

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

ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
66th Legislative Day
Monday, June 11, 2001

The House met according to adjournment and was called to order by the Speaker.

Prayer by Pastor John Hall, Litchfield Plains Baptist Church.
Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Amend the Laws Governing Term Limits"
(H.P. 697) (L.D. 901)

Minority (1) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "D" (H-690)** in the House on June 7, 2001.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Representative TUTTLE of Sanford moved that the House **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**.

Representative CLOUGH of Scarborough moved that the House **RECEDE AND CONCUR**.

Representative CLARK of Millinocket **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

On motion of Representative TUTTLE of Sanford, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "E" (H-703)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. What the amendment does is the amendment repeals term limits for legislators subject to the approval from the voters at referendum held in November 2002. When the original debate happened there was some concerns about having it in November 2001. I know the good Representative from Sanford, Representative Bowles, had mentioned that so I put together this amendment in hopes that we might get some agreement with the other body. I am asking that we adopt this and allow the process to go forward.

Representative CLOUGH of Scarborough moved that **House Amendment "E" (H-703)** be **INDEFINITELY POSTPONED**.

Representative CLARK of Millinocket **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-703)**.

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 Indefinite Postponement of House Amendment "E" (H-703). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 380

YEA - Andrews, Annis, Berry DP, Bruno, Buck, Bull, Bumps, Carr, Chase, Clough, Crabtree, Cressey, Davis, Desmond, Duprey, Foster, Glynn, Gooley, Honey, Jodrey, Kasprzak, Ledwin, Lovett, Lundeen, MacDougall, Mailhot, Marley, Mayo, McDonough, McGowan, McKee, McKenney, McNeil, Mendros,

Michael, Morrison, Murphy T, Nass, Nutting, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tracy, Treadwell, Twomey, Waterhouse, Weston, Winsor, Young.

NAY - Ash, Bagley, Berry RL, Bliss, Bouffard, Bowles, Brooks, Bryant, Bunker, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Dorr, Dunlap, Etnier, Fisher, Fuller, Gagne, Goodwin, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jones, Labrecque, LaVerdiere, Laverriere-Boucher, Lessard, Madore, McGlocklin, McLaughlin, Michaud, Mitchell, Murphy E, Norbert, Norton, O'Brien JA, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Richard, Savage, Simpson, Smith, Sullivan, Tarazewich, Thomas, Tobin D, Trahan, Tuttle, Usher, Volenik, Wheeler EM, Wheeler GJ, Mr. Speaker.

ABSENT - Baker, Belanger, Blanchette, Brannigan, Canavan, Cummings, Daigle, Dudley, Dugay, Duncan, Duplessie, Estes, Gerzofsky, Kane, Koffman, Landry, Lemoine, Marrache, Matthews, Muse C, Muse K, O'Brien LL, Quint, Richardson, Rines, Skoglund, Stanley, Tessier, Tobin J, Watson.

Yes, 55; No, 66; Absent, 30; Excused, 0.

55 having voted in the affirmative and 66 voted in the negative, with 30 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-703)** **FAILED**.

Representative DUPREY of Hampden **REQUESTED** a roll call on the motion to **ADOPT House Amendment "E" (H-703)**.

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 "E" (H-703). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 381

YEA - Ash, Bagley, Berry RL, Bliss, Bouffard, Bowles, Brooks, Bryant, Bunker, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cummings, Davis, Dorr, Duncan, Dunlap, Etnier, Fisher, Fuller, Goodwin, Green, Hall, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jones, Labrecque, LaVerdiere, Laverriere-Boucher, Lessard, Madore, McGlocklin, McLaughlin, Michaud, Mitchell, Murphy E, Muse C, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Richard, Savage, Simpson, Smith, Sullivan, Tarazewich, Thomas, Tobin D, Trahan, Tuttle, Usher, Volenik, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bruno, Buck, Bull, Bumps, Carr, Chase, Clough, Crabtree, Cressey, Desmond, Duprey, Foster, Gagne, Glynn, Gooley, Haskell, Honey, Jodrey, Kasprzak, Ledwin, Lovett, Lundeen, MacDougall, Mailhot, Marley, Mayo, McDonough, McGowan, McKee, McKenney, McNeil, Mendros, Michael, Morrison, Murphy T, Nass, Nutting, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tracy, Treadwell, Twomey, Waterhouse, Weston, Winsor, Young.

ABSENT - Baker, Blanchette, Brannigan, Canavan, Daigle, Dudley, Dugay, Duplessie, Estes, Gerzofsky, Kane, Koffman, Landry, Lemoine, Marrache, Matthews, Muse K, Quint, Richardson, Rines, Skoglund, Stanley, Tessier, Tobin J, Watson.

Yes, 69; No, 57; Absent, 25; Excused, 0.

69 having voted in the affirmative and 57 voted in the negative, with 25 being absent, and accordingly **House Amendment "E" (H-703)** was **ADOPTED**.

On motion of Representative TUTTLE of Sanford, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **House Amendment "D" (H-690)** was **ADOPTED**.

On further motion of the same Representative, **House Amendment "D" (H-690)** was **INDEFINITELY POSTPONED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "E" (H-703)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

COMMUNICATIONS

The Following Communication: (S.C. 346)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003**

June 7, 2001

The Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised that the Senate today Adhered to its previous action whereby Bill, "An Act to Repeal the Presidential Preference Primary Elections" (H.P. 960) (L.D. 1273) and accompanying papers was Indefinitely Postponed.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative BUNKER of Kossuth Township, the following Joint Resolution: (H.P. 1371) (Under suspension of the rules, cosponsored by Senator CARPENTER of York and Representatives: BAGLEY of Machias, BRYANT of Dixfield, CHICK of Lebanon, CLARK of Millinocket, DUGAY of Cherryfield, DUNLAP of Old Town, ESTES of Kittery, GOODWIN of Pembroke, LAVERRIERE-BOUCHER of Biddeford, LEMOINE of Old Orchard Beach, McGLOCKLIN of Embden, MORRISON of Baileyville, PERKINS of Penobscot, SHERMAN of Hodgdon, STANLEY of Medway, SULLIVAN of Biddeford, TRACY of Rome, TRAHAN of Waldoboro, WHEELER of Bridgewater, Senators: KILKELLY of Lincoln, LEMONT of York, SHOREY of Washington, YOUNGBLOOD of Penobscot)

JOINT RESOLUTION REGARDING THE RELEASE OF ALEWIVES, OR "GASPEREAUX," INTO THE ST. CROIX RIVER

WHEREAS, the passage of alewives, or "gaspereaux," upstream of the Woodland Dam and Grand Falls Dam on the St. Croix River is a matter of mutual concern to the communities of the St. Croix River; and

WHEREAS, the United States Government, the State of Maine, the Government of Canada and the Province of New Brunswick have not yet completed a formal agreement regarding the release of alewives, or "gaspereaux," in the St. Croix River; and

WHEREAS, the Canadian Department of Fisheries and Oceans has begun to truck and release hundreds of alewives, or "gaspereaux," around the Woodland Dam; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature of the State of Maine now assembled in the First Regular Session, recognize that it is the best interest

of the United States Government, the Government of Canada and the Province of New Brunswick to hold public hearings and consult with interested private and public entities and Native Americans to address and resolve the issues surrounding the release of alewives, or "gaspereaux," above the Woodland Dam and Grand Falls Dam; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the Prime Minister of Canada, the Premier of New Brunswick, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each Member of the Maine Congressional Delegation, the Speaker of the Senate of Canada and the Speaker of the House of Commons of Canada, the Lieutenant Governor of New Brunswick, the Speaker of the New Brunswick Legislative Assembly, the Canadian Department of Fisheries and Oceans, the United States Fish and Wildlife Service, the New Brunswick Department of Natural Resources and Energy and the Chairs of the Joint Standing Committee on Inland Fisheries and Wildlife and the Chairs of the Joint Standing Committee on Marine Resources within the Maine State Legislature.

READ and ADOPTED.

Sent for concurrence.

ENACTORS

Emergency Measure

An Act Concerning Technical Changes to the Tax Laws

(H.P. 1190) (L.D. 1613)

(C. "A" H-689)

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. 114 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Mandate

An Act to Require Election Law Training to Voter Registrars and Clerks

(H.P. 483) (L.D. 623)

(S. "A" S-326 to C. "A" H-503)

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

Representative COLWELL of Gardiner **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.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

Mandate

An Act to Provide for Variance Notification in the Shoreland Zoning Law

(H.P. 704) (L.D. 919)

(C. "A" H-33; S. "A" S-327)

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

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