

# 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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present today sends his regrets for not being here and asks that I sincerely thank you for your long association with him during his career.

Finally, I want to express my thanks during our two-year acquaintanceship and developing friendship and being also available to assist our committee and doing your best to serve the people of our beloved state with caring and compassion. May your retirement be spent in part, at least, cruising the beautiful Kennebec, which lies almost at your doorstep? Thanks Peter and God bless.

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

Representative O'BRIEN: Mr. Speaker, Colleagues of the House. I am caught a little off guard. I didn't realize this was going to be on the calendar today. I am just going to wing my remarks. I have to go on record as saying thank you to Peter Walsh. I have known Peter long before I became a member of this body. I knew him when he was quite a fine softball player, but a terrible driver. Those of you who have been around any amount of time know that I have been quite vocal when it comes to DHS issues. I have to say that Peter has always been very open, honest and really, really listened to what we have had to say. He has earned my respect and admiration and I consider him a good friend. I wish Peter and his family well in the days ahead. Thank you, Peter.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative MILLETT: Mr. Speaker, Ladies and Gentlemen of the House. I would like to add my words of congratulations and recognition to Peter Walsh to those who have already spoken. Peter is somewhat of a unique character in Maine State government having served in positions of leadership at the appointed level dating way back to 1977. Think about that and you realize that for a span of five administrations and 27 years he has served in positions in which he has been less than secure, always accountable and representing a leadership role in a very crucial department. His reputation for fairness, commitment, dedication and support of children's issues, in particular, will live for a long time. I wish him well. I recognize him for all that he has given to state government and wish him well in retirement. Thank you.

Subsequently, was **PASSED** and sent for concurrence.

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Representative McKEE of Wayne assumed the Chair.  
The House was called to order by the Speaker Pro Tem.

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**Recognizing:**

the members of the Deering High School Varsity Girls Basketball Team, who won the 2004 Class A State Championship: Katie Gagnon, Lucretia Joy, Stephanie Ramonas, Megan Urban, Tanya Joy, Catherine Joyce, Heather Linnell, Rashema Murphy, Maria Manduca, Jill Piacentini, Quintina Young, Sarah Deroche and Andrea Mailo; coach Mike D'Andrea; assistant coaches Kelly Burghardt, Billy Goodman and Jack Coyne; and manager Neenu Choolani. We send our congratulations and best wishes to the team on this accomplishment;

(HLS 1464)

Presented by Representative CUMMINGS of Portland.

Cosponsored by Representative DUDLEY of Portland, Representative EDER of Portland, Representative SUSLOVIC of Portland, Representative ADAMS of Portland, Representative NORBERT of Portland, Representative BRANNIGAN of Portland,

Representative MARLEY of Portland, Representative DAVIS of Falmouth, Representative MOODY of Manchester, Senator BRENNAN of Cumberland, Senator STRIMLING of Cumberland.

On **OBJECTION** of Representative CUMMINGS of Portland, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative CUMMINGS: Madam Speaker, Ladies and Gentlemen of the House. It is very fitting that we would have a female pro tem at this moment as we celebrate the excellent accomplishments of the Deering High School female basketball champions this year. It has been a long time since Deering High School has won a championship. It was so long ago that it was long before Representative Moody graduated from Deering back a few years ago. It is obviously a great moment of pride for us. It is an exceptional moment of pride that both Portland High School and Deering High School in a single year would have accomplished so much. We also specifically wanted to say that this is one of the few teams this year to win 17 straight basketball games. The final one against some very noble opponents at Cony High School. It is my privilege to present this Special Sentiment to them today and to honor the Deering High School Lady Rams.

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

Representative O'BRIEN: Madam Speaker, Colleagues of the House. I must admit that I was probably a little overconfident and a little braggart earlier in the season. I will be gracious in my remarks to the Deering High School Basketball Team. It was a great game. You did a wonderful job in defeating my team, the Cony High School Rams. I know we are not allowed to have props, but I have something on my desk for Representative Cummings and the entire delegation. I have one and Representative Cummings you can auction it off, raffle it or whatever among your fellow delegates. Again, I want to thank them for a wonderful game and offer my congratulations and a little bit of a warning. Cony High School Girl's Basketball Team has no seniors on the team. Thank you and congratulations.

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

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House. I just would like to point out that Mike D'Andrea is a former student of mine at Portland High School. Deering had to take a Portland High graduate to be champ. Congratulations to the team. Thank you.

Subsequently, was **PASSED** and sent for concurrence.

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-465)** on Resolve, To Increase Eligibility for Consumer-directed Personal Care Assistance Services To Promote Independence for Maine Citizens (EMERGENCY)

(S.P. 748) (L.D. 1904)

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 Resolve.

Signed:

Senator:

BLAIS of Kennebec

Representatives:

TREADWELL of Carmel  
CRESSEY of Baldwin  
HEIDRICH of Oxford  
NUTTING of Oakland

Came from the Senate with the Reports **READ** and the Resolve and accompanying papers **INDEFINITELY POSTPONED.**

**READ.**

Representative SMITH of Van Buren moved that the Resolve and all accompany papers be **INDEFINITELY POSTPONED.**

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

Representative **SMITH:** Madam Speaker, Ladies and Gentlemen of the House. The reason for the motion to Indefinitely Postpone this Resolve and the accompanying papers is that the Majority Report, which was presented in this Resolve sought to require the Department of Labor to be involved in rulemaking with regard to consumer directed personal care assistant services. In the budget, which is before us, under the filing number of (H-904) the language which we had sought to have included by this particular report is now in the budget. For that reason, this report is no longer necessary. We have moved Indefinite Postponement.

Subsequently, the Resolve and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

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Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Provide Property Tax Relief for Maine Residents and Businesses and Implement Comprehensive Tax Reform"

(H.P. 844) (L.D. 1141)

Signed:

Senators:

STANLEY of Penobscot  
STRIMLING of Cumberland  
NASS of York

Representatives:

LEMOINE of Old Orchard Beach  
LERMAN of Augusta  
COURTNEY of Sanford  
CLOUGH of Scarborough  
PERRY of Bangor  
SIMPSON of Auburn  
McCORMICK of West Gardiner  
TARDY of Newport  
SUSLOVIC of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-901) on same Bill.

Signed:

Representative:

McGOWAN of Pittsfield

**READ.**

Representative LEMOINE of Old Orchard Beach moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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## CONSENT CALENDAR

### First Day

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

(S.P. 775) (L.D. 1942) Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A"** (S-508)

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence. **ORDERED SENT FORTHWITH.**

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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 (11) Ought to Pass as Amended by Committee Amendment "B"** (H-814) - **Minority (2) Ought Not to Pass - Committee on LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations"

(H.P. 996) (L.D. 1354)

**TABLED - March 30, 2004 (Till Later Today)** by Representative CLARK of Millinocket.

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

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

Representative **GLYNN:** Madam Speaker, Ladies and Gentlemen of the House. You have before you a bill that represents a major and expansive change to the gambling laws in the State of Maine which is going to open up all of our communities to slot machines. The proposal before you allows up to five slot machines to be located in all the non-profit paternal organizations in the State of Maine to have them located in your community, my community, our neighboring communities. It represents a very poor public policy decision. Gambling slot machines are illegal. These types of machines are illegal for these organizations. They cannot set these up wagering for money with cash payoffs like the Racinos. In the law that has been proposed by the committee, it is much weaker than the proposal that we considered just recently with LD 1820, which is to allow Racinos in the State of Maine.

I would like to go over some of those differences. The first difference is that under this amendment, and I urge people to dig it out and really take a hard look at the amendment that you are considering adopting. This is House Amendment 814. The payout on the slot machines is going to be 80 percent. Under the agreement that the same committee, the Legal and Veterans Affairs Committee recommended to you on LD 1820, they said it was unfair for a payout on the slot machine to be any less than