

MAINE STATE LEGISLATURE

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House of Representatives
One Hundred and Twenty-First Legislature
State of Maine

Volume I

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Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

ABSENT - Bliss, Dugay, Duprey G, Gerzofsky, Goodwin, Hutton, Landry, Mailhot, Marraché, McGlocklin, Mills J, Muse, Piotti, Twomey.

Yes, 70; No, 67; Absent, 14; Excused, 0.

70 having voted in the affirmative and 67 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, May 9, 2003, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Resolve, To Establish a Task Force on the Planning and Development of Marine Aquaculture in Maine (EMERGENCY) (H.P. 1112) (L.D. 1519)

TABLED - May 9, 2003 (Till Later Today) by Representative BULL of Freeport.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-281)**.

Representative BULL of Freeport **PRESENTED House Amendment "A" (H-327) to Committee Amendment "A" (H-281)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Freeport, Representative Bull.

Representative **BULL**: Mr. Speaker, Men and Women of the House. This is simply a technical drafting error to correct a drafting error from the committee. A word got switched. Thank you Mr. Speaker.

Subsequently, **House Amendment "A" (H-327) to Committee Amendment "A" (H-281)** was **ADOPTED**.

Committee Amendment "A" (H-281) as Amended by House Amendment "A" (H-327) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-281) as Amended by House Amendment "A" (H-327)** thereto and sent for concurrence.

Bill "An Act To Increase Parental Responsibility for Restitution"

(H.P. 842) (L.D. 1139)

(C. "A" H-132)

TABLED - April 29, 2003 (Till Later Today) by Representative BUNKER of Kossuth Township.

PENDING - **PASSAGE TO BE ENGROSSED**.

On motion of Representative BUNKER of Kossuth Township, the Bill and all accompanying papers were **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and sent for concurrence.

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Provide Affordable Health Insurance to Small Businesses and Individuals and To Control Health Care Costs" (H.P. 1187) (L.D. 1611)

Sponsored by Representative O'NEIL of Saco. (GOVERNOR'S BILL)

Cosponsored by Senator TREAT of Kennebec and Representatives: Speaker COLWELL of Gardiner, DAVIS of Falmouth, MILLS of Cornville, RICHARDSON of Brunswick, Senators: President DAGGETT of Kennebec, GAGNON of Kennebec, MAYO of Sagadahoc, TURNER of Cumberland.

Joint Select Committee on **HEALTH CARE REFORM** suggested and ordered printed.

On motion of Representative MILLS of Cornville, was **SET ASIDE**.

Representative MILLS of Cornville **REQUESTED** a roll call on the motion to **REFER** this Bill to the Joint Select Committee on **HEALTH CARE REFORM**.

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 Cornville, Representative Mills.

Representative **MILLS**: Mr. Speaker, Men and Women of the House. I have reservations about the mode of reference to these two bills and would ask that we consider abiding by the Joint Rules and consider an alternative mode of reference so that they might get fuller consideration before the committees that have a deep seeded jurisdictional concern. These two bills taken together may be the most important reform legislation that are considered by this Legislature. I think it is highly important that the members of the Health and Human Services Committee, all 13 of them, and the members of the Insurance and Financial Regulation Committee, all 13 of them, have the full opportunity to participate in the public hearings and work sessions over these bills. The way that the reference order is presently framed, over half of them are, frankly, disenfranchised from participating in the deliberations over this bill. I know that there are members of the Health and Human Services Committee and the Insurance and Financial Services Committee who were not on the select committee who have a deep and abiding concern for the issues that are raised by this extremely significant piece of legislation. The Governor's bill will seek to achieve some thing that has not been done before in the United States or by any state of the United States. It confronts an issue that is a deep concern for all of my constituents and I am sure all of yours.

As I was going door to door, this was the issue that cropped up more frequently than any other, the concern for access to health care. It is not my purpose in rising this morning to delay in any way the consideration of this important issue. It is simply my concern that we enfranchise all of the members of the two relevant committees to participate in the public hearing and the workings of this really crucial issue. For that reason, Mr. Speaker, I with great hesitance ask for a roll call on the matter of reference to the Select Committee.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **REFERENCE** and later today assigned. (Roll Call Ordered)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Preserve the Fund for a Healthy Maine

(H.P. 1188) (L.D. 1612)

Sponsored by Speaker COLWELL of Gardiner. (GOVERNOR'S BILL)

Cosponsored by Senator YOUNGBLOOD of Penobscot and Representatives: DUDLEY of Portland, MOODY of Manchester, PERRY of Calais, RICHARDSON of Brunswick, YOUNG of Limestone, Senators: EDMONDS of Cumberland, KNEELAND of Aroostook, MARTIN of Aroostook.

Joint Select Committee on HEALTH CARE REFORM suggested and ordered printed.

On motion of Representative MILLS of Cornville, was SET ASIDE.

CROSTHWAITE of Ellsworth
BARSTOW of Gorham
BOWEN of Rockport
SUSLOVIC of Portland
SUKEFORTH of Union
BUNKER of Kossuth Township
Minority Report of the same Committee reporting Ought Not to Pass on same Bill.

Signed:

Senators:

ROTUNDO of Androscoggin

LaFOUNTAIN of York

READ.

On motion of Representative McLAUGHLIN of Cape Elizabeth, the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-321) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Tuesday, May 13, 2003.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on LABOR reporting Ought Not to Pass on Bill "An Act To Allow the Buyback of Active Duty Military Time for Maine State Retirement System Credit"

(H.P. 658) (L.D. 881)

Signed:

Senators:

EDMONDS of Cumberland

STANLEY of Penobscot

BLAIS of Kennebec

Representatives:

SMITH of Van Buren

CRESSEY of Baldwin

HEIDRICH of Oxford

NUTTING of Oakland

HUTTON of Bowdoinham

HATCH of Skowhegan

PATRICK of Rumford

JACKSON of Fort Kent

WATSON of Bath

Minority Report of the same Committee reporting Ought to Pass as Amended by Committee Amendment "A" (H-320) on same Bill.

Signed:

Representative:

TREADWELL of Carmel

READ.

On motion of Representative SMITH of Van Buren, the Majority Ought Not to Pass Report was ACCEPTED and sent for concurrence. ORDERED SENT FORTHWITH.

Divided Report

Majority Report of the Committee on STATE AND LOCAL GOVERNMENT reporting Ought to Pass as Amended by Committee Amendment "A" (H-321) on Bill "An Act Concerning Municipal Firearms Discharge Ordinances"

(H.P. 781) (L.D. 1063)

Signed:

Senator:

GILMAN of Cumberland

Representatives:

McLAUGHLIN of Cape Elizabeth

STONE of Berwick

KETTERER of Madison

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

Representative KETTERER: Mr. Speaker, Ladies and Gentlemen of the House. Had I been present on the Roll Call on (6-7), I would have voted yea with the majority. Thank you Mr. Speaker.

CONSENT CALENDAR

First Day

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

(H.P. 1143) (L.D. 1560) Resolve, Regarding Legislative Review of Chapter 1: Community Industrial Building Program, a Major Substantive Rule of the Maine Rural Development Authority (EMERGENCY) Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT reporting Ought to Pass

(H.P. 949) JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REQUIRE THE UNITED STATES DEPARTMENT OF LABOR TO EXAMINE ITS METHODOLOGY FOR CALCULATING RATES IN THE WOODS WAGE SURVEY, TO ESTABLISH HEAVY EQUIPMENT OPERATIONAL RATES AND TO REMOVE BARRIERS TO THE HEALTH AND SAFETY OF PERSONS HARVESTING FOREST PRODUCTS Committee on LABOR reporting Ought to Pass

(H.P. 158) (L.D. 199) Bill "An Act to Protect Children from Cancer-causing Chemicals" Committee on EDUCATION AND CULTURAL AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (H-323)

(H.P. 608) (L.D. 831) Bill "An Act Pertaining to Former Members of the Maine State Retirement System" Committee on LABOR reporting Ought to Pass as Amended by Committee Amendment "A" (H-322)

(H.P. 797) (L.D. 1079) Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws (EMERGENCY) Committee on JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (H-326)

(H.P. 854) (L.D. 1155) Bill "An Act To Include Alternates as Regular Jurors" Committee on JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (H-325)

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **ADOPTED, PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

CONSENT CALENDAR

First Day

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

(H.P. 951) (L.D. 1297) Bill "An Act To Amend the Subdivision Laws" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-330)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-85)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Prevent Abuse of Elephants"

(S.P. 109) (L.D. 327)

Which was **TABLED** by Representative McKEE of Wayne pending her motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

Subsequently, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

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

The same Representative **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**: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **McKEE**: Mr. Speaker, Men and Women of the House. In order for us to go on to the Senate Amendment, I would urge you to pass the Minority Ought to Pass as Amended Report so that we can get to that action of compromise. Thank you.

Although I cannot speak of the Senate Amendment, I think you have your notebooks and you can certainly look it up. We have talked about this this morning. Right now, in order to get to that Senate Amendment of compromise, which we have talked about, we must go ahead and pass this in order to do it. Action in the amendment will get rid of this. I hope that is clear.

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

ROLL CALL NO. 90

YEA - Adams, Annis, Austin, Barstow, Bennett, Berry, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Bunker, Canavan, Courtney, Cowger, Craven, Cummings, Daigle, Davis, Dudley, Duplessie, Duprey B, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel,

Gerzofsky, Glynn, Grose, Hatch, Jackson, Kaelin, Ketterer, Koffman, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McCormick, McGlocklin, McKee, McLaughlin, McNeil, Mills J, Mills S, Moody, Moore, Murphy, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Perry A, Pineau, Pingree, Piotti, Rector, Richardson J, Richardson M, Rines, Rosen, Saviello, Simpson, Sukeforth, Sullivan, Suslovic, Tardy, Thomas, Thompson, Trahan, Twomey, Walcott, Watson, Woodbury, Young, Mr. Speaker.

NAY - Andrews, Ash, Berube, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Cressey, Crosthwaite, Dunlap, Goodwin, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jennings, Jodrey, Joy, Landry, McKenney, Millett, Nutting, Peavey-Haskell, Pellon, Percy, Richardson E, Rogers, Sampson, Sherman, Smith N, Smith W, Snowe-Mello, Stone, Sykes, Tobin D, Tobin J, Treadwell, Usher, Vaughan, Wheeler, Wotton.

ABSENT - Bierman, Curley, Dugay, Duprey G, Hutton, Kane, Laverriere-Boucher, Lewin, Maietta, Marraché, McGowan, Muse, Perry J, Shields.

Yes, 91; No, 46; Absent, 14; Excused, 0.

91 having voted in the affirmative and 46 voted in the negative, with 14 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-85)** was **READ** by the Clerk.

Senate Amendment "A" (S-120) to **Committee Amendment "A" (S-85)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-85) as **Amended by Senate Amendment "A" (S-120)** thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Tuesday, May 13, 2003.

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

Bill "An Act To Provide Affordable Health Insurance to Small Businesses and Individuals and To Control Health Care Costs"

(H.P. 1187) (L.D. 1611)

Which was **TABLED** by Representative RICHARDSON of Brunswick pending **REFERENCE**. (Roll Call Ordered)

Subsequently, Representative MILLS of Cornville **WITHDREW** his **REQUEST** for a roll call.

The **SPEAKER**: The Chair recognizes the Representative from Cornville, Representative Mills.

Representative **MILLS**: Mr. Speaker, Men and Women of the House. I wish to withdraw my request for a roll call on reference of this bill and wish to say that I appreciate your efforts to generate a process by which the other members of the committees would be included in this very important legislation. Thank you very much.

Subsequently, the Bill was **REFERRED** to the Joint Select Committee on **HEALTH CARE REFORM**, ordered printed and sent for concurrence.

The Chair laid before the House the following item:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Preserve the Fund for a Healthy Maine

(H.P. 1188) (L.D. 1612)

Sponsored by Speaker COLWELL of Gardiner. (**GOVERNOR'S BILL**)

Cosponsored by Senator YOUNGBLOOD of Penobscot and Representatives: DUDLEY of Portland, MOODY of Manchester, PERRY of Calais, RICHARDSON of Brunswick, YOUNG of

Limestone, Senators: EDMONDS of Cumberland, KNEELAND of Aroostook, MARTIN of Aroostook.

Subsequently, the Resolution was **REFERRED** to the Joint Select Committee on **HEALTH CARE REFORM**, ordered printed and sent for concurrence.

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

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

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.

HOUSE DIVIDED REPORT - Majority (10) Ought Not to Pass - Minority (3) Ought to Pass as Amended by Committee Amendment "A" (H-199) - Committee on INSURANCE AND FINANCIAL SERVICES on Bill "An Act To Amend the Laws Governing Privacy of Consumer Financial Information"

(H.P. 491) (L.D. 661)

TABLED - May 9, 2003 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - ACCEPTANCE of the Majority **OUGHT NOT TO PASS** Report.

Representative DUDLEY of Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Subsequently, the same Representative **WITHDREW** his **REQUEST** for a roll call.

Representative RICHARDSON of Brunswick moved that the House **RECONSIDER** its action whereby the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **INSURANCE AND FINANCIAL SERVICES FAILED**.

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

Representative **BRUNO**: I am assume we are voting on Reconsideration Mr. Speaker, is that correct?

The **SPEAKER**: That is correct. That is the motion before the body.

Subsequently, **RECONSIDERED** its action whereby the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **INSURANCE AND FINANCIAL SERVICES FAILED**.

Representative BRUNO of Raymond **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

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 Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. Hopefully nothing has changed between last Friday and today when we, in this body, decided not to send this back to committee and decided that we wanted to take up the action of this bill. I would ask that you vote against Reconsideration. Thank you Mr. Speaker.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. I just wanted to clarify that I know many in this chamber are conflicted about this bill. The pending motion is whether or not to send the bill back to committee so the committee may give it further consideration, particularly in the wake of any research that the Attorney General is going to conduct on the degree to which people in Maine have opted out of the sharing of their personal financial information, the degree to which the people in Maine are aware of their right to opt out of the sharing of personal financial information and also the degree to which the hundreds of Maine people annually who are the victims of identity theft are the victims because of this information sharing that happens without their express consent.

I want to clarify that a vote in favor of this motion does not necessarily suggest support for the bill. I merely allows the committee more time to consider the bill, particularly in the aftermath of whatever new information the Attorney General is able to gather.

The **SPEAKER**: The Chair recognizes the Representative from Yarmouth, Representative Woodbury.

Representative **WOODBURY**: Mr. Speaker, Men and Women of the House. This is a complicated issue. The committee would benefit from further consideration. Thank you.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. As stated previously when this bill was brought up in our chamber, the issue of the Attorney General's survey information that he would like to collect, that was all information that the committee knew was available to us. The offer was made at the Insurance and Financial Services Committee workshop that we had on this bill. We were fully aware of that when we voted our recommendations to the House. This issue is nothing new. This is a repeat issue, a perennial issue of the Legislature. This bill would serve to make Maine an outlier in the area of financial services. Maine has worked very hard over the past few years to create a more attractive business environment in the financial services arena, including the passage of the universal bank charter legislation in 1997. The universal bank charter legislation was passed in anticipation of the passage of the financial services modernization legislation on the federal level, which ultimately passed in 1999 as Graham, Leach, Bliley through such progressive information and the efforts of many Maine businesses. We have been successful in attracting financial service providers to locate here in the State of Maine. Supporting of LD 661 would result in Maine not only having the same

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

The Chair reminded Representative GLYNN of South Portland to stay as close as possible to the pending question.

Representative **GLYNN**: Thank you Mr. Speaker. Again, stating the reasons why the Committal would be to a disadvantage to this body and to the business climate here in the State of Maine. Supporting LD 661, which referring back to this committee would result in Maine not having the same law as the federal/national law. Maine's financial services providers would be at a disadvantage.

On **POINT OF ORDER**, Representative DUDLEY of Portland asked the Chair if the remarks of Representative GLYNN of South Portland were germane to the pending question.

The Chair reminded Representative GLYNN of South Portland to stay as close as possible to the pending question.