

# MAINE STATE LEGISLATURE

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

**Volume III**

**Second Special Session**

April 8, 2004 - April 30, 2004

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Ensure the Economic Viability of the Harness Racing Industry"

(H.P. 472) (L.D. 642)

Signed:

Senators:

LEMONT of York  
GAGNON of Kennebec

Representatives:

CLARK of Millinocket  
GLYNN of South Portland  
BROWN of South Berwick  
MOORE of Standish  
BLANCHETTE of Bangor  
CANAVAN of Waterville  
LANDRY of Sanford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-906)** on same Bill.

Signed:

Senator:

MAYO of Sagadahoc

Representatives:

HOTHAM of Dixfield  
PATRICK of Rumford  
JENNINGS of Leeds

**READ.**

Representative PATRICK of Rumford moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

Representative GLYNN of South Portland asked the Chair to **RULE** if **Committee Amendment "A" (H-906)** was germane to the Bill.

Subsequently, the Bill was **TABLED** by the Speaker pending a **RULING OF THE CHAIR**.

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

**UNFINISHED BUSINESS**

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

Bill "An Act To Further Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners" (EMERGENCY)

(H.P. 1409) (L.D. 1903)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860)**.

**TABLED** - April 13, 2004 (Till Later Today) by Representative RICHARDSON of Brunswick.

**PENDING - ADOPTION OF HOUSE AMENDMENT "A" (H-875) to COMMITTEE AMENDMENT "A" (H-860)**. (Roll Call Ordered)

Representative DUNLAP of Old Town assumed the Chair.

The House was called to order by the Speaker Pro Tem.

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

Representative **MILLS**: Mr. Speaker, Ladies and Gentlemen of the House. I just wish to say one or two words about this amendment. I know we had an intense and lengthy debate about the issue. I know that there are many people in this chamber who want to go down on record as being tough on our criminal population. They want people locked up. They want dangerous people incarcerated. They don't want them on the street. Frankly, it comes down to a matter of judging or making a judgment between cost on the one hand and severity of punishment or incarceration on the other. It disturbs me greatly that the people that propounded this amendment are the very same people who have said in response to Commissioner Magnusson who wants \$2.7 million to incarcerate his current population decently have said, no, you can't have the money. We are going to give you \$1.4 million and that is it. We don't care if they sleep on the floor or how they are treated. We are going to go on record as being tough on these folks and we are not going to give you the money to run a descent prison. I don't see how we can have this both ways. I think that the people that are saying that they want to harden up the report from the commission that unanimously voted for these provisions are talking out of both sides of their mouths when it comes to our incarceration and corrections policies. I think there has been an awful lot of thoughtful and good work that went into this unanimous report from the Committee on Criminal Justice. I am not always one to honor the work of committees. I think in this instance the care and the thoughtfulness and the consensus that was achieved is something that needs to be honored by this institution and particularly if in the alternative we are not prepared to appropriate the funds necessary to carry out the more severe policies that some in this chamber would like to see implemented. I think that we need consistency in policy making and to be consistent we should reject this amendment and go on to enact the bill as it was prepared, written and sent up to us after all that careful work and labor that went into the creation of it and the very hard work that went into achieving a complete consensus on the terms and conditions of this bill. Thank you Mr. Speaker.

The **SPEAKER PRO TEM**: A roll call having been previously ordered. The pending question before the House is Adoption of House Amendment "A" (H-875) to Committee Amendment "A" (H-860). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 450**

**YEA** - Andrews, Annis, Beaudette, Bennett, Berry, Berube, Bunker, Campbell, Carr, Clough, Collins, Craven, Crosthwaite, Dudley, Dugay, Duprey B, Faircloth, Gagne-Friel, Greeley, Joy, Kaelin, Kane, Lewin, Marley, McGowan, McKenney, McNeil, Moore, Murphy, Muse, O'Brien J, Peavey-Haskell, Perry A, Rector, Rosen, Stone, Tardy, Thomas, Thompson, Trahan, Walcott, Watson, Wheeler.

**NAY** - Adams, Ash, Austin, Barstow, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Canavan, Churchill E, Churchill J, Clark, Courtney, Cowger, Cummings, Curley, Daigle, Davis, Dunlap, Duplessie, Duprey G, Earle, Eder, Finch, Fischer, Fletcher, Gerzofsky, Glynn, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Ketterer, Koffman, Ledwin, Lessard, Lundeen, Maietta, Mailhot, Makas, Marraché, McCormick, McGlocklin, McKee, McLaughlin, Millett, Mills J, Mills S, Moody, Norbert, Norton, Nutting, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Richardson M, Rogers, Sampson, Saviello, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Sukeforth, Sullivan, Suslovic, Sykes, Tobin D, Tobin J, Treadwell, Twomey, Usher, Woodbury, Wotton, Young.

ABSENT - Cressey, Goodwin, Jennings, Jodrey, Landry, Lemoine, Lerman, Rines, Sherman, Vaughan, Mr. Speaker.

Yes, 43; No, 97; Absent, 11; Excused, 0.

43 having voted in the affirmative and 97 voted in the negative, with 11 being absent, and accordingly the motion to **ADOPT House Amendment "A" (H-875) to Committee Amendment "A" (H-860) FAILED.**

Representative BLANCHETTE of Bangor **PRESENTED House Amendment "B" (H-884) to Committee Amendment "A" (H-860)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. This is a technical amendment to this LD. When we were going through the bills and working the bills we changed the language in one portion of the bill and omitted the change in the second part of the bill. This is just a technical change to correct the language. Thank you.

**House Amendment "B" (H-884) to Committee Amendment "A" (H-860) was ADOPTED.**

**Committee Amendment "A" (H-860) as Amended by House Amendment "B" (H-884) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-860) as Amended by House Amendment "B" (H-884) 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:

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Joint Select Committee on **REGIONALIZATION AND COMMUNITY COOPERATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-510)** on Bill "An Act To Promote Intergovernmental Cooperation, Cost Savings and Efficiencies" (S.P. 767) (L.D. 1930)

Signed:

Senators:

DAMON of Hancock  
 ROTUNDO of Androscoggin  
 WOODCOCK of Franklin  
 BLAIS of Kennebec

Representatives:

McLAUGHLIN of Cape Elizabeth  
 SUSLOVIC of Portland  
 TARDY of Newport  
 MILLS of Farmington  
 BARSTOW of Gorham  
 BOWEN of Rockport  
 O'BRIEN of Lewiston  
 KOFFMAN of Bar Harbor  
 BENNETT of Caribou

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

Signed:

Representatives:

PEAVEY-HASKELL of Greenbush  
 MURPHY of Kennebunk

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-510) AS AMENDED BY SENATE AMENDMENT "A" (S-517)** thereto.

**READ.**

Representative McLAUGHLIN of Cape Elizabeth moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Men and Women of the House. I just want to take a couple minutes to talk about this. The rural caucus has been fortunate to have members of the Regionalization Committee attend our meetings for the last several days to discuss this particular bill and one other one that we will probably be seeing later to advise us what was in it and they have actually made some amendments and some adjustments to some of our concerns. I still have some concerns. I just want to share those with you. The biggest one that I have is the fact that there is \$3.5 million that is taken off the top of GPA that would normally go to school districts that are in dire need of the money, especially this year, to be dispersed for different schools that would participate in the consolidation efforts.

On **POINT OF ORDER**, Representative McLAUGHLIN of Cape Elizabeth asked the Chair if the remarks of Representative CARR of Lincoln were germane to the pending question.

The Chair reminded Representative CARR of Lincoln to stay as close as possible to the pending question.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative **CARR**: Thank you Mr. Speaker. I think I was doing fine until I mentioned GPA. I will reserve my comments until it does come up. Thank you.

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

Representative **JOY**: Mr. Speaker, Ladies and Gentlemen of the House. This bill is just as bad as the one that Representative Carr was referring to. I would like to make a few comments on it. This is another one of those bills where everything is supposed to be voluntary. This advisory committee that is supposed to be formed here will have the authority to present legislation to this body. I realize that anybody in the state can present legislation to one of the legislators and ask them to put it in for them. This is not going to be a voluntary activity. It is going to be a top down activity.

The biggest problem that I can see here is that it eliminates the chance for local and county and state governments to really branch out and work on their own. Two of the members of this advisory committee are to be members of our regional development group that we have. One of the problems that I have with that organization or any of those organizations being put on this advisory committee is that they always have a two-fold purpose. Anytime that they are working toward development or anything of this nature, they are also working towards raising money to make sure that they perpetuate their job. I know. I have worked with them many times and have made that statement and they never deny it. It is there.

The other thing I have is the problem with two non-governmental organizations being on here. One a non-profit and one for profit. I can see right away just exactly what direction that will lead the advisory committee.

Ladies and gentlemen, again, as I said, this bill is every bit as bad as the other one that will be forthcoming and certainly does not deserve the consideration of this body. I urge you to defeat