

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 6, 2000 – May 17, 2001

Pages 1-889

ENACTORS
Acts

An Act to Increase the Forest Management Planning Income Tax Credit

(H.P. 306) (L.D. 384)
(C. "A" H-359)

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

On motion of Representative GREEN of Monmouth, was **SET ASIDE**.

On further motion of the same Representative, 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**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-359)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-427)** to **Committee Amendment "A" (H-359)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Monmouth, Representative Green.

Representative **GREEN**: Mr. Speaker, Men and Women of the House. The amendment adds an implementation date to the bill. That is all.

House Amendment "A" (H-427) to **Committee Amendment "A" (H-359)** was **ADOPTED**.

Committee Amendment "A" (H-359) as Amended by **House Amendment "A" (H-427)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-359)** as Amended by **House Amendment "A" (H-427)** thereto in **NON-CONCURRENCE** and sent for concurrence.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act to Limit Smoking by Foster Parents" (EMERGENCY)

(H.P. 305) (L.D. 383)

Signed:

Senators:

LONGLEY of Waldo
MARTIN of Aroostook
TURNER of Cumberland

Representatives:

NUTTING of Oakland
FULLER of Manchester
KANE of Saco
LAVERRIERE-BOUCHER of Biddeford
DUDLEY of Portland
O'BRIEN of Augusta
BROOKS of Winterport
LOVETT of Scarborough
DUGAY of Cherryfield

Minority Report of the same Committee reporting **Ought to Pass** as Amended by **Committee Amendment "B" (H-444)** on same Bill.

Signed:

Representative:

SHIELDS of Auburn

READ.

Representative KANE of Saco moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. This bill is about the care of foster children. Foster children are a state responsibility. We care for these children through the Department of Human Services who contracts with agencies who hire individuals to care for the children in their homes. Foster parents are paid for their services, per child, by the state through the agency. I believe they earn their money. Some of them have two foster children. Some of them are therapeutic foster children and the pay rate is about \$75 a day per child. Because the state is responsible for these children and if anything goes wrong, it becomes quite clear that the ultimate responsibility is the state. We are obligated to protect the children and have concern for their welfare. Second-hand smoke is a known problem causing respiratory diseases and cancer. It particularly aggravates children who have asthma or other respiratory problems. This bill protects our foster children against the problems caused by smoking. No one forces you to be a foster parent. That is an entirely voluntary activity. If someone becomes a foster parent and accepts taxpayer money, they become, in fact, an agent of the state that should be subject to the rules and regulations governing foster children. It seems clear cut to me that this is a logical and reasonable regulation to stop smoking in homes where there are foster children and in the automobiles where there are foster children. The amendments will come later.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. You all have seen me stand many times as a very staunch advocate for smoking prohibition, as recently as yesterday with respect to smoking on school grounds. The committee in its deliberations determined that the prohibition of foster parents smoking in their own homes and in their cars was an intrusion. We all are concerned about smoking and the impact of second-hand smoke on children. The committee decided to **Ought Not to Pass** on this bill, but to direct the Department of Human Services to implement for foster parents a smoking cessation program. We believe that a strict prohibition, we may feel good about, is not, in fact, very enforceable. It would provide a barrier to the recruitment of otherwise very qualified foster parents. Thank you Mr. Speaker.

Representative SHIELDS of Auburn **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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 acceptance of the Majority **Ought Not to Pass** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 170

YEA - Andrews, Ash, Bagley, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Bruno, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Desmond, Dorr, Dudley, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn,

Goodwin, Green, Hall, Haskell, Hatch, Heidrich, Honey, Hutton, Jones, Kane, Kasprzak, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, Michaud, Mitchell, Morrison, Murphy E, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Peavey, Perkins, Pineau, Pinkham, Povich, Richard, Richardson, Rines, Savage, Schneider, Sherman, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Annis, Davis, Duncan, Hawes, Jacobs, Marley, Marrache, Michael, Murphy T, Rosen, Shields, Weston, Winsor.

ABSENT - Baker, Brooks, Bryant, Chick, Cummings, Daigle, Dugay, Gooley, Jodrey, Koffman, Landry, McNeil, Mendros, Patrick, Perry, Quint, Simpson, Skoglund, Stedman, Tessier, Watson.

Yes, 117; No, 13; Absent, 21; Excused, 0.

117 having voted in the affirmative and 13 voted in the negative, with 21 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Clarify the Activities of Membership Organizations in Maine"

(H.P. 1257) (L.D. 1704)

Signed:

Senators:

WOODCOCK of Franklin
BROMLEY of Cumberland
DOUGLASS of Androscoggin

Representatives:

LABRECQUE of Gorham
COTE of Lewiston
ESTES of Kittery
TUTTLE of Sanford
O'BRIEN of Lewiston
HEIDRICH of Oxford
PATRICK of Rumford
DUNCAN of Presque Isle
MAYO of Bath

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representative:

CHIZMAR of Lisbon

READ.

On motion of Representative TUTTLE of Sanford, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Resolve, to Create the Commission to Study the Relationship Between Alcohol Sales and Substance Abuse in the State of Maine

(H.P. 759) (L.D. 978)

Signed:

Senators:

WOODCOCK of Franklin
BROMLEY of Cumberland
DOUGLASS of Androscoggin

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
COTE of Lewiston
ESTES of Kittery
TUTTLE of Sanford
O'BRIEN of Lewiston
HEIDRICH of Oxford
PATRICK of Rumford
DUNCAN of Presque Isle

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-443)** on same Resolve.

Signed:

Representative:

MAYO of Bath

READ.

On motion of Representative TUTTLE of Sanford, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-432)** on Bill "An Act to Reinstate Tax Deductibility of Qualified Long-term Care Insurance"

(H.P. 70) (L.D. 79)

Signed:

Senators:

GAGNON of Kennebec
LEMONT of York
KNEELAND of Aroostook

Representatives:

GREEN of Monmouth
STANLEY of Medway
GAGNE of Buckfield
MCGOWAN of Pittsfield
MURPHY of Berwick
BUCK of Yarmouth

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

PERRY of Bangor
McLAUGHLIN of Cape Elizabeth
BUMPS of China
BOWLES of Sanford

READ.

On motion of Representative GREEN of Monmouth, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.