

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-First Legislature
State of Maine

Volume I

First Regular Session

December 4, 2002 – May 23, 2003

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SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Establish a Right of Entry for Surveyors Performing Surveying Services"

(H.P. 988) (L.D. 1342)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-196) in the House on April 30, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-196) AND SENATE AMENDMENT "A" (S-94)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

CONSENT CALENDAR
First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 369) (L.D. 1097) Bill "An Act To Release the Records of the Attorney General and the Maine State Police Regarding the Investigation, Prosecution and Trial of Dennis Dechaine" Committee on **JUDICIARY** reporting **Ought to Pass**

(S.P. 479) (L.D. 1441) Bill "An Act To Establish New License Fee Caps" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 493) (L.D. 1487) Bill "An Act To Allow Judges' Faxed Signatures in Involuntary Psychiatric Commitment Proceedings" Committee on **JUDICIARY** reporting **Ought to Pass**

(S.P. 90) (L.D. 231) Bill "An Act To Strengthen Delivery of Electricity Conservation Programs" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-88)**

(S.P. 128) (L.D. 352) Bill "An Act To Encourage Energy Efficiency and Security" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-87)**

(S.P. 292) (L.D. 897) Bill "An Act Concerning Health Insurance Reimbursement and Contracting Practices" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-90)**

(S.P. 495) (L.D. 1489) Bill "An Act To Update and Amend the Revised Maine Securities Act" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-91)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

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.

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Prohibit Arbitrary Interest Rate Hikes"

(H.P. 687) (L.D. 930)

TABLED - April 30, 2003 (Till Later Today) by Representative O'NEIL of Saco.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Representative GLYNN of South Portland **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 same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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. 55

YEA - Andrews, Annis, Austin, Barstow, Bennett, Berry, Berube, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dugay, Dunlap, Duplessie, Duprey B, Eder, Fischer, Fletcher, Glynn, Greeley, Hatch, Heidrich, Honey, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lessard, Lewin, Maietta, Mailhot, Marraché, McCormick, McGlocklin, McGowan, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Nutting, O'Brien J, O'Neil, Paradis, Patrick, Pellon, Perry A, Piotti, Rector, Richardson E, Richardson M, Rogers, Rosen, Saviello, Sherman, Shields, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Tardy, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Usher, Vaughan, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Adams, Bliss, Canavan, Clark, Craven, Dudley, Faircloth, Finch, Gagne-Friel, Gerzofsky, Goodwin, Grose, Hutton, Laverriere-Boucher, Lerman, Lundeen, Makas, Marley, McKee, Norbert, Norton, O'Brien L, Percy, Perry J, Pineau, Pingree, Richardson J, Rines, Sampson, Simpson, Thomas, Twomey, Walcott, Watson.

ABSENT - Ash, Cowger, Duprey G, Earle, Peavey-Haskell, Young.

Yes, 111; No, 34; Absent, 6; Excused, 0.

111 having voted in the affirmative and 34 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

Bill "An Act to Keep Foster Children Safe and Healthy" (H.P. 63) (L.D. 55)

Which was **TABLED** by Representative DUPLESSIE of Westbrook pending **FURTHER ACTION**.

On motion of Representative DUNLAP of Old Town, the House **RECONSIDERED** its action whereby the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

The **SPEAKER**: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. The House having already reconsidered its action, I no longer feel the need to speak to the motion. Thank you.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-170)** was **READ** by the Clerk.

Representative **TRAHAN** of Waldoboro **PRESENTED House Amendment "B" (H-240)** to **Committee Amendment "A" (H-170)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. From our earlier discussions on this legislation and the concerns that many people had, including myself, I would like to present this amendment to perhaps solve some of those concerns that people have. What this amendment would do is it would require the DHS to adopt major substantive rules on smoking in foster homes and foster parent's vehicles. I believe that this amendment would allow some flexibility for DHS to go out to through rulemaking and public hearing to adopt policies within foster homes that protect children, but also protect the rights of foster parents to smoke in safe areas. I think that this would be the beginning of perhaps some good policy on smoking within foster homes. I would encourage your adoption of this amendment. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Laverriere-Boucher.

Representative **LAVERRIERE-BOUCHER**: Mr. Speaker, Men and Women of the House. I stand in support of this amendment. I agree with everything that Representative Trahan has said. I hope that everyone supports this amendment. Thank you.

Mr. Speaker, I wish to ask for a roll call.

Representative **LAVERRIERE-BOUCHER** of Biddeford **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-240)** to **Committee Amendment "A" (H-170)**.

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 Adoption of House Amendment "B"

(H-240) to Committee Amendment "A" (H-170). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 56

YEA - Adams, Andrews, Annis, Austin, Barstow, Bennett, Berry, Berube, Bierman, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Cummings, Curley, Daigle, Dudley, Dugay, Duplessie, Duprey B, Eder, Faircloth, Fischer, Fletcher, Gagne-Friel, Glynn, Greeley, Grose, Hatch, Heidrich, Hotham, Hutton, Jackson, Jennings, Jodrey, Joy, Kaelin, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Murphy, Muse, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Tardy, Thompson, Tobin D, Tobin J, Trahan, Usher, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Cressey, Crosthwaite, Dunlap, Honey, Jacobsen, Lundeen, Moore, Nutting, Rines, Thomas, Treadwell, Twomey.

ABSENT - Ash, Blanchette, Davis, Duprey G, Earle, Finch, Gerzofsky, Goodwin, Peavey-Haskell, Perry J, Young.

Yes, 128; No, 12; Absent, 11; Excused, 0.

128 having voted in the affirmative and 12 voted in the negative, with 11 being absent, and accordingly **House Amendment "B" (H-240)** to **Committee Amendment "A" (H-170)** was **ADOPTED**.

Committee Amendment "A" (H-170) as Amended by **House Amendment "B" (H-240)** thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Monday, May 5, 2003.

On motion of Representative **DAVIS** of Falmouth, the House adjourned at 6:38 p.m., until 11:00 a.m., Monday, May 5, 2003 pursuant to the Joint Order (S.P. 548).