

On motion of Representative JOY of Crystal, was **SET ASIDE**.

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

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

Representative **JOY**: Mr. Speaker, Men and Women of the House. This seems like a rather a nocuous bill, but it is a bill, which in the long run will result in shutting down our blueberry industry and our cranberry industry.

In 1992, there was an earth summit in Rio De Janeiro and that is the source of a program called The National Heritage Rivers Initiative, which was signed in by executive order by the President in 1994. What that does is designate rivers throughout the country as national heritage rivers. It creates a whole framework of bureaucracy of unelected people to supervise these and come up with regulations on how they will be managed. We also have a clean waters initiative, which was also created by Executive Order and put in the register and Congress did not take action to do away with that. Now we are saddled with both of these things until some future time when a President will write another Executive Order taking them away.

The reason that these are listed for reclassification is that the DEP is required on periodic basis to examine our streams, bodies of water and decide what classifications they meet. There is no obligation to update these classifications. They have done their work. They have said that these meet the standards, but it is not necessary for this body to upgrade those waters.

Why would you want to Indefinitely Postpone this bill, which deals with the reclassification of water? The reason being is that there is a change in the amount of uses that can be made within those watersheds. Most of these rivers and streams that are on this list to be upgraded are right in blueberry country. It says there is an intent in the bill not to change the uses of water in these watersheds, but a recent court decision in Minnesota says otherwise. A business was denied the right to drawing water from any of these streams. They thought that they would put in wells. The wells that they put in happened to be in the aquifer, the same aquifer that these streams were in. The court held that, no, they could not withdraw water from those wells.

In our blueberry country they are planning to put in wells to draw water for the irrigation of their blueberries. That court decision that was given in Minnesota will now be a precedent for court decisions all over the country. Consequently if these streams are upgraded to that new classification, then any wells that they might want to put in will be faced with the same decision that that court met in Minnesota.

The national heritage rivers that was signed as an Executive Order sets aside 100 feet of land on both sides of two million miles of rivers in the United States. That is 76,000 square miles of land set aside on the banks of these heritage rivers. That is 48 million acres. Under the so-called biodiversity treaty that came out of the earth summit there was a plan to turn 50 percent of this

country back to the way it was before Columbus came. This national heritage rivers initiative and the constant upgrading of the waters in the State of Maine and all of the union will just put that into effect.

I urge you to join with me and vote to Indefinitely Postpone this bill and all accompanying papers. Thank you very much.

Representative **KOFFMAN** of Bar Harbor **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The **SPEAKER**: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Mr. Speaker, Ladies and Gentlemen of the House. Maine is rightly proud of its record of improving river quality over the last 25 or 30 years. One of the tools we used to measure the improvement in the water quality in our rivers is water classification. Those classifications range from AA to A to B to C. Last year the Natural Resources Committee reviewed recommendations from the DEP. Those recommendations are based on very thorough studies of the aquatic life found in specific rivers and streams and segments thereof.

We reviewed rivers and streams throughout the state, but in deference to the blueberry industry, we held them aside, the down east rivers aside until this short session. We passed all the recommendations barring one or two small segments and all the recommendations made in the long session of the Legislature and have no significant concerns expressed about those re-designations.

This session we invited the blueberry industry to present its concerns. In respect for some of those concerns, a couple of river segments in down east Maine were deleted from the list of recommendations. As the Representative from Crystal, Representative Joy mentioned, on an amendment suggested by Representative Daigle of Arundel we did provide that the standards in this legislation, the intent of the Legislature would be not to prohibit all water uses in the water that is reclassified by this act.

I urge my colleagues in the House to continue the great record of achievement we have in Maine of restoring and protecting our rivers. These down east rivers, I must add, are some of the finest, most pristine waters we have in the State of Maine. They are salmon rivers where we are working hard to restore the salmon and to maintain an excellent trout fishery. The sportsmen and women of down east Maine have spoken very firmly about their concern about this reclassification. We need to give them as much support and their efforts to maintain those waters as we have given all the rest of the state in its efforts to get waters that deserve classifications to get them. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. I found the remarks of the Representative from Crystal, Representative Joy, rather striking. I was compelled to pull the Committee Amendment on this legislation and read it rather thoroughly. This does, as the Representative from Bar Harbor, Representative Koffman has alluded, have a significant impact on our fisheries. We are very supportive of the efforts of the Committee on Natural Resources to do everything they can to improve the water quality in our rivers to not only help restore our endangered and threatened Atlantic salmon sea runs, but also to bring them back to the point where not only are they an accessible fishery, but also, and more importantly, out from under the auspices of the Endangered Species Act, which we are now laboring under.

The remark that the Representative from Crystal made that made me look up this Committee Amendment was the allegation that these are rules promulgated by unelected officials under the auspices of a very sweeping cape of Executive Order and further the impact that he alludes to having on about 50 percent of our rivers and streams in this country. He cited examples from around the nation. The Committee Amendment applies only to Great Works Impoundment in Edmunds Township, which is now a Class AA water. The summary says, and I quote, "Provides that the segment of Cathance Stream being upgraded to Class AA is only the segment in Edmunds Township". I guess that speaks volumes to the effect of Executive Orders that sweep across the country, ladies and gentlemen.

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. I would like to add to the information for the good Representative from Old Town, Representative Dunlap. The information that referred to 50 percent of the land mass was included in a paper that I passed out on Friday covering the American Rivers Initiative. That is the one that has the river keepers. It appoints a river navigator who has the final say of everything that can happen on that watershed. If he would like to have a copy of that, all he needs to do is let me know and I will pass that information on to him. Thank you.

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

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. Let me explain briefly for those of you who are wondering why there is so much concern about this issue. River reclassification is a ratchet. It is a one-way operation where you can take a river and you can go from B to A and you can go from A to AA, by passing a simple bill here in the House and Senate of course. Unfortunately as you do that you lock that river into a classification for how it can be treated forever. There is a mechanism to go backwards. For example, if you call a river a AA and you later find out that blueberry industry needs to use that river and that use will somehow degrade from an AA to an A, we can't just pass a law here to do it anymore. We have to apply for what is called a use attainability analysis, UAA, down the EPA for the authority. The federal government in Boston makes the decision whether or not we are allowed to step backwards. These attainability analysis's are half a million dollars. It is not unusual for them to cost a million or more. Obviously if you are going to go to a AA standard, which is the highest standard that we know how to write paper on, we need to be very concerned about that and presume it is forever. That is the concern that many people still have about this. You take a river classified as A, a pretty darn good river, it is essentially perfect anyway, but what a AA does is it locks it up and says never. In the history of the state are you ever going to be allowed to use this river for any purpose other than recreational and scenic? There are no industrial applications whatsoever.

The question remains, if you are withdrawing water for the blueberry industry or anything else in the vicinity of that river and somehow the effects of that means the river is degraded in any way greater than zero, that is when you have a liability of somebody coming in and saying that you are conflicting with the AA classification. That is the court challenge that the Representative from Crystal, Representative Joy, is concerned with. I agree with him on that. The blueberry industry said they can live with it, but, frankly, this spooks them. This certainly threatens them. It goes back to saying, why are we doing this? There can only be one motivation for trying to pass all these

rivers in this area of the state AA and that is to make a statement saying that we want them untouched forever. I don't think that is the right choice to make for the people of Washington County, which is far away from my district. All I ever hear about is how tough things are out there and how the agricultural business is all they have and we won't give them casinos or anything else to make a living out there. This is locking that county up to be a sportsmen's paradise, but not necessarily a good place to get any work forever.

The other thing important to note is that the Department of Environmental Protection is scheduled to initiate rulemaking in water withdrawal in 2005. A question was raised in discussing this, why are we doing this now? Why can't we wait until water withdrawal regulations are enacted by the department and then we can turn to the blueberry industry and say, can you live you with these restrictions? Can you draw the water you need to run your crops? If these rules are going to say that this amount of water withdrawal is not harming the river, can we all be comfortable that now it is time to go forward and upgrade these rivers. Frankly, we have many groups in this state who are interested in just upgrading every river as high as it can go and as fast as it can go until every river in the state is AA. Those same groups do not want these rivers used for industrial purposes and they can't wait, and I think that is the crux of this issue right here, is whether we should wait until these rules are enacted before we take the irrevocable step of locking up this river. That is why I support the motion of my friend from Crystal.

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

ROLL CALL NO. 374

YEA - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Fletcher, Goodwin, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lewin, McCormick, McKenney, Millett, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Richardson E, Richardson M, Rogers, Saviello, Sherman, Shields, Stone, Tardy, Tobin D, Tobin J, Treadwell, Vaughan, Young.

NAY - Adams, Ash, Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Grose, Hatch, Hutton, Jennings, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGowan, McKee, McLaughlin, Mills J, Mills S, Moody, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson J, Rines, Rosen, Simpson, Smith N, Smith W, Snowe-Mello, Sukeforth, Suslovic, Thomas, Thompson, Trahan, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

ABSENT - Beaudette, Bruno, Dugay, Jackson, Landry, Maietta, McGlocklin, McNeil, Moore, Pellon, Sampson, Sullivan, Sykes, Twomey.

Yes, 58; No, 79; Absent, 14; Excused, 0.

58 having voted in the affirmative and 79 voted in the negative, with 14 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-791)** and sent for concurrence.

(S.P. 741) (L.D. 1895)
(C. "A" S-439)

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**.

ENACTORS
Emergency Measure

An Act To Amend the Rule-making Authority of the Department of Human Services to Ensure Cost-effective Operation of State Medical Services Programs and Compliance with Federal Requirements

(H.P. 1270) (L.D. 1748)
(C. "A" H-777)

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

Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission

(H.P. 1372) (L.D. 1846)
(C. "A" H-776)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

Acts

An Act To Ensure Compliance with Federal Medicaid Requirements

(S.P. 627) (L.D. 1695)
(C. "A" S-433)

An Act To Amend the Medicaid Drug Rebate Program and the Elderly Low-cost Drug Program

(H.P. 1269) (L.D. 1747)
(C. "A" H-778)

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, Regarding the Sale of Batteries Containing Mercury

(H.P. 1237) (L.D. 1661)
(C. "A" H-780)

Resolve, To Reduce the State Valuation for the Town of Lincoln

(S.P. 733) (L.D. 1887)
(C. "A" S-440)

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

An Act To Establish the Maine Military Family Relief Fund

(S.P. 631) (L.D. 1699)
(C. "A" S-438)

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

On motion of Representative DUPLESSIE of Westbrook, 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. 375

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

NAY - NONE.

ABSENT - Bruno, Daigle, Goodwin, Jackson, Landry, Maietta, McGlocklin, McGowan, McNeil, Moore, Pellon, Sullivan, Sykes, Twomey.

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

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

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

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.

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)

- In House, Majority (12) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-771)** on March 19, 2004.

- In Senate, Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

TABLED - March 25, 2004 (Till Later Today) by Representative NORBERT of Portland.

PENDING - **FURTHER CONSIDERATION**.

On motion of Representative NORBERT of Portland, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "A" (H-819)** which was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-771)** and **House Amendment "A" (H-819)** in **NON-CONCURRENCE** and sent for concurrence.

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-790)** - Committee on **LABOR** on Bill "An Act To Amend the Laws Concerning Optional Membership for Participating Local Districts in the Maine State Retirement System"

(H.P. 1332) (L.D. 1810)

TABLED - March 25, 2004 (Till Later Today) by Representative SMITH of Van Buren.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, the Committee Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-790)** was **READ** by the Clerk.

Representative SMITH of Van Buren **PRESENTED House Amendment "A" (H-818)** to **Committee Amendment "A" (H-790)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House. All this amendment does is make a technical correction to remove an incorrect cross-reference to one of the sections of the Committee Amendment and it also reformats a subsection to improve readability.

House Amendment "A" (H-818) to **Committee Amendment "A" (H-790)** was **ADOPTED**.

Committee Amendment "A" (H-790) as Amended by **House Amendment "A" (H-818)** thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-790)** as Amended by **House Amendment "A" (H-818)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

Resolve, Regarding Legislative Review of Portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

(H.P. 1354) (L.D. 1831)

(C. "A" H-758)

TABLED - March 25, 2004 (Till Later Today) by Representative SULLIVAN of Biddeford.

PENDING - **FINAL PASSAGE**.

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

HOUSE DIVIDED REPORT - Report "A" (6) **Ought to Pass as Amended by Committee Amendment "A" (H-807)** - Report "B" (6) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Promote Transparency in Budgeting"

(H.P. 1302) (L.D. 1780)

TABLED - March 29, 2004 (Till Later Today) by Representative McLAUGHLIN of Cape Elizabeth.

PENDING - Motion of same Representative to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED**.

Representative BOWLES of Sanford **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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 Rockport, Representative Bowen.

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

The SPEAKER: The Representative may pose his question.

Representative BOWEN: Mr. Speaker, Ladies and Gentlemen of the House. My understanding of what this report will do is establish a pilot program whereby the towns of the state will submit their budgets to the state to be posted on the Internet. The idea, I guess, being that everybody will have access to their town budgets by going on the state's website and seeing the budget on there.

I am making use of our wireless network here and I am on the Bureau of the Budget's website. There are lots of pie charts and things on there and a general fund budget summary that is about this big, less than one page, but I don't see the State of Maine budget on here anywhere. Does the State of Maine's budget, no the budget bill, the actual line by line budget appear anywhere on the Internet?

The SPEAKER: The Representative from Rockport, Representative Bowen has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative BARSTOW: Mr. Speaker, Men and Women of the House. It is my understanding in testimony heard to the committee which considered this bill, although I don't know the exact link at this time, but there is a copy of the budget bill as well as the budget on line.

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

ROLL CALL NO. 376

YEA - Adams, Ash, Barstow, Beaudette, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Hatch, Hutton, Jennings, Kane, Koffman, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McKee, McLaughlin, Mills J, Moody, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sukeforth, Suslovic, Thomas, Thompson, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Fletcher, Glynn, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Ketterer, Landry, Ledwin, Lewin, McCormick, McGlocklin, McKenney, Millett, Mills S, Murphy, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rosen, Sherman, Shields, Snowe-Mello, Stone, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

ABSENT - Bruno, Goodwin, Jackson, Maietta, McGowan, McNeil, Moore, Muse, Pellon, Rogers, Sullivan, Sykes, Twomey.

Yes, 76; No, 62; Absent, 13; Excused, 0.

76 having voted in the affirmative and 62 voted in the negative, with 13 being absent, and accordingly Report "A" Ought to Pass as Amended was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-807)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 31, 2004.

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

Bill "An Act To Increase Maine's Minimum Wage"
(S.P. 237) (L.D. 673)
(C. "A" S-359)

Which was **TABLED** by Representative RICHARDSON of Brunswick pending **PASSAGE TO BE ENGROSSED as Amended**.

Representative TREADWELL of Carmel **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. 377

YEA - Adams, Ash, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Gagne-Friel, Gerzofsky, Glynn, Grose, Hatch, Hotham, Hutton, Jennings, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Mailhot, Makas, Marley, McGlocklin, McKee, McLaughlin, Mills S, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N,

Smith W, Suslovic, Thomas, Thompson, Usher, Walcott, Watson, Wheeler, Mr. Speaker.

NAY - Andrews, Annis, Austin, Bennett, Berry, Berube, Bierman, Bowen, Bowles, Breault, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Churchill E, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Dugay, Duprey B, Finch, Kaelin, Ledwin, Lewin, Lundeen, McCormick, McGowan, McKenney, Millett, Mills J, Moody, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Woodbury, Wotton, Young.

ABSENT - Bruno, Churchill J, Fischer, Goodwin, Jackson, Landry, Maietta, Marraché, McNeil, Moore, Pellon, Sullivan, Sykes, Twomey.

Yes, 69; No, 68; Absent, 14; Excused, 0.

69 having voted in the affirmative and 68 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-359) in NON-CONCURRENCE** and 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:

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act To Make Technical Corrections to Maine's Fish and Wildlife Laws"

(H.P. 1265) (L.D. 1743)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-781) in the House on March 23, 2004.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-781) AS AMENDED BY SENATE AMENDMENT "A" (S-464)** thereto in **NON-CONCURRENCE**.

On motion of Representative DUNLAP of Old Town, the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH**.

**REPORTS OF COMMITTEE
Divided Report**

Ten Members of the Committee on **NATURAL RESOURCES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-461)** on Bill "An Act To Implement the Recommendations of the Community Preservation Advisory Committee Regarding the State Planning Office's Review of Growth Management Programs" (EMERGENCY)

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

Signed:

Senators:

EDMONDS of Cumberland
SAWYER of Penobscot

Representatives:

KOFFMAN of Bar Harbor
HUTTON of Bowdoinham
MAKAS of Lewiston
SAVIELLO of Wilton

THOMPSON of China
TOBIN of Windham
JOY of Crystal
ANNIS of Dover-Foxcroft

One Member of the same Committee reports in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-462)** on same Bill.

Signed:

Representative:

TWOMEY of Biddeford

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (S-463)** on same Bill.

Signed:

Senator:

MARTIN of Aroostook

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-461)**.

READ.

On motion of Representative KOFFMAN of Bar Harbor, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-461)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 31, 2004.

CONSENT CALENDAR
First Day

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

(S.P. 750) (L.D. 1909) Bill "An Act To Promote Decision Making Within the Workers' Compensation Board" (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-458)**

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Encourage Workers' Compensation Dispute Resolutions"

(H.P. 438) (L.D. 575)

Bill and accompanying papers **COMMITTED** to the Committee on **LABOR** in the House on March 29, 2004.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion of Representative SMITH of Van Buren, the House voted to **RECEDE AND CONCUR**.

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

On motion of Representative SMITH of Van Buren, the House adjourned at 11:41 a.m., until 9:00 a.m., Wednesday, March 31, 2004.