

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
28th Legislative Day
Wednesday, March 31, 2004

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

Prayer by Reverend Dr. Susan E. Crane, Henderson Memorial Baptist Church, Farmington.

National Anthem by Lyseth Elementary School Chorus, Portland.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Eliminate State Licensing of Boxers, Wrestlers and Transient Sellers"

(S.P. 468) (L.D. 1410)

PASSED TO BE ENGROSSED in the House on March 23, 2004.

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

The House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

COMMUNICATIONS

The Following Communication: (H.C. 384)

STATE OF MAINE

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

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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1127 An Act To Require Fire-safe Cigarettes in the State

L.D. 1291 An Act To Establish a System of Advocacy and Oversight To Benefit Persons with Mental Retardation and Autism

L.D. 1641 An Act To Require That Rules Pertaining to Reimbursement for Services for Child Development Services Be Major Substantive Rules

L.D. 1720 An Act To Ensure the Lowest-priced Prescription Drugs for Maine Seniors

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

Sincerely,

S/Sen. Michael Brennan

Senate Chair

S/Rep. Thomas J. Kane

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 385)

STATE OF MAINE

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

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 Insurance and Financial Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1939 An Act To Decrease Insurance Fraud in This State

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

Sincerely,

S/Sen. Lloyd P. LaFountain III

Senate Chair

S/Rep. Christopher P. O'Neil

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 786)

STATE OF MAINE

121ST MAINE LEGISLATURE

March 26, 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 Carole Dyer of Bowdoinham for reappointment and Jeffrey A. Thaler of Yarmouth for appointment as members of the Land For Maine's Future Board.

Pursuant to Title 5 M.R.S.A. § 6204, 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.

The Following Communication: (S.P. 787)

**STATE OF MAINE
121ST MAINE LEGISLATURE**

March 26, 2004

Sen. Lynn Bromley
Senate Chair, Joint Standing Committee on
Business, Research and Economic Development
Rep. Nancy B. Sullivan
House Chair, Joint Standing Committee on
Business, Research and Economic Development
121st Legislature
Augusta, ME 04333

Dear Senator Bromley and Representative Sullivan:
Please be advised that Governor John E. Baldacci has
nominated Elizabeth Horning of Richmond and Carol A. Kontos
of Windham for appointment as members of the Maine State
Housing Authority.

Pursuant to Title 30-A M.R.S.A. § 4723, these nominations will
require review by the Joint Standing Committee on Business,
Research and Economic Development 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 **BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT**.

READ and **REFERRED** to the Committee on **BUSINESS,
RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

The Following Communication: (S.P. 788)

**STATE OF MAINE
121ST MAINE LEGISLATURE**

March 26, 2004

Sen. John L. Martin
Senate Chair, Joint Standing Committee on
Natural Resources
Rep. Theodore Koffman
House Chair, Joint Standing Committee on
Natural Resources
121st Legislature
Augusta, ME 04333

Dear Senator Martin and Representative Koffman:
Please be advised that Governor John E. Baldacci has
nominated Donald Guimond of Fort Kent for appointment as a
member of the Board of Environmental Protection.

Pursuant to Title 38 M.R.S.A. § 341-C, this nomination will
require review by the Joint Standing Committee on Natural
Resources 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 **NATURAL RESOURCES**.

READ and **REFERRED** to the Committee on **NATURAL
RESOURCES** in concurrence.

The Following Communication: (S.P. 789)

**STATE OF MAINE
121ST MAINE LEGISLATURE**

March 26, 2004

Sen. John L. Martin
Senate Chair, Joint Standing Committee on
Natural Resources
Rep. Theodore Koffman
House Chair, Joint Standing Committee on
Natural Resources
121st Legislature
Augusta, ME 04333

Dear Senator Martin and Representative Koffman:

Please be advised that Governor John E. Baldacci has
nominated Sally Stockwell of Cumberland for reappointment;
Richard B. Anderson of Freeport and Charles F. Beck of Presque
Isle for appointment as members of the Maine Outdoor Heritage
Fund Board.

Pursuant to Title 12 M.R.S.A. § 7788, these nominations will
require review by the Joint Standing Committee on Natural
Resources 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 **NATURAL RESOURCES**.

READ and **REFERRED** to the Committee on **NATURAL
RESOURCES** in concurrence.

The Following Communication: (S.C. 546)

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

March 30, 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 Insisted to it previous action
whereby it Indefinitely Postponed Bill "An Act To Amend the
Economic Development Laws," (S.P. 666) (L.D. 1818), and all its
accompanying papers.

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 Clarify the Administrative and Financial
Relationship between the Maine Military Authority and the State
of Maine" (EMERGENCY)

(H.P. 1451) (L.D. 1951)

Sponsored by Representative CLARK of Millinocket.
(GOVERNOR'S BILL)

Cosponsored by Senator GAGNON of Kennebec.

Committee on **LEGAL AND VETERANS AFFAIRS**
suggested and ordered printed.

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

Representative BOWLES of Sanford **OBJECTED** to suspending the rules in order to give the Bill its **SECOND READING WITHOUT REFERENCE** to the Committee on Bills in the **Second Reading**.

The Bill was assigned for **SECOND READING** later in today's session.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative McLAUGHLIN for the **Joint Standing Committee on State and Local Government** on Bill "An Act To Repeal Certain Boards and Commissions"

(H.P. 1450) (L.D. 1950)

Reporting **Ought to Pass** pursuant to Joint Order 2003, H.P. 1400.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

The Bill was assigned for **SECOND READING** Thursday, April 1, 2004.

CONSENT CALENDAR

First Day

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

(H.P. 1312) (L.D. 1790) Bill "An Act To Reduce Contamination of Breast Milk and the Environment from the Release of Brominated Chemicals in Consumer Products" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-822)**

On motion of Representative DAIGLE of Arundel, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. This bill, which was passed unanimously by the Natural Resources Committee, seeks to ban the use of brominated flame-retardants manufactured here in the State of Maine. The bill calls for the absolute banning of two particular compounds, octa and penta and the state has a goal to ban the compound deca with further action anytime between now and the year 2008.

The reason why I am standing on this bill now is that I wish the body could understand some other things that have been going on adjacent to the debate and discussion on this bill. During the public hearing the sponsor of the bill identified an organization offering this bill as the Environmental Health Strategy Center out of Bangor. After the public hearing, I went down to the Ethics Commission to look up who this organization was. What I found startled me. First this organization had only registered as a lobbyist in January 2004, January 13th to be specific. The bill was printed December 22nd. Clearly we had a violation of Maine's ethics reporting laws by this group because they had put the work into writing this bill and the sponsor acknowledges that well into the month of December and had not registered as a lobbyist. Also, in the middle of February when I was inquiring about this, I learned that this committed a second violation of Maine's ethics reporting laws by not filling the requirement to file a report from the month of January. Because

they had worked in the month of December, they had also failed to find a report of their lobbying activities in the month of December. Those were three violations of Maine's ethics reporting laws.

The Ethics Commission spoke to the group about that, because I was curious in knowing who had financed composing this bill and bringing it before the Legislature. They were putting a lot of work into this thing, to include flying people from California to give presentations to the committee and so forth.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Bull. For what reason does the Representative rise?

Representative **BULL**: Thank you Mr. Speaker. I request the germaneness of this testimony.

On **POINT OF ORDER**, Representative BULL of Freeport asked the Chair if the remarks of Representative DAIGLE of Arundel were germane to the pending question.

The SPEAKER: The Chair was wondering as well the germaneness of this. The question before the House is acceptance of the unanimous committee report from the Committee on Natural Resources on this legislation. Would the Representative please refine his remarks to the bill? The Representative may proceed.

The Chair reminded Representative DAIGLE of Arundel to stay as close as possible to the pending question.

Representative **DAIGLE**: Thank you Mr. Speaker. My point being, we have a bill, which seeks to ban a product in the State of Maine, which provides an automatic competitive advantage to other products of a similar nature. I have heard rumors to the effect that a competing manufacturer may be financing this particular legislative effort. I believe our legislative body would be embarrassed to learn after the fact that the financing to draft and support a bill to ban a product was providing a financial incentive to the people who are backing that. I have no evidence that this is the case, but the important part here for the body to understand is

The SPEAKER: Would the Representative defer? The Chair is still struggling with the germaneness of what you are saying. Interests bring bills before this institution. Probably every bill that we have had has interests in that. If the Representative would confine his remarks to the merits of this bill rather than the other concerns, it would be helpful.

The Chair reminded Representative DAIGLE of Arundel that it was inappropriate to question the motives of others.

Representative **DAIGLE**: Mr. Speaker, I am very concerned about this bill and the credibility of those who support it, because of their persistent refusal to obey Maine's laws.

The SPEAKER: The Representative is out of order. The Representative cannot impugn the credibility or the integrity or the motives to any members of this body. The Representative knows that very well.

Representative **DAIGLE**: Mr. Speaker, this is about the people who have testified in support of the bill and funded extensive lobbying efforts to influence this legislative body. As the Mr. Speaker knows, our laws require people who expend money to influence to disclose that. I thought that might be important to some members of this group. It would be my request that somebody may wish to table this matter until which time the Ethics Committee can get this group to comply with the requests they have already offered them on revealing their sources. Thank you.

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

Representative **KOFFMAN**: Mr. Speaker, Ladies and Gentlemen of the House. As the Speaker noted, this bill has a

unanimous Ought to Pass report. It was a model of negotiation and sensitivity to the interests involved. Unfortunately the good Representative from Arundel was out of state for a week while the committee was working on this bill and arriving at compromises with industry representatives, to their satisfaction, I might add.

The Representative from Arundel, Representative Daigle, comments are not germane to this bill. This bill has support from numerous organizations and has had positive testimony from the Bureau of Health in Maine and others interested in this subject. It is a subject of international interest. It is a subject being spoken about in legislatures across this country. In fact, I talked with an Acadia National Park employee the other day about the paragon falcons, which had come back to the park. We have now found that paragon falcons have this flame retardant in their blood. It is a serious issue. It may begin to rival DDT and PCBs. It is not to be taken lightly. It is not the issue of one particular interest group whatsoever. I wish the good Representative from Arundel would take his issues with that organization to the appropriate place and not in the House. Thank you.

The SPEAKER: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative PINGREE: Mr. Speaker, Men and Women of the House. I don't want to belabor this point and I don't want to answer the good Representative from Arundel's accusations. This is a bill that I believe in very strongly. This is a bill that I put in because I believe it was the right thing to do. Personally his comments are an attack on me and whether or not I am being driven by some outside interest or some other motivation. I find that completely unacceptable. I read an article on the front page of *USA Today* more than a year ago talking about a link to chemicals showing up in women's breast milk and how these chemicals are likely to lead to neurological problems, learning disabilities among children. I was talking about this bill to some environmental friends. They thought it was a great issue. You should talk to this organization about that bill. I talked to the organization and they said that they would love to help you with the bill on this matter.

We put forward a very comprehensive piece of legislation. The Natural Resources Committee did an unbelievable job. They worked five or six work sessions trying to come up with a consensus that worked for the industry that recognized there were some serious issues with these chemicals and the health aspects of these chemicals. We came up with a compromise that was unanimously accepted by the committee. We had citizens, a number of environmental groups, the Department of Environmental Protection, legislators concerned about this issue and they all testified in favor of this bill. This bill is not some conspiracy to hurt anybody. It is a bill to try to put forward public policy that makes Maine safer that works for businesses who use these chemicals and that will be good for children of the State of Maine. I appreciate very much the Natural Resource Committees work on this bill. I appreciate all the members of the committee who voted unanimously in support of it. Again, I hope that these kinds of accusations are no longer acceptable on the floor of the House. Thank you.

Representative JOY of Crystal moved that the Bill be **TABLED** one Legislative day pending **ACCEPTANCE** of the Committee Report.

Representative DUPLESSIE of Westbrook **REQUESTED** a roll call on the motion to **TABLE**.

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 Table. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 378

YEA - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Bunker, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Fletcher, Glynn, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Landry, Ledwin, Lewin, McCormick, McKenney, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sykes, Tobin D, Tobin J, Treadwell, Vaughan.

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

ABSENT - Cowger, Dugay, Duprey B, Greeley, Kaelin, Maietta, Marraché, McGlocklin, McGowan, McNeil, Millett, Pellon, Perry J, Richardson E, Sullivan, Usher, Walcott.

Yes, 54; No, 80; Absent, 17; Excused, 0.

54 having voted in the affirmative and 80 voted in the negative, with 17 being absent, and accordingly the motion to **TABLE FAILED**.

The Chair ordered a division on **ACCEPTANCE** of the Committee Report.

A vote of the House was taken. 95 voted in favor of the same and 33 against, and accordingly the Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-822)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 1, 2004.

CONSENT CALENDAR

Second Day

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

(S.P. 750) (L.D. 1909) Bill "An Act To Promote Decision Making Within the Workers' Compensation Board" (EMERGENCY) (C. "A" S-458)

(H.P. 447) (L.D. 584) Bill "An Act To Strengthen the Maine Certificate of Need Act of 2002" (C. "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" (C. "A" H-817)

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

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

BILLS IN THE SECOND READING

Senate

Bill "An Act To Amend the Licensing Laws for Hearing Aid Dealers and Fitters"

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

Senate as Amended

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)

(C. "A" S-461)

House as Amended

Bill "An Act To Promote Transparency in Budgeting"

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

(C. "A" H-807)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Papers were **PASSED TO BE ENGROSSED** or **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.**

Bill "An Act To Enhance Pine Tree Development Zones"

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

(C. "A" S-446)

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

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

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

Bill "An Act to Promote the Coordination of School Calendars for Career and Technical Education Students"

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

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

On motion of Representative CUMMINGS of Portland, was **SET ASIDE.**

The same Representative **PRESENTED House Amendment "A" (H-826)** which was **READ** by the Clerk and **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **House Amendment "A" (H-826).**

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

ENACTORS

Emergency Measure

An Act To Exempt Unemployment Benefits from State Income Tax

(H.P. 1267) (L.D. 1745)

(C. "A" H-755)

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

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

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

The same Representative **PRESENTED House Amendment "A" (H-813)** which was **READ** by the Clerk.

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

Representative **CLARK:** Mr. Speaker, Ladies and Gentlemen of the House. This amendment is a very simple one. It removes the emergency enactor.

House Amendment "A" (H-813) was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-755)** and **House Amendment "A" (H-813)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Emergency Measure

Resolve, To Establish the Municipal and Educational Mandate Audit Commission

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

(C. "A" H-631)

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. 91 voted in favor of the same and 39 against, and accordingly the Resolve **FAILED FINAL PASSAGE** and was sent to the Senate. **ORDERED SENT FORTHWITH.**

Acts

An Act To Amend the Definition of "Electrical Installations" in the Laws Governing Electricians

(H.P. 1295) (L.D. 1773)

An Act Relating to Storm Water Management

(S.P. 712) (L.D. 1866)

(C. "A" S-441)

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.

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

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

UNFINISHED BUSINESS

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

An Act Concerning Advertising of Business Names in Telephone Directories

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

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

TABLED - March 17, 2004 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - PASSAGE TO BE ENACTED.

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-398)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "C" (H-827)** to **Committee Amendment "A" (S-398)** which was **READ** by the Clerk.

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

Representative **BLISS**: Mr. Speaker, Men and Women of the House. You will recall that we overwhelmingly passed this bill to help out Maine's small businesses, but we inadvertently left off an opportunity for those who were prosecuted to dispense with being outside of the law since telephone directories are only published once a year. This amendment simply says that you can make things right by disconnecting the telephone number and not having a forwarding number so that when people call the 800 number, it simply is disconnected. It is a simple error that rectifies something that we didn't think of when we passed the bill. I encourage you to pass the amendment. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Belmont, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. This all seems fine, but I have a real problem here with this. First of all, the problem being of not even having knowledge of what this amendment was until it landed here. Secondly, I would ask the good Representative from South Portland to explain how this is going to have an affect by doing this on anyone who is outside of the State of Maine when the FCC regs come into play.

I support this bill. I support what we did to this bill, as far as the amendment. I did not vote for the original bill. That is what I voted on originally when we held the first vote in this chamber, not on the amended version. That was my vote in committee. I would like to know how this is going to cure this by simply adding this? Who is going to bring about the enforcement of this? At what cost is that enforcement going to take place and at what level is the FCC going to be involved in this process? Therefore, on this amendment, Mr. Speaker, I would request a roll call on this amendment, please.

Representative **BERRY** of Belmont **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-827)** to **Committee Amendment "A" (S-398)**.

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 "C" (H-827) to Committee Amendment "A" (S-398). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 379

YEA - Adams, Annis, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Carr, Clark, Cowger, Craven, Cummings, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Grose, Hutton, Jackson, Jodrey, Kane, Ketterer, Koffman, Landry, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McGowan, 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, Twomey, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Andrews, Ash, Austin, Bennett, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Glynn, Greeley, Hatch, Heidrich, Honey, Hotham, Jacobsen, Jennings, Ledwin, Lewin, McCormick, McKenney, Millett, Mills S, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Wotton, Young.

ABSENT - Dudley, Duprey B, Gerzofsky, Goodwin, Joy, Kaelin, Maietta, Marraché, McGlocklin, McNeil, Pellon, Sullivan, Usher.

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 **House Amendment "C" (H-827)** to **Committee Amendment "A" (S-398)** was **ADOPTED**.

Committee Amendment "A" (S-398) as Amended by **House Amendment "B" (H-737)** and **House Amendment "C" (H-827)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-398)** as Amended by **House Amendment "B" (H-737)** and **House Amendment "C" (H-827)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(H.P. 1326) (L.D. 1804) Bill "An Act To Clarify Property Eligible for Reimbursement of Property Taxes under the Business Equipment Tax Reimbursement Program" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-823)**

(H.P. 1335) (L.D. 1813) Bill "An Act To Make Minor Substantive Changes to the Tax Laws" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-824)**

(H.P. 1399) (L.D. 1883) Bill "An Act To Coordinate Education, Job Training and Employers in Maine" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-825)**

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

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

Bill "An Act To Enhance Pine Tree Development Zones" (S.P. 624) (L.D. 1692) (C. "A" S-446)

Which was **TABLED** by Representative **DUPLESSIE** of Westbrook pending **PASSAGE TO BE ENGROSSED as Amended**.

On motion of Representative **RINES** of Wiscasset, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-446)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-831) to Committee Amendment "A" (S-446)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative **RINES**: Mr. Speaker, Men and Women of the House. This amendment is presented by the Bills in the Second Reading. All it does is correct the consecutive numbering in the bill. Thank you.

House Amendment "A" (H-831) to Committee Amendment "A" (S-446) was ADOPTED.

Committee Amendment "A" (S-446) as Amended by House Amendment "A" (H-831) thereto was ADOPTED.

Representative **GOODWIN** of Pembroke **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. 380

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Berube, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Clough, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Makas, Marley, McCormick, McGlocklin, McKee, McKenney, McLaughlin, Mills J, Mills S, Moody, Moore, 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, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Churchill E, Clark, Eder, Goodwin, Hutton, Peavey-Haskell, Percy, Richardson M, Stone, Sukeforth, Twomey.

ABSENT - Brown R, Churchill J, Duprey B, Kaelin, Maietta, Mailhot, Marraché, McGowan, McNeil, Millett, Pellon, Perry J, Sullivan, Usher.

Yes, 126; No, 11; Absent, 14; Excused, 0.

126 having voted in the affirmative and 11 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-446) as Amended by House Amendment "A" (H-831) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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 Make the Children's Ombudsman Program an Independent Office"

(H.P. 81) (L.D. 73)

TABLED - January 28, 2004 (Till Later Today) by Representative **RICHARDSON** of Brunswick.

PENDING - Motion of Representative **KANE** of Saco to **INDEFINITELY POSTPONE** the Bill and accompanying papers. (Roll Call Ordered)

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to support the bill and oppose the pending motion. This concept of ombudsmen for children has had bipartisan support for a long time. Former Representative Marie Laverriere-Boucher, former Representative Elaine Fuller, current Representative Eddie Dugay and myself have worked real hard on it to make something that is useful for the people in the State of Maine. The ombudsmen is a way of providing children who access the Department of Human Services and their families a way of dealing with them on a level playing field. We have had a long-term care ombudsmen for a number of years and that has proven to be extremely beneficial to the elderly citizens who use long-term care. This ombudsmen is just for children. It has been working over the past year. It was funded. It gave our committee an exemplary report of over 100 cases that were handled by the ombudsmen and his two volunteer assistants. Most of these problems were resolved favorably. The ombudsmen have access to all the department records and he maintains confidentiality. If anybody in the department tries to obstruct the ombudsmen, it is a Class E crime.

This office is sorely needed by the underage class of DHS and BDS so they can cope with the bullies that are in those departments. They need help in understanding the rules that pose problems for them. They also need assurance that the rules and regulations are being interpreted correctly. We have heard of the ombudsmen under the Executive Department up to now, but there has been a movement to fold it into a large advocacy group in a restructured health and human services, which is composed of DHS and BDS.

I maintain to you that this is like putting the fox in charge of the hen house. Please do not regard this as a partisan issue. It is about the children in DHS and their families and keeping them honest. Put the ombudsmen independently away so they cannot be subjected to any undue influences. I hope that when the roll is taken, you will vote against the pending motion of Indefinite Postponement.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. I thank my colleague on the other side of the aisle for nicely and clearly explaining the current functions and role of the ombudsmen. That is true. The goal of this bill is to assure the independent's objectivity and autonomy of the Child Ombudsmen Program so that it could more effectively protect and advocate the children without bureaucratic interference. This is something we all agree with. It is bipartisan. The problem is that the bill before us now provides for the office of the ombudsmen to be housed in the Department of Financial and Administrative Services and preempts the consideration of alternative locations in state government or in a private non-profit location, which is currently taking place in the Committee on Health and Human Services as we work the merger bill for the merger of the two large departments.

The motion for Indefinite Postponement was made so that the committee could use the restructuring process to make decisions regarding all ombudsmen and advocacy services, which are currently being operated in both departments. All of this will be considered in a report, which will be coming to the Health and

Human Services Committee in January '05. In fact, just yesterday the committee proposed language to specify that the Child Ombudsmen Program will be considered in report with other advocacy and ombudsmen services. It had not been presented in the original bill by the Governor's Office. Our committee specifically, in order to address the issue before us, inserted language to guarantee that the child ombudsmen, the elderly services ombudsmen, the advocacy services for mental health and mental retardation, all of them will be examined for how they could be best organized in a most cost effective manner while assuring their independence and objectivity.

As indicated, the merger bill will require a report by the end of January to our committee to recommend both the structure and the funding of ombudsmen services in a way as to assure autonomy and independence and operate in a more coordinated way. Right now all the ombudsmen and advocacy services, they operate completely independently of each other. One of the whole purposes of the restructuring bill is to eliminate the silos and to develop a more administrative and cost effective, as well as client effective, range of services. I urge you, men and women of the House, to support the pending motion for Indefinite Postponement.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. The famous last words, I wasn't prepared to speak on this. I really feel compelled to say that I was a past member of the Health and Human Services Committee during a time when we did the review of the very exhaustive review of the child welfare system after the unfortunate death three years of Logan Marr.

One of the top priorities, if not the top priority of the entire committee after this month long review was an independent ombudsmen. It was very difficult because it took the path of funding or not funding and we finally had the contract. We feel it is working well.

I also have to say that I was a member of the unification council, the BDS-DHS Unification Advisory Council. I was co-chair of the Children and Families Subcommittee. The issues that the ombudsmen address are the issues that we heard very, very strongly. Many of these issues are lack of accountability of the Department of Human Services when it comes to children and families and also retaliation and retribution. The department doesn't like to hear that and would be very defensive when those issues are brought up. That is exactly why this office of the children's ombudsmen needs to be as far away as possible from the Department of Human Services. As the good Representative from Auburn said, I would total agree with the analogy of the fox guarding the hen house.

As a member of both of these committees, I would strongly urge you to defeat the pending motion of Indefinite Postponement and put it where it belongs. We cannot wait for the merger to happen. On paper it may happen soon, but it is going to take months if not years for this to fully come together and in the meantime we have children and families out there banging on the doors asking for our help. The ombudsmen are doing a fine job of doing that. We cannot wait for this merger to happen while we figure out where they are going to do. Let's keep it an independent office. Thank you very much.

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

Representative KANE: Mr. Speaker, Men and Women of the House. My friend, Representative O'Brien, commented on the current status of the ombudsmen. It is, in fact, subcontracted to the Maine Children's Alliance. The Maine Children's Alliance, the

current ombudsmen, strongly supports having the ombudsmen program looked at in the context of all of the other services. This is not something that is taken away from the current ombudsmen. They strongly urge that they can have a better, stronger program if it was looked at in the context of restructuring. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Dugay.

Representative DUGAY: Mr. Speaker, Ladies and Gentlemen of the House. I would ask you to not support the Indefinite Postponement. The merger bill that we are working on in Health and Human Services Committee may take up to two years and we do need the ombudsmen and the independent office. The funding runs out for the ombudsmen position in December '04. There is no mechanism currently to fund the ombudsmen position. If it takes two years for the merger bill to take place, the funding for the ombudsmen is going to run out in '04. I ask you to support Representative Shields and myself in not supporting the Indefinite Postponement of this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Courtney.

Representative COURTNEY: Mr. Speaker, Ladies and Gentlemen of the House. I wish the former Representative, Representative Laverriere-Boucher, were here to be involved in this debate. I know that this was something that meant a lot to her. In my short time in the House, I have found that we really do have a problem with the Department of Human Services. I am glad to see that we finally have a commissioner after over a year. I think that leadership has been sorely needed in that department. I find it unconscionable that we could put off something this serious to some undetermined time, maybe a year or two years when we have this children's ombudsmen position to look out for these people. I get complaints from constituents and they talk about how people have gone in the middle of the night and taken their children. I am not defending the situation, but they can't get answers. If you can't get answers, you would like to be able to pick up the phone and talk to somebody. I think that if we do not put this in place, I think that we are guilty of becoming part of the problem. I would respectfully ask you to vote against the Indefinite Postponement. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Walcott.

Representative WALCOTT: Mr. Speaker, Men and Women of the House. If you look at the Majority Report, Ought to Pass, you will see that I am on that report. At the time, in my opinion, it was the right thing to do. We hadn't seen the restructuring bill. We didn't know what was going to be in it. I thought that this was a good idea. It still is. However, this may surprise a few of my friends on the committee as there are some things that we are getting back in a report in January that I am not particularly pleased about, but I think the Children's Ombudsmen Program as well as all the other advocacy programs need to be looked at as a whole. Maybe I don't want it in the department. That is not the goal of this Indefinite Postponement. That is not the goal of looking at it in the report in January. The goal is to see where it would best fit within state government, outside of state government, as it currently is and where all advocacies program would best fit.

Even though you may have seen me on the Ought to Pass report from the committee, that was before we were really looking at the issue of restructuring within the committee itself. At this time I would support the Indefinite Postponement.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Mr. Speaker, Ladies and Gentlemen of the House. We have probably seen the biggest merger in state history. I would not want to see this bill get lost in the shuffle over a two-year period with all the work that has gone into it. Thank you.

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

Representative **PERRY**: Mr. Speaker, Ladies and Gentlemen of the House. I am new on the committee. When this ombudsmen bill came up, I will say that my understanding is limited. When I look at the possibility of the ombudsmen program staying within the Children's Alliance as compared to the Department of Professional Services, I would say, let's keep it where it is. Let's have it looked at. If it belongs there, it should stay there. This bill usurps that possibility, even if there is going to be studies done and we get to change it again.

I would ask for Indefinite Postponement and give us a chance. I am of the feeling that this is beginning to work better because it is where it is at. I would like it to sort of stay in that place and have the ability for that to be looked at with all the others. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Dugay.

Representative **DUGAY**: Mr. Speaker, Ladies and Gentlemen of the House. As a member of this body who has been barred from a few courtrooms recently, I would ask that you consider this. The Attorney General's Office has written a letter to the ombudsmen asking him to no longer write down the case file when he is investigating a case because it really confuses the court system. The Attorney General has asked them to just talk to constituents verbally and not to write anything down because they do not want to have anything written that conflicts with the department throughout the court process. That is one of the reasons why I would really like to see this office independent. Thank you.

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. Despite the assurances of the good Representative from Saco, Representative Kane and the good Representative from Lewiston, Representative Walcott, these are honest assurances that the intentions of the restructured departments of DHS and BDS will be honored. However, this matter will be considered in this next nine or 10 months, at least, by many other parties over which this Legislature has no particular control. They will do as they wish unless the Legislature speaks. This ombudsmen costs us \$65,000 a year, what a bargain. We don't want to roll this over to a group of faceless bureaucrats who will likely take the easy way out and put it under DHS and BDS, which would subject it potentially to pressures of influence to what are the best interest of the department. Don't put this great service in a position of vulnerability or coercion by the people they must investigate.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. I think with all of the information going back and forth there are perhaps some misconceptions. This program is currently operated by the Maine Children's Alliance. It will continue to be operated by the Maine Children's Alliance. It is going to remain independent and do exactly what it has been doing. The only question that is being raised is the fact that the

bill by moving it into the office of financial and business is a preemptive move and it takes away from the committee, the discretion of making the kinds of decisions and recommendations that we are supposed to make in this restructuring process. It is an effort to improve government and to increase the responsiveness and effectiveness, not diminish it. There is going to be no adverse consequences for the functioning operation of the program. It is just going to allow the committee, by the way, keep its eye on this ball, is going to be moving into the next session, a new committee, will have the report back to it. It will then make recommendations in the next session for if and where the program should be relocated. Thank you Mr. Speaker.

The SPEAKER: A roll call having been previously ordered. The pending question before the House is Indefinitely Postpone the Bill and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 381

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

NAY - Andrews, Annis, Austin, Bennett, Berry, Berube, Bierman, Bowen, Bowles, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Dugay, Eder, Finch, Fletcher, Gerzofsky, Glynn, Goodwin, Greeley, Hatch, Heidrich, Honey, Hotham, Jackson, Jacobsen, Jodrey, Joy, Ledwin, Lewin, McCormick, McGowan, Mills S, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Perry J, Rector, Richardson E, Richardson M, Rines, Rogers, Rosen, Sampson, Sherman, Shields, Smith W, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

ABSENT - Brown R, Canavan, Churchill J, Duprey B, Kaelin, Landry, Maietta, Marraché, McKenney, McNeil, Millett, Pellon, Sullivan, Usher.

Yes, 64; No, 73; Absent, 14; Excused, 0.

64 having voted in the affirmative and 73 voted in the negative, with 14 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, April 1, 2004.

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

BILLS RECALLED FROM LEGISLATIVE FILES

(Pursuant to Joint Order 2003 - House Paper 1416)

An Act To Enhance Professionalism of Private Investigators in this State

(H.P. 735) (L.D. 1014)

(C. "A" H-249)

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

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

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-249)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-832) to Committee Amendment "A" (H-249)** which was **READ** by the Clerk.

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

Representative **BRANNIGAN**: Mr. Speaker, Ladies and Gentlemen of the House. This is a bill that we recalled from the files, because it was not passed last year. It was passed unanimously by the committee, by this body and the other body, but it died because it had an erroneous fiscal note. This amendment (H-832) corrects that fiscal note and allows this to be treated as it was expected to be treated originally. I appreciate you putting up with the difficulties that have been caused by this erroneous fiscal note. Thank you Mr. Speaker.

House Amendment "A" (H-832) to Committee Amendment "A" (H-249) was **ADOPTED**.

Committee Amendment "A" (H-249) as Amended by House Amendment "A" (H-832) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-249) as Amended by House Amendment "A" (H-832)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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

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.

HOUSE DIVIDED REPORT - Majority (9) Ought Not to Pass - Minority (4) Ought to Pass as Amended by Committee Amendment "A" (H-804) - Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act To Give Teachers a Greater Voice in School Improvement"

(H.P. 990) (L.D. 1344)

TABLED - March 29, 2004 (Till Later Today) by Representative **CUMMINGS** of Portland.

PENDING - Motion of same Representative to ACCEPT the Majority OUGHT NOT TO PASS Report.

Subsequently, Representative **CUMMINGS** of Portland **WITHDREW** his motion to **ACCEPT** the Majority **Ought Not to Pass Report**.

On motion of Representative **NORTON** of Bangor, the Minority **Ought to Pass as Amended Report** was **ACCEPTED**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Minority **Ought to Pass as Amended Report** was **ACCEPTED**.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Mr. Speaker, Ladies and Gentlemen of the House. I am a teacher of 38 years as many of you know. If I were standing here before you 100 years ago, I would not have been able to be married and teach. I would not have had the four wonderful children that I have who have brought so much enrichment to my life. I could go on and on and on. Most of you who have had anything to do with education know all those silly things that teachers couldn't do and couldn't participate in in society many years ago. If I were standing here before you 40 years ago, I would be a teacher well educated, but have no say in anything that went on in the classroom. I would not have the right to even talk to you about what I should earn. In the late '60s we passed a law that allowed teachers to do that, to negotiate wages, hours and working conditions. However, with articles with matters around educational policy, we were forbidden to discuss that with our boards.

Over the years boards and teachers, to their credit, realized that there were things that teachers should have some input in. Thank heavens, they allowed us to do just that. We moved forward and gradually there were things that boards and teachers agreed on, the teachers work conference period was one. I think board members realized that that is an important time of the day when teachers can contact their parents, can arrange the things they need in class and so on and so forth. There were a lot of those things going on.

Things have changed in the last 40 years. Educators, education and society have changed tremendously. We now know far more about how the brain works, how young people learn. We know about child development and adolescent development. We know the physiology of the brain far better than we used to. Your teachers are your professional resource. Most teachers today, many teachers come to you before they even start teaching with at least couple degrees in education.

Most of us after seven or eight years, if we didn't have master's degrees, then do. Many of us have CAS and doctorate degrees in education. We know a great deal about what works. I submit to you that the law that we currently have, which says we may not negotiate policy, even though for many years it worked, now because we have large law firms coming into your community and trying to help out the board and superintendents negotiate some of the policy items, which they decided shouldn't have been negotiable in the first place. We seem to have taken a step back in the past dozen or so years. Now we are looking at some of these cases actually going back to saying that teachers should not have a say in educational policy.

We all know that teachers are dealing with a lot more in the classroom now. Teacher workload is amazing. I can tell you in the last 15 years as a public school teacher, my workload has at the very least tripled. I don't know how new people coming into the profession even attempt to do this job anymore. I know they sit up all night writing their lesson plans. I know they go to school and all afternoon and all evening they have to work on local assessments. It is just unbelievable and you all know, because you are a big part of it, how society has changed. There are many things that we want our teachers to be aware of and to be on top of in the schools right now. Our children have so much to deal with and I don't have to go through that list because you all know. We have school violence issues. We have substance abuse issues. We have divorce. There are so many things that our children have to deal with in today's world. We are trying

desperately to keep our teachers ahead of the curve so that they can help kids deal with these problems.

I cannot for the life of me imagine why a local board doesn't want to hear about those things. I believe that most local boards do. I have tremendous faith in our school boards. I think school boards and teachers need to talk desperately about these things. I am very concerned that if we don't pass this bill, all communication of that sort will be cut off between board members and teachers.

I would like to help you though the Committee Amendment "A" that I just referred to. All I am seeking to do was to change the part of the law that says that we shall meet and consult, which isn't working, but not negotiate. I have taken the word not out and put in and may negotiate. You all know that may is a permissive thing. It only infers to, let's talk about these things. It doesn't incur any obligation as you may have been told. It truly doesn't. May simply means that you can talk about these things. Some people expressed some concern about that. I added the paragraph, which explains. It says that the provisions of collective bargaining agreements, any of those things that deal with policy, if the board and the teachers decide to put something like that into a contract, it is truly then a part of the contract for whatever term you negotiate your contract. It may be one year. It may be two. It may be three. It is illegal for teachers to negotiate a contract that has any length greater than three years.

If you negotiate something and during the duration of that contract you discover that it didn't work, oops, we wish we hadn't done that, it does at the end of that contract. All of those permissible items die at the end of the contract. If it is to stay in there, then you must bring it up again.

I think it is time. I think this is an old law, an antiquated law that simply needs to be tweaked a little bit. I think it is truly time to bring our boards and our teachers together. This is a local control issue. Let's put it at the local where it belongs. I know and I have faith that local boards and local teachers can come to agreement on some of these items. I urge you to please follow my light on this issue. We truly do need to get our boards and our teachers talking about things that will work for our kids in today's world. We need all the help we can get. Thank you.

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

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. I agree with Representative Norton. I thought she made a very excellent presentation of this. This has been amended four times to try to reach a compromise between superintendents and teachers. This bill is concerned with the right of teachers to bargain collectively for wages, hours and working conditions. Teachers, school boards and members and the superintendents shall meet and consult and may negotiate with respect to educational policies. There is no coercion. There is no mandate. This means to me that teachers and their employees may meet and consult on principles written and written contracts. Somewhere in the 121st Legislature there is a labor caucus. I would assume they pay homage to Franklin Roosevelt, the patron saint of collective bargaining in the 21st Century. Somewhere in the building there is a progressive caucus, I would assume they would favor many who have few rights over a hierarchy educational systems. Somewhere in this building there is a Democratic caucus, I assume you are champions of collective bargaining. Somewhere in the building there my own Republican caucus meets. I would remind my fellow Republicans that their founder, Abraham Lincoln, said that he was glad he lived in a country that gave labor the right to organize.

Maine teachers must deal with No Child Left Behind, learning results, the common core of learning, complicated special ed

laws, increasing drug use and violence. Maine teachers are in a difficult place. I came across a biblical quote so I will end with that and sit down. "They will soar of the wings like eagles. They will run and not grow weary. They will walk and not faint." Please pass this legislation so that teachers can at least meet superintendents half way and bargain collectively for the future.

Representative O'BRIEN of Lewiston assumed the Chair.
The House was called to order by the Speaker Pro Tem.

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

Representative **PERRY**: Madam Speaker, Ladies and Gentlemen of the House. I rise to oppose this amendment and this bill. I have been a school board member for up to 25 years in two different states and three different school districts. I have seen many different approaches to educational policy. Educational policy is public policy. It involves not only teachers, but we have to also involve the parents and when possible the students. I have been in school districts that quite honestly are very autocratic. Having an opportunity for the teachers to have say is really diminished. I have also been in a school district where educational policy was negotiated. Unfortunately that did more damage to the public relations and also the relations between the school board and its staff, with more contention and more difficulty in creating the kind of atmosphere within a school that we really wanted to see. I have also seen some good collaborative work done by administration and boards that use teachers, their parents and the public to develop good policy that is there school wide. Also, it creates a good sense of cooperation. Education does not happen just in the school. The collaboration needs to be, not only with the board and the teachers, but it has to be with the parents and with the community in general. If we are going to negotiate away the public's ability to have any say in what happens to their children and their community, educationally, then we have taken away that piece of democracy that we fight for. I really ask you not to support this amendment.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockport, Representative Bowen.

Representative **BOWEN**: Madam Speaker, Ladies and Gentlemen of the House. I will be real quick. I didn't want to comment on this either, but I wanted to correct an impression that I think might have been left by the good Representative from Bangor, Representative Norton, about the level of communication that goes on between teachers and principals in schools. As most of you know, I teach at the middle school in Camden. I can tell you that when people are unhappy with something, policy wise or any other wise, they have no compunction about letting the principal and superintendent know. We have discussions all the time about policy issues. We have talked about the burden that the Representative spoke of and that resulted in our district giving us a few more early relates days and teacher prep days. We have talked about connecting to kids, because of the challenges they face. That resulted in a policy change to add an advisory period that we know use to make contact with kids every day. Right now our school system in our community is in a very big and heart wrenching discussion about whether we keep our kindergarten in the little yellow schoolhouse in the middle of Camden Village or we move them out to the school out on Route 17 in Rockport. Do we want to keep them there? Is it good to have them in a 150-year-old building in the middle of town? It is a good in a lot of ways. Should they be connected to the other kids? This discussion has been going on for some time. It is

being done in public. It is being done in the newspapers and on the street corners. That is where those discussions, I think, need to take place. It may be that, obviously, school systems vary from place to place and some are more receptive than others. Those are issues that the local people need to be a part of. There is communication. Things get changed. When we start to move that into collective bargaining, all of those discussion, as the good Representative from Calais pointed out, all of a sudden go behind closed doors. They can't be spoken about and they can't be discussed. If they are discussed, then they are discussed in a way of rumors that come out. Discussions about education policy, believe me, as a teacher, I want these discussions to take place. Moving them into collective bargaining, in my feeling, moves them out of sight of the public. I think that is dangerous for the overall discussion that all communities need to have about their kids. I will be voting against this movement.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. I served on the school board for 12 years in my community. It has given me a somewhat different perspective as a school board member. One of the things that we tended to run into was the concept from highly trained superintendents that the school board worked for them, rather than they worked for the school board. Sometimes it took a lot of discussion to bring about a recognition of the role of the school board. The role of the school board is to represent the community. That is the way I have always seen it. It doesn't represent a superintendent, it represents a community. That includes the students and the teachers in the community. One of the problems on being a board member is that after you become a board member, somehow teachers become afraid, I don't know why, to talk to you. Sources of information about what is going on tends to dry up. Nobody wants to really be accountable for providing information to school board members. One of the things that I can see happening with regard to allowing teachers to negotiate educational policy, at least as this amendment goes through the initial stages, is that it opens the door and allows open discussions.

I know that maybe some schools conduct their negotiations with attorneys behind closed doors and maybe that is not the best way to do it. Many schools still conduct discussions with board members and teachers. There is a need for board members to hear about the concerns of teachers with regard to policy. They need to know whether or not the superintendent's pet program is working or not. There is a need for board members to hear from other than just selected teachers that are going to tell the board what the superintendent wants them to know.

I am in favor of this bill because it opens up doors. It doesn't put things behind doors. It opens up doors and allows the kind of free discourse and allows the input from teachers who are one of the most valuable parts of our educational system to be considered by board members. I see this as a way of giving board members more information and the more they have, the better they can act. I will be voting in favor of this bill.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. This bill could probably be properly called the labor lawyer on both sides of the table full employment bill. I think it is important for you to understand that characterization. Those of us who are on the other side of the report did not take a position on the two polarizing sides in terms of all for the teachers or all

for the administrator. There is a middle course that has been laid out. I will try to make the case for that middle course. It is important for you to understand, I am pleased that a lot of people stayed in the chamber, because this is an important issue. It deals with the education of our children, the moral of our teachers, our parents and also the property taxpayers on the local level.

It is important for you to understand that current law now says that a board has the right to meet and consult and that they can meet and talk about a lot of these issues. They can even include it in a contract. If down the road during the length of that contract conditions change in that district, usually financially or fiscally, then that can be withdrawn and not enforced. They do meet and consult over these issues. A good administrator will do that. The current law says that the public, your local citizens, maintain control over what children are taught, how they are taught, how they are supervised and how they are cared for in a school setting. Your local citizens make that decision through their elected school board members. Their responsibility is to the public.

There has been a lot of discussion about what the word permissive means. The committee has spent a lot of time dealing with that. What we begin to see is that can also be must, at least when it comes to labor law as the labor board has interpreted it. What happens now with the school board when it moves to this area of those decisions about class size, what they are taught, length of school day, that is in conjunction and in the public with teachers, parents and taxpayers. What we see here is an expansion in terms that you enter into this and you must continue all the way to mediation. At every one of those steps, both sides, the teachers on one side and the school board/administration on the other side, have lawyers at their elbows and the clock is running faster than a New York taxi caught in a traffic jam. You need to understand what this means for your local school board and what it means in terms of the public, which up to this time has been in charge of that.

You have heard on the other side of the issue how upset teachers are. Once a teacher, you are always a teacher. I know that during the last three years that I taught, upset was a mild word. There is a variety of reasons for it. We have a task force that came back and reinforced this. I have come to the conclusion that even though I voted for it, that learning results has probably been the most damaging thing to our teaching profession in the State of Maine. MEA testing, the amount of time being tested, the years being tested and the long delay in that information coming back and sometimes when you are getting ready to leave the high school. We have learned what is burning out teachers is local let's make up a test by committee. We are seeing increased meeting demands from federal and state special education mandates. You notice I said state. Teachers are getting meetinged to death.

The last three years I taught I worked in the evening. I got up at 4 am to pull it together to make sure everything was in place. I usually talked with my family about what half-day of the weekend was going to be the family day and even that was put under pressure. Many of you always talk about when teachers go on vacation. If you ask your students to read and you ask them to write, this is what you spend your time doing. That is your vacation, trying to get caught up so you can get papers back in a timely manner.

Teachers are angry, very angry about what is happening. Increasingly what is happening is taking them away from children. You can tell that I have strong feelings on both sides of the issue of where the responsibility and the rights belong, with

the public, my local citizens and also what is happening with my profession.

The Majority Report called about continuing a task force. They are the ones that came back and reinforced collectively what is happening to our teacher profession in this state. It is a crisis in terms of their feelings about themselves and their profession and many talking about leaving the profession very early. That is a crisis and it has to be addressed. We are hoping that come next January for those of you who are coming back, that task force now, moving beyond the sampling of what teachers are thinking and the pressures that are upon them, are now going to come back with positive recommendations. That includes teachers on that task force, school board members and administrators and is chaired by the Commissioner of education, who I think is a very good commissioner and she has been very positive about the direction they have been moving. I hope they come back with recommendations that say that one of the administrator's chief concerns for an effective school that works that is a positive place to be for children and teachers is that administrators have to have as one of their top priorities the morale within the school. I would hope they would come back with a recommendation that every superintendent in the State of Maine teaches a class, each day gets into the shoes of the people that are working in that building and do the PETs from that side of the table and do the test construction from that side of the table. I would hope that our certification courses for administrators in this state will begin to look and say, yes, as we talk about community relations, it is important for you to go to the Rotary Club, but you better spend more time in your building and you better spend more time in the classroom and you better become a better reader of people so you understand what is happening to the people in your building. When you demoralize a staff, no matter how hard they try, it impacts the students that are in that class.

I think in many cases, especially in this session, dollars are the bottom line. I think that is one thing that you need to begin to look at. I just found out that my local community has spent \$150,000 on collective bargaining. They aren't done yet. I hope both sides of that negotiation responsible for that, that they could gobble up \$150,000 in a district that is declining in state contribution and relying on the taxpayers and spark a taxpayer revolt in the towns of Kennebunk and Kennebunkport and both sides of the table are willing to squander \$150,000. Maybe on either side of the table someone gets a brand new wing on their house or they maybe get to drive a better model, a Mercedes, but when you pull \$150,000 out of a school unit in the second year of flat funding to give the lawyers instead of investing in your staff and investing in the students, then we have our priorities mixed up.

If you vote for this Ought to Pass report, what you are doing is expanding the categories at which the negotiations are going to occur and increase the amount of time for lawyers at the elbows of people on both sides of the table. If you came here to enrich labor lawyers, then turn your light on. If you came here to try to make sure there is an efficiency of dollars on the local level, then I would hope that you would be voting no on this motion.

I don't know where it is going to end in my district or if it is going to be \$200,000. Can you imagine going to the people in your town and saying that your mil rate is going up and it is not going to be reflected in the classroom? It is not going to be reflected in holding onto excellent teachers. It is going for labor lawyers on both sides of the table. You cannot expand the area of negotiation without driving up the lawyer bills. On the public side of that table, that is paid for by the property taxpayers. Things have got to change in education. If you are a building

administrator or superintendent, there is an emergency in our schools and you have to address it. You have to do it in the classroom and you have to reinforce the positive work Maine teachers are doing.

I am hoping, I think there is a better chance of that committee coming back in January with how do we address this crisis than there is for us opening up the door for even wider negotiation and enrichment of labor lawyers on both sides of the table. I think maybe we can send a message saying we are concerned. The other thing you have to think about is under essential programs and services, up to now when these big bills are run up in your districts, the state paid for it and some of the dollars came from the local community. Under essential programs and services, I would guess that every dollar that is spent on the public side is coming out of your property taxpayers. A majority of the committee believed that there is a middle group. We are angry with both sides. We are angry with lawyers on both sides. We are putting our trust in a task force that we believe will come back in January with recommendations that will end the siphoning of dollars that are needed elsewhere in K-12 education.

I would urge you to vote against this report so that we can then move on to pass the Ought Not to Pass.

Representative MURPHY of Kennebunk **REQUESTED** a roll call on the motion to **ACCEPT** the **Minority 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 PRO TEM**: A roll call has been ordered. The pending question before the House is acceptance of the **Minority Ought to Pass as Amended Report**. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 382

YEA - Adams, Annis, Barstow, Beaudette, Bierman, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Carr, Clark, Cowger, Craven, Cummings, Davis, Dudley, Dunlap, Duplessie, Duprey G, Faircloth, Fischer, Gagne-Friel, Gerzofsky, Grose, Hatch, Hutton, Jackson, Jennings, Ketterer, Lemoine, Makas, Marley, McCormick, McGlocklin, McKee, McLaughlin, Mills J, Moody, Moore, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Percy, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sherman, Simpson, Smith N, Smith W, Tardy, Thomas, Thompson, Trahan, Twomey, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Andrews, Ash, Austin, Bennett, Berry, Berube, Bowen, Bowles, Browne W, Bruno, Bryant-Deschenes, Campbell, Churchill E, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Earle, Eder, Finch, Fletcher, Glynn, Goodwin, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Koffman, Landry, Ledwin, Lerman, Lessard, Lewin, Lundeon, Mailhot, McKenney, Millett, Mills S, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Perry A, Rector, Richardson M, Rogers, Rosen, Sampson, Saviello, Shields, Stone, Sukeforth, Suslovic, Sykes, Tobin D, Tobin J, Treadwell, Vaughan, Young.

ABSENT - Brown R, Churchill J, Dugay, Duprey B, Kaelin, Kane, Maietta, Marraché, McGowan, McNeil, Pellon, Richardson E, Snowe-Mello, Sullivan, Usher, Wotton.

Yes, 69; No, 66; Absent, 16; Excused, 0.

69 having voted in the affirmative and 66 voted in the negative, with 16 being absent, and accordingly the **Minority Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-804)** was **READ** by the Clerk.

Representative CUMMINGS of Portland **PRESENTED House Amendment "A" (H-829)** to **Committee Amendment "A" (H-804)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-804) as Amended by House Amendment "A" (H-829) thereto was ADOPTED.

The Bill was assigned for **SECOND READING** Thursday, April 1, 2004.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

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

**BILLS IN THE SECOND READING
House**

Bill "An Act To Clarify the Administrative and Financial Relationship between the Maine Military Authority and the State of Maine" (EMERGENCY)

(H.P. 1451) (L.D. 1951)

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

The SPEAKER: On the record. The Chair would point out that on Item 7-5, which is LD 1339, bill, "An Act Governing the Laws Campaign Finance" from the Legal and Veterans Affairs Committee, Ought to Pass. There is an error in the summary on this bill. The error references that the bill is the Majority Report of this committee. In fact, it is a unanimous committee report from the Legal and Veterans Affairs Committee. I felt it important to point that out to the body. The error is in the summary and the summary, as you know, has no basis in law. I would like to thank the Representative from Sanford, Representative Bowles, for pointing that out to me. If the House is okay with that, I think it is fine to run the bill on the consent calendar. That error in the summary will not affect how we approach that in terms of law.

**CONSENT CALENDAR
First Day**

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

(S.P. 619) (L.D. 1687) Bill "An Act To Protect the Privacy of Home Information of Maine State Retirement System Members, Benefit Recipients, Trustees and Staff" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-442)**

(S.P. 638) (L.D. 1706) Bill "An Act To Ensure Appropriate Care and Custody of Children Orphaned by Domestic Violence" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-466)**

(S.P. 729) (L.D. 1881) Bill "An Act To Amend the Law Governing the Storage of Spirits" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-469)**

(H.P. 1431) (L.D. 1931) Bill "An Act To Provide for a Limited Transition Provision for Renewal of Certain Social Worker Licenses" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 984) (L.D. 1339) Bill "An Act To Amend the Laws Governing Campaign Finance" Committee on **LEGAL AND**

VETERANS AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (H-828)

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass pursuant to Public Law 2003, chapter 497 and Resolve 2003, chapter 101, section 3** on Bill "An Act Relating to Energy-related Building Standards" (S.P. 790) (L.D. 1948)

Signed:

Senators:

HALL of Lincoln
YOUNGBLOOD of Penobscot

Representatives:

BLISS of South Portland
FLETCHER of Winslow
MOODY of Manchester
ADAMS of Portland
BERRY of Belmont
RICHARDSON of Skowhegan
RINES of Wiscasset

Minority Report of the same Committee reporting **Ought Not to Pass pursuant to Public Law 2003, chapter 497 and Resolve 2003, chapter 101, section 3** on same Bill.

Signed:

Representative:

GOODWIN of Pembroke

Came from the Senate with the Majority **OUGHT TO PASS PURSUANT TO PUBLIC LAW 2003, CHAPTER 497 AND RESOLVE 2003, CHAPTER 101, SECTION 3** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

READ.

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, April 1, 2004.

Divided Report

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass pursuant to Public Law 2003, chapter 497, section 4 and Resolve 2003, chapter 101, section 3** on Bill "An Act Relating to Certain Energy Responsibilities of the Public Utilities Commission"

(S.P. 791) (L.D. 1949)

Signed:

Senators:

HALL of Lincoln
YOUNGBLOOD of Penobscot

Representatives:

BLISS of South Portland
FLETCHER of Winslow
MOODY of Manchester
ADAMS of Portland
BERRY of Belmont
RICHARDSON of Skowhegan
RINES of Wiscasset

Minority Report of the same Committee reporting **Ought Not to Pass pursuant to Public Law 2003, chapter 497, section 4 and Resolve 2003, chapter 101, section 3** on same Bill.

Signed:

Representative:

GOODWIN of Pembroke

Came from the Senate with the Majority **OUGHT TO PASS PURSUANT TO PUBLIC LAW 2003, CHAPTER 497, SECTION 4 AND RESOLVE 2003, CHAPTER 101, SECTION 3** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, April 1, 2004.

On motion of Representative DUNLAP of Old Town, the House adjourned at 1:15 p.m., until 9:00 a.m., Thursday, April 1, 2004.