

# 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  
31st Legislative Day  
Monday, April 5, 2004

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

Prayer by Chaplain Lin Payton, Episcopal Diocese of Maine, Freeport.

Colors presented by ROTC Color Guard, Massabesic High School, Waterboro.

National Anthem by Massabesic High School Chamber Singers, Waterboro.

Pledge of Allegiance.

Doctor of the day, Kristine Pleacher, M.D., Portland.

The Journal of Friday, April 2, 2004 was read and approved.

---

**COMMUNICATIONS**

The Following Communication: (H.C. 386)

**STATE OF MAINE**

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

March 30, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

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

S.P. 710 Joint Resolution Memorializing the United States Congress to Raise the Weight Limit on Interstate 95

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

Sincerely,

S/Sen. Pamela H. Hatch

Senate Chair

S/Rep. Ronald E. Usher

House Chair

**READ and ORDERED PLACED ON FILE.**

---

**REPORTS OF COMMITTEE**

**Ought to Pass Pursuant to Resolve**

Representative NORBERT for the **Joint Standing Committee on Judiciary** on Bill "An Act To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws"

(H.P. 1456) (L.D. 1957)

Reporting **Ought to Pass** pursuant to Resolve 2003, chapter 83, section 9 and Resolve 2003, chapter 101, section 3.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and was assigned for **SECOND READING** Wednesday, April 7, 2004.

---

**Ought to Pass Pursuant to Statutes and Resolve**

Representative SMITH for the **Joint Standing Committee on Business, Research and Economic Development** on Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Business, Research and Economic Development

Regarding the Board of Dental Examiners Pursuant to Reviews Conducted under the State Government Evaluation Act"

(H.P. 1457) (L.D. 1958)

Reporting **Ought to Pass** pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4 and Resolve 2003, chapter 101, section 1.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and was assigned for **SECOND READING** Wednesday, April 7, 2004.

---

**Divided Report**

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "C" (H-848)** on Bill "An Act To Provide Collective Bargaining Rights to Certain Forest Products Workers"

(H.P. 972) (L.D. 1318)

Signed:

Senators:

EDMONDS of Cumberland

STANLEY of Penobscot

Representatives:

SMITH of Van Buren

HUTTON of Bowdoinham

HATCH of Skowhegan

PATRICK of Rumford

JACKSON of Fort Kent

WATSON of Bath

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

Signed:

Senator:

BLAIS of Kennebec

Representatives:

TREADWELL of Carmel

CRESSEY of Baldwin

HEIDRICH of Oxford

NUTTING of Oakland

**READ.**

Representative SMITH of Van Buren 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.

---

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1443) (L.D. 1943) Resolve, Regarding Legislative Review of Portions of Chapter 299: Highway Driveway and Entrance Rules, a Major Substantive Rule of the Department of Transportation (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 1373) (L.D. 1847) Bill "An Act To Implement the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability Regarding Public Notification by Law Enforcement" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-852)**

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

**CONSENT CALENDAR**

**Second Day**

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

(S.P. 626) (L.D. 1694) Bill "An Act To Amend the Motor Vehicle Laws" (C. "A" S-419)

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.

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

**BILLS IN THE SECOND READING**

**Senate as Amended**

Bill "An Act To Modify Taxation of Benefits under Employee Retirement Plans, Including Retirement Plans for Teachers"

(S.P. 764) (L.D. 1927)

(C. "A" S-481)

**House as Amended**

Bill "An Act To Ensure the Accurate Counting of Votes"

(H.P. 1281) (L.D. 1759)

(C. "A" H-842)

Bill "An Act To Implement the Recommendations of the Task Force on the Planning and Development of Marine Aquaculture in Maine"

(H.P. 1383) (L.D. 1857)

(H. "A" H-847 to C. "A" H-844)

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

**ENACTORS**

**Emergency Measure**

An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships

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

(C. "A" H-771; H. "A" H-819)

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

**Emergency Measure**

An Act To Implement the Recommendations of the Community Preservation Advisory Committee Regarding the State Planning Office's Review of Growth Management Programs

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

(C. "A" S-461)

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

Representative DUPLESSIE of Westbrook **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.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

**Emergency Measure**

An Act To Promote Decision Making Within the Workers' Compensation Board

(S.P. 750) (L.D. 1909)

(C. "A" S-458)

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. 115 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

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

**Acts**

An Act Regarding Wildlife Habitat Conservation

(H.P. 604) (L.D. 827)

(C. "A" H-799)

An Act To Improve Subdivision Standards

(H.P. 1195) (L.D. 1617)

(C. "A" H-792)

An Act To Recruit and Retain College Graduates through Loan Repayment

(H.P. 1387) (L.D. 1864)

(C. "A" H-794)

An Act To Protect Health and the Environment by Improving the System for the Collection and Recovery of Mercury-added Thermostats

(H.P. 1407) (L.D. 1901)

(C. "A" H-806)

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

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

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, Directing the Joint Standing Committee on Taxation To Study the State's Participation in the National Streamlined Sales and Use Tax Agreement and Report Legislation Necessary To Bring the State into Conformity with That Agreement

(H.P. 552) (L.D. 746)

(C. "A" H-672)

Resolve, To Implement the Recommendations of the Commission To Study the Scope and Quality of Citizenship Education

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

(C. "A" H-800)

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**.

An Act To Promote Safety and Fair Labor Practices for Forestry Workers

(H.P. 1015) (L.D. 1380)  
(C. "A" H-810)

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

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

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

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. 931) (L.D. 1257) Bill "An Act To Increase Returnable Beverage Container Redemption Rates" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-855)**

(H.P. 1419) (L.D. 1917) Bill "An Act To Implement the Recommendations of the Legislative Youth Advisory Council" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-856)**

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

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 Friday, April 2, 2004, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

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)

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

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

**TABLED** - March 30, 2004 (Till Later Today) by Representative McLAUGHLIN of Cape Elizabeth.

**PENDING** - Motion of same Representative to **RECEDE and CONCUR**.

Subsequently, the House voted to **RECEDE AND CONCUR**. **ORDERED SENT FORTHWITH**.

An Act To Establish the Maine Jobs, Trade and Democracy Act

(H.P. 1337) (L.D. 1815)  
(C. "A" H-783; H. "A" H-801)

**TABLED** - April 2, 2004 (Till Later Today) by Representative DUPLESSIE of Westbrook.

**PENDING - PASSAGE TO BE ENACTED**.

Representative DUPLESSIE of Westbrook **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. This is potentially a good bill. It establishes a commission to study, and we have gone through the whole debate so I won't bore you with all the facts, the impact of foreign trade agreements here in the State of Maine. The Minority Report, the only difference between the Majority Report and the Minority Report is the makeup of the commission. The Majority Report, I think, is a very partisan commission. It doesn't reflect any of the views of the other side of the issue. Because of that, I would urge you to vote against the pending motion.

The **SPEAKER**: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative **HUTTON**: Mr. Speaker, Ladies and Gentlemen of the House. This is really a very important bill. I just wanted to point out that there is one other difference in the Majority Report. That is something that I worked on because I feel very strongly about it. It allows for ex-officio members from a variety of departments from the state. I just want to give you a reason why I wanted to have that done. In February I met with a professor at a law school, Georgetown University, who has been working on these issues, in particular on the ability for states to make their own laws. It is a convoluted way that it affects the states. I want to give you just one example of how it affected possibly our tax dollars and that is the State of California banned MTBE. A company from British Columbia sued the United States government under NAFTA for takings, which is a legal term for you took away our rights to sell in your state. I feel very strongly that our state government needs to be involved in these discussions so we provided, again, for ex-officio members. Thank you.

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. 394**

**YEA** - Adams, Ash, Barstow, Beaudette, Bennett, Bliss, Brannigan, Bull, Bunker, Canavan, Churchill E, Clark, Courtney, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Hatch, Hotham, Hutton, Jackson, Jennings, Kaelin, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Mailhot, Makas, Marley, McGlocklin, McLaughlin, Mills S, Moody, Moore, Norbert, Norton, O'Brien L, O'Neil, Patrick, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Rector, Rines, Rogers, Rosen, Sampson, Saviello, Simpson, Smith N, Smith W, Snowe-Mello, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Trahan, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Andrews, Annis, Austin, Berry, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill J, Clough, Collins, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Fletcher, Glynn, Greeley, Honey, Jacobsen, Jodrey, Joy, Landry, Ledwin, Lewin, McCormick, McKenney, Millett, Murphy, Muse, Nutting, O'Brien J,

Richardson E, Sherman, Shields, Stone, Sykes, Tobin D, Tobin J, Treadwell, Vaughan, Young.

ABSENT - Berube, Bierman, Blanchette, Breault, Dugay, Goodwin, Heidrich, Lundeen, Maietta, Marraché, McGowan, McKee, McNeil, Mills J, Paradis, Peavey-Haskell, Perry A, Richardson J, Richardson M, Tardy, Twomey, Usher, Wotton.

Yes, 80; No, 48; Absent, 23; Excused, 0.

80 having voted in the affirmative and 48 voted in the negative, with 23 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

---

The House recessed until the Sound of the Bell.

---

(After Recess)

---

The House was called to order by the Speaker.

---

Representative DUNLAP of Old Town assumed the Chair. The House was called to order by the Speaker Pro Tem.

---

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

An Act To Implement the Recommendations of the Community Preservation Advisory Committee Regarding the State Planning Office's Review of Growth Management Programs (S.P. 744) (L.D. 1900) (C. "A" S-461)

Which was **TABLED** by Representative DUPLESSIE of Westbrook pending **PASSAGE TO BE ENACTED**.

The **SPEAKER PRO TEM**: A roll call having been previously ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

#### **ROLL CALL NO. 395**

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Beaudette, Berry, Berube, Bliss, Bowen, Bowles, Brannigan, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Canavan, Clough, Collins, Cowger, 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, Grose, Hatch, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lewin, Mailhot, Makas, Marley, McCormick, McGlocklin, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien L, O'Neil, Patrick, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Walcott, Watson, Wheeler, Woodbury.

NAY - Carr, Churchill E, Churchill J, Clark, Honey.

ABSENT - Bennett, Bierman, Blanchette, Breault, Bunker, Campbell, Courtney, Goodwin, Heidrich, Lundeen, Maietta, Marraché, McGowan, McKee, McNeil, Norton, O'Brien J, Paradis,

Peavey-Haskell, Perry A, Richardson J, Richardson M, Tardy, Twomey, Usher, Wotton, Young, Mr. Speaker.

Yes, 118; No, 5; Absent, 28; Excused, 0.

118 having voted in the affirmative and 5 voted in the negative, with 28 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem 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.

**SENATE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (S-460) - Minority (4) Ought Not to Pass - Committee on LABOR on Bill "An Act To Protect the Rights of State Workers"**

(S.P. 374) (L.D. 1150)

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

**TABLED** - April 1, 2004 (Till Later Today) by Representative WATSON of Bath.

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

Subsequently, Representative WATSON of Bath **WITHDREW** his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On motion of the same Representative, the Minority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH.**

---

**SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-473) - Committee on TRANSPORTATION on Bill "An Act To Amend the Motor Vehicle Laws"**

(S.P. 632) (L.D. 1700)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-473)**.

**TABLED** - April 2, 2004 (Till Later Today) by Representative RICHARDSON of Brunswick.

**PENDING - ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Committee Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-473)** was **READ** by the Clerk.

Representative FISCHER of Presque Isle **PRESENTED House Amendment "B" (H-857) to Committee Amendment "A" (S-473)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Presque Isle, Representative Fischer.

Representative **FISCHER**: Mr. Speaker, Ladies and Gentlemen of the House. This is a unanimous committee report and I hope to show you here this morning why I am offering a House Amendment to a unanimous committee report.

I just want to give you a little bit of a background. I know insurance is something that many people don't understand very well. It is complex and it is convoluted. I just want to give you a little bit of background about how Maine law treats insurance.

Maine already has minimum liability standards for everyone in this state. You must carry \$50,000 liability per person and \$100,000 per accident. The way that this is enforced is that you may not register your car unless you have insurance. Further, in the last couple decades, I think, the State of Maine has also mandated that insurance policies also have uninsured motorist liability that is equal to the minimum liability standards. What this would do is if you have insurance and someone without insurance hits you, you would be covered by your own policy. We also mandate under insured motorist coverage, which says that if someone hits you and they don't have enough to cover the accident, then your insurance will pay the balance. There is a problem and it is a problem that I, as an agent, deal with virtually every day. The problem is that some people knowing that they have to register their car go and get insurance, register their car and then they let their insurance lapse. Right now they become an uninsured motorist. This is a problem, as I said, not only for the company and for myself as an agent, because we put time into writing these policies, but it is also a problem for the general public. There is a concern with fairness here. If you do the right thing and someone hits you, why should you have to pay?

Really, I think the most important question for us to consider today is, what is the size of this problem? I spent the weekend up in Presque Isle and I searched the Internet. I found a few references to the size of the problem. The one that I passed out for you this morning is a green sheet. It says, percentage of uninsured motorists by state. This report came from, you can check it yourself because I gave you the website, the Insurance Research Council. It says, that out of the 51 areas, they include the District of Columbia here, Maine is last. Four percent of motorists are uninsured. That is the size of the problem. You may be told by other folks here today that the numbers are a little bit different. All I can tell you is that this is the only thing that I could find on the Internet and no one has shown me anything different.

The 120th Legislature decided that they had a way to fix this problem. The way that they came up with was to require the company to notify the Secretary of State when the liability insurance cancels. They decided the computer system would be the appropriate way to make this work. This created some problems, one of which I commend the committee for trying to fix in their amendment. It had to do with stored vehicles. If you were a person, especially senior citizens who go to Florida for the winter, basically what was happening under the bill the 120th Legislature had passed, was that they would go to Florida and they would store their vehicle so they would cancel their liability coverage because it is very expensive coverage. They would keep their comprehensive coverage. What the bill would have done from the 120th Legislature is it would have suspended their registration and when they came back they would be fined and they would have to pay a reinstatement fee.

When I was elected I went to the Secretary of State and I brought this issue to him and he said, no problem, we'll fix it. I agree that they do that at least reasonably well in the Committee Amendment. That is the problem that they fixed.

I think there are two problems currently with the situation. One happens to be that the Secretary of State has a computer system that he wants to utilize to implement this. If any of you read the *Maine Sunday Telegram* from Sunday, April 4, 2004, the headline of an article written by John Richardson, not the one from the House, State Official gets Heat for System Delay. I would encourage anyone to read it. Basically it says that they spent a whole lot of money on it and it is not done. Many members of the Transportation Committee were quoted in this

article talking about how the Secretary of State's computer system was, in fact, not ready. That is one problem.

The other problem that I have with the Committee Amendment and, again, my House Amendment deals with it, has to do with some of the language. There are a lot of unanswered questions. They are questions about whether or not the situation is going to arise where because right now this computer would be sending the information on cancellations, but what if it crosses the payment in the mail. There is no computer system for that. I know as an insurance agent many times we just have to reinstate people's insurance a few days later. In this instance, their coverage would have already been suspended so they have had to have notified the Secretary of State and the registration would have been suspended. I find to be a problem. Again, my amendment deals with that.

It does two things. First of all, it delays the implementation of the computer system and using that computer system for one year. My take on it is that with only 4 percent uninsured motorists in the State of Maine there is this \$15 or \$20 million computer system, this shouldn't be the number one priority. The problem isn't that big. There are many things this computer system can be used for. I think we should ask the Secretary of State to really push forward on those other things. This is something that will happen in the future. I just don't want to ask the companies to have to comply with something that they don't really know how it works so far.

The other thing that I do with my amendment is simply bring forth some language that asks for major substantive rules so that some of the problems that I seem to see in this might be fixed.

Very quickly, I just want to bring you though a few of the objections that I think you will hear today about this. You are going to hear that this is a unanimous committee report. I will submit to you that I have already pointed out a few weaknesses of the unanimous committee report and all I am asking is basically to help out by strengthening some of these weaknesses. Some people might say that the insurance companies are behind this. I won't deny that. They have a stake in this. I also would like to tell you that they are the only ones paying attention right now. When you get senior citizens in your community, after this law goes into effect, who suddenly has their registration cancelled, they are going to call you and ask why you voted for this. I think it is something that you should consider. Another thing you might hear today is that this is about public safety. I really don't follow this argument to be perfectly honest with you. Liability insurance isn't a protection against accidents. What liability insurance is is a protection in the event of an accident. Having or not having liability insurance doesn't increase or decrease ones odds of getting in an accident. As I said earlier, Maine statute is already quite clear about ways for you to be reimbursed in the event of an accident with an uninsured motorist.

You may also hear that the insurance companies are fully informed and prepared for this computer system. Again, I submit to you that this isn't true. This is, in my opinion, a perfect example of putting the cart before the horse. There is no computer system. They have been given a manual about this computer system that doesn't exist. Somehow or other this is supposed to work. If you read this article from the *Maine Sunday Telegram*, you also find that the tests that they ran on this computer system in 2003, 80 percent of the tests failed. I submit to you again that this computer system is not ready to go.

I will wrap up now. I just wanted to remind you all, you might have heard of a good man by the name of John Adams when he was defending the people of the Boston massacre. He said, "Facts are stubborn things and whatever your wishes or

inclinations or the dictates of our passions, they cannot alter the state of facts and of evidence." I submit to you today that the fact is that this computer system is not ready to go and members of the Transportation Committee are quoted in the paper saying that this is true. The fact is, clarifications need to be made to the law, so we need rulemaking to take care of that. The facts, Mr. Speaker, are indisputable. I ask the body to support House Amendment "B."

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

Representative MCKENNEY: Mr. Speaker, Ladies and Gentlemen of the House. I am so glad that the Representative from Presque Isle is showing some concern over the Secretary of State's computer system, but I assure you that the Transportation Committee has that well under control. We know that is a problem and now the Secretary of State knows that is problem.

To fully understand the bill and the amendment that is before you, you need to go back to the 120th Legislature. The 120th Legislature did something that 12 or 15 legislators before them couldn't do and that is reduce to basically a non-existent number the number of uninsured motorists on the road.

Representative Fischer is absolutely right. Maine is a leader in this regard. We continue to lead. He has mentioned that there is only 4 percent of the motorists on the road that are uninsured. The difference with those numbers lies with the Bureau of Motor Vehicles. The insurance industries numbers only reflect people who have bought insurance. They have no way of knowing how many people cancel their insurance after having it a month. The Bureau of Motor Vehicle says that the number is closer to 10 percent. Let's say it is 5 percent. Let's say that 5 percent of the motorists on the road that are uninsured. It doesn't give me a whole lot of comfort to know that 1 out of 20 cars that go by me is uninsured. It gives me no solace. I think they should all be insured. If my car rolls out of the parking lot, you are going to hope that that is insured as well.

Let's not take a step backwards. This bill, as originally written by the 120th Legislature, the implementation date has already been moved ahead a year, because the Secretary of State's computer system is not ready. If by January of '05 when this is supposed to go into effect the system is still not ready, the Transportation Committee is perfectly capable of moving that date ahead one more time. On the off chance that it is ready, why do we need to leave an uninsured motorist on the road one minute longer than we have to. I suggest that we vote against this amendment. Thank you very much.

Representative MARLEY of Portland moved that **House Amendment "B" (H-857) to Committee Amendment "A" (S-473) be INDEFINITELY POSTPONED.**

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Marley.

Representative MARLEY: Mr. Speaker, Ladies and Gentlemen of the House. Representative Fischer brought forward his concerns. I want to discuss them through rulemaking. He discussed why are we canceling the insurance on stored cars rather than suspending it. The reason why is that currently if they suspend your license after you have withdrawn your insurance because you are going to Florida for the summer, you have a suspension on your record and there is a reinstatement fee. This would eliminate the reinstatement fee and you are going to have a suspension on the record. He had concerns about the language and they had discussed the idea of more rulemaking to clarify the language. That is part of an amendment that I would not have accepted personally, but I would not have opposed. The piece that I am truly opposed to on this and this is what the Representative from Cumberland,

Representative McKenney, discussed was the implementation date, the delay in the implementation date by a year. I am one of the Representatives that was quoted in that article that Representative Fischer discussed. That is one of the reasons why I do not want to stop this implementation. The Secretary of State has been given direction by this Legislature, the 120th Legislature, and I want this Legislature to endorse that and that this is our expectation.

The numbers we have been given by the Secretary of State's Office is there was actually 8.7 percent uninsured motorists in Maine in the year 2003. Since there are 1.2 vehicles registered in the state, that means there are over 104,000 vehicles operated without insurance in violation of the law. That should concern all of us. That should be the issue we are concerned about here. This amendment will simply delay a very proactive sound policy without a public hearing. We did not discuss this this session. We discussed other issues. If the insurance industry was concerned about this, they should have come forward and done a public hearing. The Representative certainly has that capability of doing it. He could do it next session. This is a last minute attempt to delay what was one in the 120th Legislature, which is good sound public policy that protects all of us. I hope you support the Indefinite Postponement. Thank you.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-857) to Committee Amendment "A" (S-473).**

A vote of the House was taken. 90 voted in favor of the same and 20 against, and accordingly **House Amendment "B" (H-857) to Committee Amendment "A" (S-473) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (S-473) 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" (S-473) in concurrence. ORDERED SENT FORTHWITH.**

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

#### SENATE PAPERS

Bill "An Act To Establish a School Leadership District for East Millinocket, Medway and Millinocket" (EMERGENCY)

(S.P. 798) (L.D. 1956)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Damariscotta, Representative Earle.

Representative EARLE: Mr. Speaker, Ladies and Gentlemen of the House. In reference to roll call number 393 on LD 1579, had I been present, I would have voted yea.

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



On motion of Representative CUMMINGS of Portland, the House adjourned at noon, until 9:00 a.m., Wednesday, April 7, 2004 in honor and lasting tribute to Clifford Gilman, of Portland.