

MAINE STATE LEGISLATURE

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

Volume II

First Regular Session

May 18, 2001 – June 22, 2001

Second Regular Session

January 2, 2002 – March 6, 2002

Pages 890-1770

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

READ and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

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

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

Miles Jacob Sweet, of Fairfield, who has earned the distinction of being selected as a 2001 Rhodes Scholar. His proposed subject for Oxford University in England is Chemistry. Miles is one of 4 people selected from the New England and New York areas and holds a B.A. in Chemistry and is working towards a M.A. from Wheaton College. He is a graduate of the Maine School of Science and Mathematics in Limestone. We extend our congratulations to him on his achievements and we wish him success on his future endeavors;

(HLS 516)

Presented by Representative TESSIER of Fairfield.
Cosponsored by Senator MILLS of Somerset.

On **OBJECTION** of Representative TESSIER of Fairfield, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative GREEN from the Committee on **TAXATION** on Bill "An Act Related to the Suspension of Property Tax Abatement Appeals When the Taxpayer is Delinquent in Paying Taxes"

(H.P. 1367) (L.D. 1824)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1357).

Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

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.

An Act to Create Uniform Underwriting Standards for Determining Eligibility for Certain Group Policies

(S.P. 379) (L.D. 1217)

(C. "A" S-270)

TABLED – June 4, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

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

ROLL CALL NO. 326

YEA - Andrews, Ash, Bagley, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michael, Michaud, Mitchell, Morrison, Murphy E, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Richard, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Annis, Buck, Chase, Clough, Collins, Crabtree, Cressey, Duprey, Glynn, Kasprzak, MacDougall, McKenney, Murphy T, Pinkham, Stedman, Tobin J, Treadwell, Waterhouse.

ABSENT - Bryant, Dugay, Gerzofsky, Kane, Lovett, Madore, Mendros, Povich, Quint, Richardson.

Yes, 123; No, 18; Absent, 10; Excused, 0.

123 having voted in the affirmative and 18 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.

HOUSE DIVIDED REPORT – Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-286)** – Minority (1) **Ought to Pass as Amended by Committee Amendment "B" (H-287)** – Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Laws Governing Term Limits"

(H.P. 697) (L.D. 901)

TABLED – May 31, 2001 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING – Motion of Representative DUPREY of Hampden to **INDEFINITELY POSTPONE** Bill and accompanying papers. (Roll Call Ordered)

With unanimous consent, Representative DUPREY of Hampden **WITHDREW** his motion to **INDEFINITELY POSTPONE** Bill and accompanying papers.

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

On motion of Representative KASPRZAK of Newport, the House **RECONSIDERED** its action whereby the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** 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 Minority **Ought to Pass as Amended** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 327

YEA - Ash, Bagley, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bowles, Brannigan, Brooks, Bruno, Bryant, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Dorr, Dudley, Dugay, Duncan, Dunlap, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Goodwin, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lessard, Marrache, Matthews, Mayo, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Muse C, Muse K, Nass, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Richard, Richardson, Rines, Savage, Sherman, Simpson, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Trahan, Tuttle, Volenik, Watson, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Andrews, Annis, Bouffard, Buck, Bull, Bumps, Carr, Chase, Clough, Collins, Cressey, Davis, Desmond, Duplessie, Duprey, Glynn, Gooley, Haskell, Kasprzak, Lemoine, Lundeen, MacDougall, Mailhot, Marley, Michael, Morrison, Murphy T, Nutting, Perkins, Pinkham, Rosen, Schneider, Shields, Skoglund, Snowe-Mello, Stanley, Stedman, Tobin J, Tracy, Treadwell, Twomey, Usher, Waterhouse, Weston, Winsor.

ABSENT - Bunker, Gerzofsky, Kane, Lovett, Madore, McDonough, Mendros, Povich, Quint.

Yes, 97; No, 45; Absent, 9; Excused, 0.

97 having voted in the affirmative and 45 voted in the negative, with 9 being absent, and accordingly the Minority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-287)** was **READ** by the Clerk.

On motion of Representative MAYO of Bath, **Committee Amendment "B" (H-287)** was **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. What I have to say this morning would be something that I didn't get up in time to say the other day, but I will say here to you this morning, all of my colleagues, that I was born in the State of Maine. I've lived my life here and when the opportunity was there I tried to take part in matters that affect my neighbors. There are members of my family that were denied the right to vote, I'm talking about some of the ladies in my family. Some died before they were given the privilege to vote. I believe that this is a denial of my right to serve and to be elected at a ballot box. I believe also that it is the same as trying to prevent people within our memory here in the United States in other parts of the country, from being able to vote because of their inability to possibly read, for one thing, but this morning I would want you all to know that in my heart this is a denial, a right that I believe I have, a right that I've fought for. Thank you.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Representative MAYO of Bath **PRESENTED** House Amendment "A" (H-674), which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Bath, Representative Mayo.

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. Before I commence discussing House Amendment 674, I do wish to apologize to the Clerk of the House for questioning the situation on last Thursday. I was reading from a different amendment then we had in front of us at that point and I would hope that the good Clerk would accept my

apology. With that being said, H-674, which is now before you does a number of things. First, it expands term limits to six two-year terms for members of the House and the Senate. The Constitutional Officers, which were mentioned as being able to operate under the same situation, were removed as noted in the amendment 674. The entire matter will go out to a vote of the people of the State of Maine in November of 2002, if the people at that time vote to accept an increase in term limits to six two year terms from four two year terms it would take effect with those people who are first elected at that November 2002 time and who take office on December 4, of 2002. In other words, those of you who are currently in the chamber today, who are not termed out at the end of the 120th Legislature will not be covered by this. You will continue to operate under the existing statute. Only those people who are elected in 2002 and who can therefore serve six two-year terms in the Maine Legislature will be covered. I hope that that isn't confusing. It was done so that we would not ourselves be voting on something that would affect ourselves. It will affect those who will follow us in the future. I would hope that people would allow the adoption of House Amendment 674 so that this matter may move forward and eventually go out to a vote of the people, as I indicated previously, in November of 2002. The question to go before the people has received the approval of the Secretary of State Office and is contained in the amendment. Thank you ladies and gentlemen.

Representative WATERHOUSE of Bridgton **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-674)**.

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

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

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

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

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

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

Representative **DAIGLE**: Mr. Speaker, Men and Women of the House. We have gone through several gyrations of this bill, may I just clear from anyone who may care to answer that if we reject this current house amendment what will be the status of the legislation that remains?

The **SPEAKER**: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I think basically it would be open to the body to make any number of amendments. I would think that we would adopt this present motion and if for some reason unlikely that that would occur, there are other motions that can be made.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is adoption of House Amendment "A". All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 328

YEA - Andrews, Bagley, Baker, Belanger, Berry RL, Bouffard, Brannigan, Bruno, Canavan, Chizmar, Collins, Cote, Cowger, Cummings, Daigle, Dugay, Duncan, Estes, Etnier, Fuller, Gerzofsky, Goodwin, Green, Hawes, Heidrich, Jacobs, Jodrey, Koffman, Labrecque, Landry, LaVerdiere, Lessard, Marrache, Mayo, McGlocklin, McGowan, McKee, McKenney, McNeil, Michael, Michaud, Mitchell, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Richard, Rines,

Savage, Smith, Tessier, Thomas, Tobin D, Tuttle, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Annis, Ash, Berry DP, Blanchette, Bliss, Bowles, Brooks, Bryant, Buck, Bull, Bumps, Bunker, Carr, Chase, Chick, Clark, Clough, Colwell, Crabtree, Cressey, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Duprey, Fisher, Foster, Gagne, Glynn, Gooley, Hall, Haskell, Hatch, Honey, Hutton, Jones, Kasprzak, Laverriere-Boucher, Ledwin, Lemoine, Lundeen, MacDougall, Mailhot, Marley, Matthews, McDonough, McLaughlin, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, Peavey, Perkins, Pineau, Pinkham, Richardson, Rosen, Schneider, Sherman, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tobin J, Tracy, Trahan, Treadwell, Twomey, Waterhouse, Winsor.

ABSENT - Kane, Lovett, Madore, Mendros, Povich, Quint, Weston.

Yes, 65; No, 79; Absent, 7; Excused, 0.

65 having voted in the affirmative and 79 voted in the negative, with 7 being absent, and accordingly the motion to **ADOPT House Amendment "A" (H-674) FAILED.**

On motion of Representative COLWELL of Gardiner, **TABLED pending PASSAGE TO BE ENGROSSED** and later today assigned.

SENATE DIVIDED REPORT – Majority (7) Ought Not to Pass – Minority (5) Ought to Pass as Amended by Committee Amendment "A" (S-277) – Committee on CRIMINAL JUSTICE on Bill "An Act Concerning the Sentencing of Persons to County Jails"

(S.P. 354) (L.D. 1168)

– In Senate, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-277).**

TABLED – May 31, 2001 (Till Later Today) by Representative POVICH of Ellsworth.

PENDING – ACCEPTANCE OF EITHER REPORT.

Representative MITCHELL of Vassalboro moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

The following item was taken up out of order by unanimous consent:

ENACTORS

Acts

An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools

(H.P. 255) (L.D. 291)

(C. "A" H-666)

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

UNFINISHED BUSINESS

The following matter, 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.

Bill "An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda" (EMERGENCY)

(S.P. 231) (L.D. 796)

TABLED – May 30, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – ADOPTION OF COMMITTEE AMENDMENT "A" (S-167).

Representative TWOMEY of Biddeford **PRESENTED House Amendment "B" (H-648) to Committee Amendment "A" (S-167)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. What this does is it puts back the retroactive clause in this bill. The same way that when we make mistakes up here, and sometimes we do, we pass some bad legislation, the people have 90 days to act upon the things that we do, that we put into law and this amendment would do the same thing to this bill. It would give people 90 days to get their petitions in and have something retroactive if something in their community is so despicable that they can't live with. This isn't to stop a sun deck or any small project like that. If we have a sense of our community and we care about the people who live there and you care about home rule, I would ask for your support on this amendment. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Levant, Representative Chase.

Representative **CHASE**: Mr. Speaker, Ladies and Gentlemen of the House. This whole issue doesn't involve just big boxes, this is an issue that effects everybody in the State of Maine. Those that heard the hypothetical subdivision story a few days ago are aware that I was trying to make the point that the 4th generation dairy farmer that didn't have much but the inherited land was subject to numerous lawsuits and costs if a retroactive provision were allowed. It could apply to anyone who purchased a lot in that subdivision, it could have been anyone in this body, or your relatives, it could have been at extreme cost if this were allowed. The bill is a good bill. It prohibits that retroactivity. That idea has been addressed by the *Bangor Daily News* editorial and the *Ellsworth American*. You just received a handout that the *Portland Press Herald* encourages the bill. The bill would prohibit that retroactive changes of ordinances after a permit is issued. Now this amendment essentially kills the whole idea of retroactivity, if the amendment is adopted, it still allows an amendment to be amended after the permit is issued. Now this talks about 90 days and that's an attempt to make us think that there is a very long period of time in there, but in effect this could give up to 15 months for that whole project to be held hostage. It talks about after the permit is issued, the initiative referendum can be started any time within 90 days, so there's three months that is gone, then if you're in a town meeting form of government and if you just had your town meeting, you eventually get your signatures and submit them to the town clerk and it could be still up to a year before that gets onto a town meeting warrant and I'm not sure how long from the time you take out the petition until you have to submit it, it's probably a month anyway, so you're talking 16 months, that that project can be squashed. I don't see anyway that that can be fair to anybody. The newspaper editorials talk about this being a real detriment to business. Yesterday, on some other issues, it was mentioned how this legislative body seems to not be too concerned about enacting