

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twentieth Legislature
State of Maine

Volume II

First Regular Session

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Second Regular Session

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Pages 890-1770

Emergency Measure

Resolve, Authorizing a Study of the Governance and Administrative Structure of the Workers' Compensation System and Authorizing One-time Uses of the Workers' Compensation Board Reserve Account

(S.P. 77) (L.D. 297)
(C. "A" S-266)

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. 105 voted in favor of the same and 27 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish a Task Force to Examine the Establishment and Implementation of State Standards for Indoor Air Quality in Maine Schools

(H.P. 725) (L.D. 945)
(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. 123 voted in favor of the same and 5 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish the Commission to Study Ways to Eliminate Cigarette Litter in Maine

(H.P. 1314) (L.D. 1778)
(C. "A" H-549)

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

On motion of Representative RICHARDSON of Brunswick, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

The same Representative **PRESENTED House Amendment "A" (H-636)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. This House Amendment strips the emergency enactment clause.

Representative **WATERHOUSE** of Bridgton **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-636)**.

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 Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. It seems as if in every Legislature there is a barking dog bill. We did lay to rest already the barking dog bill, the butt bill, but this is the son of the barking dog. As we look at setting our priorities, at this point, given the money conditions, they should rise to the level of being able to pass as an emergency

bill in terms of being a top priority of this body. I think stripping off the emergency is a clear sign that this bill does not rise to that level that it warrants being paid for by a tax increase.

I would also raise a procedural question that by stripping off the emergency, this would mean that this study, which will be reporting back to the second session, would not be able to have its membership in place in its first meeting prior to mid-September or the end of September. I think this bill really needs to have a muzzle put on it. I would urge you to vote against son of barking dog.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. This bill like all the other bills will go down onto the Appropriations Table and compete with everything else. I know this offends some people. This is not the cigarette redemption bill. More importantly, it is a bill more like the environment, because what it does is it looks at cigarette butts, which are not biodegradable, and determines that perhaps there is a different way of looking at it. Perhaps there is a different way of doing business that might reduce down the cigarette litter in Maine and do something for our environment. It might also reduce down the millions of dollars the State of Maine and its municipalities pay to clean up cigarette litter in the State of Maine. It also might reduce down the millions of dollars that our innkeepers who brought this bill to us pay in order to keep down the costs of cigarette littering. I just ask that you simply allow this to go down and compete on the table like the rest of the barking dogs.

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

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. As a former talk show host, I used to love these bills. These are things that we can talk about. This provides up food for thought for a long time. I think the talk show hosts in Portland and other places owe us a debt of gratitude for passing bills like this because this gives them plenty of opportunity to make fun of the Legislature. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-636). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 307

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Brannigan, Brooks, Bryant, Bull, Canavan, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, McDonough, McGlocklin, McKee, McLaughlin, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Twomey, Volenik, Watson, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bouffard, Bowles, Bruno, Buck, Bumps, Carr, Chase, Chick, Clough, Crabtree, Cressey, Dugay, Duncan, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, Madore, Mayo, McGowan, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Povich, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Young.

ABSENT - Bagley, Bunker, Cummings, Daigle, Estes, Green, Labrecque, Lovett, Marrache, Muse K, Stanley, Tuttle, Winsor.
Yes, 75; No, 63; Absent, 13; Excused, 0.

75 having voted in the affirmative and 63 voted in the negative, with 13 being absent, and accordingly **House Amendment "A" (H-636)** was **ADOPTED**.

Representative KASPRZAK of Newport **REQUESTED** a roll call on **PASSED 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. 308

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Brannigan, Brooks, Bryant, Bull, Canavan, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, McDonough, McGlocklin, McKee, McLaughlin, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Twomey, Volenik, Watson, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bouffard, Bowles, Bruno, Buck, Bumps, Carr, Chase, Chick, Clough, Crabtree, Cressey, Dugay, Duncan, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, Madore, Mayo, McGowan, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Povich, Quint, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Bunker, Cummings, Daigle, Estes, Green, Labrecque, Lovett, Marrache, Muse K, Stanley, Tuttle.

Yes, 74; No, 65; Absent, 12; Excused, 0.

74 having voted in the affirmative and 65 voted in the negative, with 12 being absent, and accordingly the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-549)** and **House Amendment "A" (H-636)** in **NON-CONCURRENCE** and sent for concurrence.

**Emergency Measure
Resolve Pursuant to the Constitution
Public Land**

Resolve, Authorizing a Land Transaction by the Bureau of Parks and Lands

(H.P. 1337) (L.D. 1791)
(H. "A" H-637 to C. "A" H-582)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provision of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 8 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Mandate

An Act to Implement Changes in Cost-sharing Agreements in School Districts

(H.P. 977) (L.D. 1301)
(C. "A" H-628)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 29 against, and accordingly the Mandate 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**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-271)** on Bill "An Act to Strengthen the Authority of the Bureau of Insurance"

(S.P. 172) (L.D. 590)

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

DUDLEY of Portland

MICHAEL of Auburn

SMITH of Van Buren

MAYO of Bath

O'NEIL of Saco

CANAVAN of Waterville

MARRACHÉ of Waterville

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

Signed:

Senators:

LaFOUNTAIN of York

ABROMSON of Cumberland

Representatives:

YOUNG of Limestone

SULLIVAN of Biddeford

GLYNN of South Portland

Came from the Senate with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

Representative O'NEIL of Saco moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative KASPRZAK of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

ROLL CALL NO. 309

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Brannigan, Brooks, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry,