

MAINE STATE LEGISLATURE

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not a betting man, but I wouldn't put much money on that being the outcome years from now.

What I do expect to be a likely outcome is the outrage from our citizens when they learn that despite of all the other things that were pressuring us in the budget, we chose to form a new program and a new tax on this.

I would further like to point out a feature of this particular bill which prohibits a retailer from absorbing the cost. Section 4872, Paragraph 2, it is unlawful for any retailer to advertise or hold out or state to the public or any consumer, directly or indirectly, that the fee imposed by this section will be assumed or absorbed by the retailer or that it will not be added or included in the selling price or the coding or any other part thereof. You can't even pay for this yourself. If a retailer, WalMart or a convenience store says we will just absorb this cost, it is not possible. On that sales receipt will be the price, the sales tax and a new special 20-cent tax. I challenge any member supporting this amendment to stand up and tell you why it is important to particularly require that tax be past on directly to that consumer instead of being absorbed by somebody who even wants to. I challenge them to stand up and say, why is this the next thing to fund with a new tax? I further challenge you to put your name on the line if you believe that it is. For that reason Mr. Speaker, I request another roll call.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned. (Roll Call Ordered)

ENACTORS

Emergency Measure

An Act To Establish the Long-term Care Oversight Committee
(H.P. 65) (L.D. 57)
(C. "A" H-443)

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. 122 voted in favor of the same and 10 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Emergency Measure

An Act To Assist Regional Transportation Providers To Comply with the Booster Seat Law
(H.P. 474) (L.D. 644)
(H. "A" H-407 to C. "A" H-161)

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

The **SPEAKER**: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

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

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

Representative **MURPHY**: Thank you Mr. Speaker. This bill addresses two specific groups, the general public, private citizens and then quasi-governmental transportation organizations. It includes in it extensions addressing the booster seat law. My question to a committee member, if they could respond, are private citizens and quasi-governmental organizations given the same extension?

The **SPEAKER**: The Representative from Kennebunk, Representative Murphy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Mr. Speaker, Ladies and Gentlemen of the House. The short answer is no, they are not. There is a reason for that. This bill came forward from the good Representative from Baldwin, Representative Cressey, but it had a fiscal note. If you read the title, "An Act to Assist Low-Income Families to Comply with the Booster Seat Law." There are a number of programs that help low-income families. The mechanism that was used originally would have added a significant fiscal note. It wouldn't have passed. This was a compromise that I suggested. The committee actually rolled in a bill that I also had that helped regional transportation providers and other municipal non-profits. Original transportation providers, in particular, if you keep in mind, I assume we have all heard from them. This is the group that this legislative body, the other end of the hall and the Executive, we cut hundreds of thousands of dollars out of their budgets. They are losing close to \$1.5 million in matching funds. They are having severe financial pressures. They did not ask to be exempt from this law. What they asked was to comply with this law, but to have more time to comply with this law, to do education with their volunteer drivers. That is why there is the two separate time lines. I would like to remind this body as well that this had strong bipartisan support last session. We have actually already passed this exact bill as an emergency measure. It was recalled from the Governor's desk because there was one sentence that needed to be added to clarify the law. I hope people will treat this as a quorum call, vote green. You have passed it before and I appreciate your support. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I agree with the comments of the good Representative from Portland about those transportation organizations struggling. That is one of many reasons why I voted against the budget knowing the impact that that would have. What we have here in this bill, which fortunately has been returned to us, says if you are a private citizen, you have an extension to September 2003. If you are a quasi-governmental transportation organization, you have until January 2005. For the group that has the short extension and I think as you return back home, you are going to find many families like the family I have talked with. They live west of the turnpike. It is a distance to the grocery store. It is a distance to school. It is a distance to athletic events. Contrary to what the statistics tell us, we still have families in this state that want to have children and are having a lot of children. Because they live in the rural area and because they have listened to the taped messages on TV about car pooling in those neighborhoods they really attempt to come together in terms of Little League, getting kids to school in the morning, all those things that make a community.

This constituent went to the local police station, brought her children along and said, here is what the law says, I can't meet the law because of the number of my children, plus it is complicated by neighbor trying to help neighbor. The response was, you better get yourself a new vehicle. That is the kind of positive response she got. It is kind of hard to go into a new car cycle in a three or four month period. What I am asking is that if we are going to change the rules for one set of people, they are being extended rather lengthily for a quasi-governmental organization, then the private citizens, those citizens that have large families and tried to be good neighbors, ought to be given

the same consideration. What I am asking you today is this requires an emergency vote. This may be an attention getter that if you are going to change the rules, there shouldn't be different rules for different folks. I would urge you to vote no on enactment.

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Gagne-Friel.

Representative **GAGNE-FRIEL**: Mr. Speaker, Ladies and Gentlemen of the House. I tend to agree very much with Representative Murphy. I had a person in my district as well, she runs a day care and finds it very difficult to get those booster seats into her van. She was told that she had to go and get refitted so that she could do that for the children. It was very hard to get all of those in there and very expensive to change that. I didn't realize that this other group was going to get special attention because the manufacturers would have charged her to get this done. They would have perhaps been given benefits, but here the regular person doesn't. I tend to agree very much that we should look at this again and perhaps not vote for enactment.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Annis.

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

The SPEAKER: The Representative may pose his question.

Representative **ANNIS**: Thank you Mr. Speaker. Looking at the exemptions for booster seats, the operator shall ensure that the child is properly secured in a seat belt. Is this in regards to school buses too?

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Kaelin.

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. I appreciate my good friend from Kennebunk taking the opportunity to raise this issue today. It gives me an opportunity to support him in his asking us to defeat this emergency action this morning by explaining that I also have a constituent in my town who was told the same thing. She has three kids, a small compact car. She can't get three booster seats in that car. It is physically impossible to do it. She was told to buy a new car. That is unacceptable and this gives us all an opportunity to vote against that type of wrong-headed public policy, in my view. Thank you Mr. Speaker.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. Having the great pleasure to serve on Transportation a few years ago, I don't know if the body is really understanding on what we are voting on here. The seat belt law that everybody is complaining about that their vehicle isn't in the right shape and doesn't have enough room and doesn't have enough people to put it in properly and the police telling them to go find a new vehicle has nothing to do with this bill. This bill simply gives extensions for people to comply. If anybody in this body has any concern about any of the people that all the other good Representatives have just spoke about wants to vote no on this bill, you are going to make them comply tomorrow. I don't think that is a very smart move. This bill has nothing to do with new regulations, new enforcement, new restrictions or anything. This is simply allowing those that are struggling to comply to have a little more time to come into compliance. Please vote green, move forward and maybe in the emergency session some of those issues that some folks have brought up can be addressed if they really truly need to be addressed. Thank you.

Representative **RICHARDSON** of Brunswick **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: 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.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 152

YEA - Adams, Ash, Barstow, Bennett, Bierman, Blanchette, Bliss, Brannigan, Breault, Browne W, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cressey, Cummings, Dudley, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Glynn, Grose, Hatch, Hutton, Jackson, Jennings, Kane, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGowan, McKee, McLaughlin, McNeil, Mills J, Mills S, Moody, Moore, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Trahan, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bowen, Bowles, Brown R, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Crosthwaite, Curley, Daigle, Davis, Duprey B, Duprey G, Fletcher, Gagne-Friel, Goodwin, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Landry, Ledwin, Lewin, Maietta, McCormick, McKenney, Millett, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sykes, Tardy, Tobin D, Tobin J, Treadwell, Vaughan, Young.

ABSENT - Dugay, Gerzofsky, Greeley, Ketterer, Koffman, McGlocklin, Perry J.

Yes, 84; No, 60; Absent, 7; Excused, 0.

84 having voted in the affirmative and 60 voted in the negative, with 7 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

Emergency Measure

An Act To Address Concerns Regarding the Breeding and Sale of Certain Small Mammals

(H.P. 902) (L.D. 1228)
(C. "A" H-448)

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. 110 voted in favor of the same and 15 against, and accordingly the Bill 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**.

Emergency Measure

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2003-04

(H.P. 1052) (L.D. 1433)
(C. "A" H-427)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-