

# MAINE STATE LEGISLATURE

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

**Volume III**

**Second Regular Session**

March 7, 2002 – April 25, 2002

**First Special Session**

November 13, 2002 - November 14, 2002

Pages 1771-2574

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

An Act to Amend the Maine Overtime Pay Provisions Regarding Certain Drivers and Drivers' Helpers  
(H.P. 1611) (L.D. 2108)  
(C. "A" H-999)

Which was **TABLED** by Representative NORBERT of Portland pending **PASSAGE TO BE ENACTED**.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. Just a short note to read in the record. The purpose behind the emergency preamble to this legislation centers around the retroactive nature of the exemption created in Subsection G, which is included in order to avoid the filing of multiple lawsuits regarding Maine Overtime Law and its application to Maine's Interstate Truck Driving Industry. A trucking industry in Maine is an interval part of the state's economy, which delivers 95 percent of all finished products to Maine businesses and consists of more than 1,200 companies and employs over 20,000 drivers. The Labor Committee believed that such retroactive affect was both important and necessary. Giving this legislation immediate affect will provide for the ordinary process of rulemaking to move forward and to allow for the education of the industry to provide for the smooth transition to the Washington State Model, which in accordance with the act will become effective September 1, 2003. Thank you.

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. 121 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate. **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.

**JOINT ORDER** - Relative to the Joint Standing Committee on Marine Resources reporting out to the House a Bill Dealing with One-time License Transfers of Sea Urchin Drag Licenses  
(H.P. 1705)

**TABLED** - March 25, 2002 (Till Later Today) by Representative NORBERT of Portland.  
**PENDING - PASSAGE.**

Subsequently, the Joint Order was **PASSED** and sent for concurrence.

**JOINT ORDER** - Relative to the Joint Standing Committee on Criminal Justice reporting out to the House a Bill adding a representative of a statewide association of fire chiefs to the Emergency Medical Services' Board  
(H.P. 1703)

**TABLED** - March 25, 2002 (Till Later Today) by Representative NORBERT of Portland.  
**PENDING - PASSAGE.**

Subsequently, the Joint Order was **PASSED** and sent for concurrence.

**JOINT ORDER** - Relative to Directing the Joint Standing Committee on Legal and Veterans Affairs to Report Out Legislation Regarding Reimbursement for Stolen Lottery Tickets  
(H.P. 1699)

- In House, **PASSED** on March 20, 2002.

- In Senate, **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

**PENDING - FURTHER CONSIDERATION.**

On motion of Representative TUTTLE of Sanford, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

Bill "An Act Regarding the Payment of Severance Pay"

(H.P. 1551) (L.D. 2054)

- In House, Report "A" (8) **OUGHT TO PASS AS AMENDED** of the Committee on **LABOR READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-929) on March 19, 2002.

- In Senate, Report "B" (4) **OUGHT NOT TO PASS** of the Committee on **LABOR READ** and **ACCEPTED** in **NON-CONCURRENCE**.

**PENDING - FURTHER CONSIDERATION.**

Representative BUNKER of Kossuth Township moved that the House **ADHERE**.

Representative TREADWELL of Carmel moved that the House **RECEDE AND CONCUR**.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker; Men and Women of the House. We obviously debated this at length a few days ago. This body passed it and moved it forward. I would ask you all to stick to your votes and to vote down this Recede and Concur and move on to my prior motion of Adhere. Thank you.

Representative DUNLAP of Old Town **REQUESTED** a division on the motion to **RECEDE AND CONCUR**.

The Chair ordered a division on the motion to **RECEDE AND CONCUR**.

A vote of the House was taken. 44 voted in favor of the same and 72 against, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **ADHERE**.

**HOUSE DIVIDED REPORT** - Majority (7) **Ought to Pass as Amended by Committee Amendment "B" (H-947)** - Minority (6) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act to Safeguard Volunteer Firefighters' Regular Employment"  
(H.P. 1449) (L.D. 1946)

**TABLED** - March 20, 2002 (Till Later Today) by Representative COLWELL of Gardiner.

**PENDING - ACCEPTANCE OF EITHER REPORT.**

Representative BUNKER of Kossuth Township moved that the House **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

Representative **HUTTON**: Mr. Speaker, Men and Women of the House. This bill is an attempt to protect our volunteer firefighters from losing their job if they are fighting a fire for their town. It is something very basic. It simply says that a firefighter