

# 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**

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**First Special Session**

November 13, 2002 - November 14, 2002

Pages 1771-2574

**Appendix**  
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94 having voted in the affirmative and 46 voted in the negative, with 11 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

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

**BILLS RECALLED FROM ENGROSSING DEPARTMENT**

(Pursuant to Joint Order – House Paper 1732)

Bill "An Act to Create the Maine Rural Development Authority"  
(H.P. 1724) (L.D. 2212)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-559)**.

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 Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED House Amendment "B" (H-1086)** which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, May I pose a question through the Chair?

The **SPEAKER PRO TEM**: The Representative may pose his question.

Representative **WATERHOUSE**: Thank you Mr. Speaker, to anybody who could answer, the amendment that this went on, it was my understanding of the reading of it that if a municipality is lacking some kind of private investment in something, which means the private investor doesn't think it is a good idea, that we are going to go ahead and give funding for that.

The other question is on the Senate Amendment it says that expenses are subject to other funding. Could somebody explain to me what they mean by other funding?

The **SPEAKER PRO TEM**: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. In order to answer that question about the private enterprise and whether or not private concerns will come in and essentially bail out a town, we can think of a number of instances in the State of Maine where a single largest employer leaves town. The private investment certainly isn't there because the infrastructure no longer exists. Perhaps the tax base now has been reduced by about 50 percent. In those very rare circumstances, this is something the good Representative from Kennebunk and the good Representative from Scarborough insisted upon when we put this bill together, in rare circumstances we would have the opportunity to go in when private investment, because of a chronically ill, if you will, town or municipality, we would have the opportunity to go in and take some course of action when private investment would not step in. That was to keep the social fabric, if you will, of a community together. That was the reason for that.

The second question you have was with respect to expenses. That was the Senate Amendment. What that did was that was a technical amendment, which OPLA had asked us to place on the

bill. The reason for that is because there were some very small costs, which the Department of Economic and Community Development was going to incur, start-up costs for this authority to get started. You needed that enabling language to allow the Department of Economic and Community Development to get this program started if, in fact, we were to pass this on final enactment.

I hope that answers your questions.

**House Amendment "B" (H-1086)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "B" (H-1086) and Senate Amendment "A" (S-559) in NON-CONCURRENCE** 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:

**ENACTORS**

**Acts**

An Act to Update the Department of Defense, Veterans and Emergency Management Laws

(H.P. 1288) (L.D. 1752)

(C. "A" H-837; H. "C" H-946; S. "B" S-557)

An Act to Implement the Recommendations of the Committee to Review the Child Protective System

(H.P. 1644) (L.D. 2149)

(C. "A" H-1078)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act to Amend the Motor Vehicle Laws

(H.P. 1406) (L.D. 1844)

(S. "A" S-524 to C. "A" H-941)

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

On motion of Representative KASPRZAK of Newport, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. You will recall that we heard the merits of this very wonderful bill last night from the Representative from Brewer. I would just remind you that there is a fee increase in here for truckers. If you believe that a fee is a type of tax, then I would encourage you to vote against this. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. I want to remind you that this has nothing to do with the truck weights. This simply has to do with the fee of oversized vehicles that are usually escorted. People that are bringing in modular homes. These are oversized. That is the permit fee that is being increased. It is still going to be \$10 on the low scale, the lowest fee in the United States of America. Just a faint reminder of that. It has nothing to do with the weights or anything, just the size of the vehicles.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. With all due respect, I would remind members that this may be one of the lowest fees in the United States, but we are the number one taxed state. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Woolwich, Representative Peavey.

Representative **PEAVEY**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose her question.

Representative **PEAVEY**: Thank you Mr. Speaker. To anyone who can answer it, when I read the amendment (H-941), number two says that if a person is operating an unregistered vehicle, they would now be charged with a traffic infraction. If someone forgets to register their car, are they then going to have a traffic infraction, which would take a point off their license the same way if they had been run in for speeding?

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 625**

YEA - Ash, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tuttle, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bruno, Bryant, Buck, Bumps, Carr, Chase, Chick, Clough, Collins, Cressey, Daigle, Davis, Dugay, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, Lundeen, MacDougall, Madore, McGowan, Mendros, Michael, Morrison, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Quint, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Twomey, Usher, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Annis, Bagley, Baker, Crabtree, Duncan, Estes, Koffman, Landry, Smith, Young.

Yes, 77; No, 64; Absent, 10; Excused, 0.

77 having voted in the affirmative and 64 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

An Act to Supplement Maine's Academic Attainment and to Retain Talent

(H.P. 1655) (L.D. 2162)  
(S. "A" S-558 to C. "A" H-1055)

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

On motion of Representative STEDMAN of Hartland, was **SET ASIDE**.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. Just a reminder that this bill has a fairly hefty fiscal note on it. It will be creating a couple of new positions. It will have a fiscal note of about \$600,000 next year and about \$2 million the following year and about \$6 million the year after that. I would urge you to consider that fact as you make your vote on this particular bill. Mr. Speaker, when the vote is taken, I request the yeas and nays.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madison, Representative Richard.

Representative **RICHARD**: Mr. Speaker, Ladies and Gentlemen of the House. What the previous speaker said is true. However, there is a statement in here that says the advisory council must submit a report that includes its findings and recommendations including any suggested legislation to the joint standing committee of the Legislature having jurisdiction over education matters and the Legislative Council no later than December 1, 2003. The advisory council is not authorized to introduce legislation following receipt and review of the report; the joint standing committee of the Legislature having jurisdiction over education matters may report out a bill to the Second Regular Session of the 121<sup>st</sup> Legislature.

As I said, what the previous speaker said is entirely true, but I do think there is a caveat in there that would give the next Legislature an opportunity to make the change if they wanted to.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 626**

YEA - Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Quint, Richard, Richardson, Rines, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Winsor, Mr. Speaker.

NAY - Andrews, Chase, Clough, Cressey, Duprey, Foster, Haskell, Heidrich, Kasprzak, Labrecque, Lovett, MacDougall, McGowan, Morrison, Rosen, Stanley, Stedman, Tobin J, Treadwell, Waterhouse, Wheeler EM.

ABSENT - Annis, Ash, Bagley, Baker, Brooks, Crabtree, Duncan, Estes, Koffman, Landry, Nutting, Povich, Wheeler GJ, Young.

Yes, 116; No, 21; Absent, 14; Excused, 0.

116 having voted in the affirmative and 21 voted in the negative, with 14 being absent, and accordingly the Bill was