

MAINE STATE LEGISLATURE

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

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. Can the municipalities do this on their own without being told to do it?

The **SPEAKER**: 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 South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. In answer to the question of the good Representative from Bridgton regarding notification, having served at the local level on the town council, yes, that is absolutely an option in any town that feels so inclined. It can and does notify.

The **SPEAKER**: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Men and Women of the House. In further response to my good friend from Bridgton, Representative Waterhouse's question, it is absolutely true. Anybody can ask for an advisory opinion from the DEP, but some members of this body will be shocked to learn that sometimes towns wish to pass ordinances, which they know are not correct. They know that does not follow state law, but because of local issues they feel that they want to just try to push the envelope a little bit. Those towns may wish to do something, knowing that it is against state law and then look for once to see if the residents have followed those ordinances, then look for some protection. You pass an ordinance that isn't correct, somebody comes around and changes that ordinance and says, I have already put up my dock. I have already spent my money. That level of ignorance is sometimes intentional. That is one of the reasons why I felt in this matter, because of the way shoreland zoning crosses town borders, that consistency is important and we wish to have all towns go through this advisory opinion.

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

Representative **CARR**: Mr. Speaker, Men and Women of the House. I just want to say that this has been touted as a mandate of 34 cents. I would just say that if it is that cheap, then let's just pay it.

The **SPEAKER**: The Chair recognizes the Representative from Windham, Representative Tobin.

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. There isn't any one committee that serves local municipalities that can get that municipality into a court action any quicker than a zoning board of appeals. This is just one other tool, one way that they can check with DEP and it is not for the communities that have planning departments and legal attorneys on call. It is for the small community that may not even know that this is available to them. I think it is just good insurance for those small towns. Thank you Mr. Speaker.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

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.

ROLL CALL NO. 394

YEA - Annis, Bagley, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Clark, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hawes, Heidrich, Hutton, Jacobs, Jones, Kane,

Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGowan, McKee, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Muse C, Nass, Norbert, Norton, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Quint, Rines, Savage, Schneider, Shields, Simpson, Skoglund, Smith, Stedman, Sullivan, Tessier, Thomas, Tobin D, Tracy, Twomey, Usher, Volenik, Winsor, Mr. Speaker.

NAY - Andrews, Ash, Belanger, Berry DP, Bowles, Buck, Carr, Chase, Clough, Collins, Cressey, Desmond, Duncan, Duprey, Foster, Glynn, Goodwin, Gooley, Hatch, Honey, Jodrey, Kasprzak, MacDougall, McGlocklin, McKenney, Mendros, Michael, Morrison, Murphy T, Nutting, O'Brien JA, Perkins, Pinkham, Richard, Rosen, Sherman, Snowe-Mello, Stanley, Tarazewich, Tobin J, Trahan, Treadwell, Tuttle, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Young.

ABSENT - Brooks, Colwell, Haskell, Landry, Ledwin, Matthews, Muse K, O'Brien LL, Povich, Richardson, Watson.

Yes, 92; No, 48; Absent, 11; Excused, 0.

92 having voted in the affirmative and 48 voted in the negative, with 11 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

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

An Act to Repeal the Requirement that School Employees be Fingerprinted

(S.P. 322) (L.D. 1090)

Which was **TABLED** by Representative COLWELL of Gardiner pending **PASSAGE TO BE ENACTED**.

Subsequently, the Bill was **PASSED TO BE ENACTED** and signed by the Speaker.

On motion of Representative GLYNN of South Portland, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

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**: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I have an answer to the question, which I asked earlier that no one could answer. For edification on this issue, there are 289 school boards in the state. I asked the question in response that something that I heard that four school boards had gotten in touch with us. We do have 289 in the state. Thank you.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. I feel that I would be remiss if I did not speak in opposition to this particular bill. There have been a lot of things said on the floor of the House regarding fingerprinting. Some of them are accurate and a lot of them are inaccurate. We can't quite seem to keep up with it all. One thing that was stated previously, there are 389 states, plus New York City and Washington DC, that do fingerprinting. The papers this morning have a large article and there was a statement in that article that really bothers me. We have another amendment coming and a statement was made by a member of this body that that was okay, we would settle the major part of the battle and maybe take on the rest in two years when we have a different Governor.

That bothers me. If that is the plan that we are promoting here, to enact this and then two years from now when I am gone, along with the current Governor, then come back for a full repeal. If that is the plan, that disturbs me tremendously.

There was another quote in that article that I was disturbed by also regarding probably cause. We have spent a lot of time in this House talking about milfoil because we have to protect our lakes. I think we have to protect our children. While we have been debating this issue here in the House, there have been four school personnel who have been arrested and convicted for molesting or having sex with school children. That is four in the last month. Some of you say it is only four. I don't see it as only four. I see four as a big number. If it were your daughter or your niece or your grandchild, you would think it is a big number too. Think about that before you vote to repeal this.

We are not, in any way, condemning every teacher in the state. There are thousands of good teachers in the state, but we are saying that there are some bad apples and in some way or another, we have to eliminate them from our school systems. I would urge you to vote against this motion to repeal.

The SPEAKER: 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. 395

YEA - Annis, Ash, Berry DP, Blanchette, Bliss, Bryant, Buck, Canavan, Carr, Chase, Chick, Chizmar, Clark, Cote, Cowger, Crabtree, Cummings, Davis, Dorr, Dugay, Duplessie, Duprey, Estes, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hutton, Jacobs, Jones, Kasprzak, Koffman, LaVerdiere, Laverriere-Boucher, Lundeen, MacDougall, Madore, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy T, Nass, Norton, Paradis, Patrick, Peavey, Pineau, Pinkham, Rines, Sherman, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Trahan, Twomey, Volenik, Waterhouse, Wheeler EM.

NAY - Andrews, Bagley, Baker, Belanger, Berry RL, Bouffard, Bowles, Brannigan, Bruno, Bull, Bumps, Bunker, Clough, Collins, Cressey, Daigle, Desmond, Dudley, Duncan, Dunlap, Etnier, Foster, Glynn, Gooley, Hawes, Heidrich, Honey, Jodrey, Kane, Labrecque, Lemoine, Lessard, Lovett, Mailhot, McKee, McKenney, Murphy E, Muse C, Muse K, Norbert, Nutting, O'Brien JA, O'Neil, Perkins, Perry, Quint, Richard, Rosen, Savage, Schneider, Shields, Stedman, Tobin D, Tobin J, Treadwell, Tuttle, Usher, Weston, Wheeler GJ, Winsor, Young, Mr. Speaker.

ABSENT - Brooks, Colwell, Haskell, Landry, Ledwin, Matthews, O'Brien LL, Povich, Richardson, Watson.

Yes, 79; No, 62; Absent, 10; Excused, 0.

79 having voted in the affirmative and 62 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Reference was made to Bill "An Act to Authorize Release of Certain Information Pertaining to the Certification, Authorization and Approval of Educational Personnel" (EMERGENCY)

(H.P. 1295) (L.D. 1765)

In reference to the action of the House on June 7, 2001, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative RICHARDSON of Brunswick
Representative LaVERDIERE of Wilton

Representative MADORE of Augusta

The following items were taken up out of order by unanimous consent:

ENACTORS

Emergency Measure

An Act to Clarify the Laws Regarding the Extension of Water and Wastewater Service to the Town of Raymond

(H.P. 1372) (L.D. 1828)

(S. "A" S-343)

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

Emergency Measure

Resolve, to Create a Commission to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands, Including Camp Lot Lease Arrangements and Public Enjoyment

(H.P. 1366) (L.D. 1823)

(S. "A" S-340 to H. "A" H-695)

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. 106 voted in favor of the same and 10 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Mandate

An Act to Amend the Charter of the Limestone Water and Sewer District

(H.P. 1363) (L.D. 1820)

(C. "A" H-712)

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. 115 voted in favor of the same and 0 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, to Change Route Designations of Certain Interstates and to Change the Interstate Exit Numbering System

(S.P. 385) (L.D. 1282)

(C. "A" S-183)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act Regarding Uninsured Drivers

(S.P. 425) (L.D. 1380)

(S. "A" S-334 to C. "A" S-144)

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