The Speaker resumed the Chair.
The House met according to adjournment and was called to order by the Speaker.
Prayer by Father Michael Gendreau, St. Mary of the Assumption, Augusta.
Colors presented by Franco American War Veterans’ Color Guard, Post 31, Lewiston.
National Anthem by Melanie Saucier, Fort Kent Elementary School.
Pledge of Allegiance.
Doctor of the day, Ray Nichols, M.D., Jonesport.
The Journal of yesterday was read and approved.

_________________________________
SENATE PAPERS
Non-Concurrent Matter
Expression of Legislative Sentiment Recognizing Anthony Major as Eagle Scout
(HLS 1265)
Came from the Senate INDEFINITELY POSTPONED in NON-CONCURRENCE.
The House voted to RECEDE AND CONCUR.

_________________________________
COMMUNICATIONS
The Following Communication: (H.P. 1438)
STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333
March 4, 2004
Honorable Millicent MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333
Dear Clerk MacFarland:
Enclosed please find my official certification to the 121st Legislature of the citizen initiative petition entitled “An Act Prohibiting Certain Bear Hunting Practices.”
Sincerely,
S/Dan A. Gwadosky
Secretary of State
READ and with accompanying papers ORDERED PLACED ON FILE.

STATE OF MAINE
DEPARTMENT OF STATE
I, Dan A. Gwadosky, Secretary of State, hereby certify that written petitions bearing signatures of 97,622 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on January 28, 2004, requesting that the Legislature consider an act entitled “An Act Prohibiting Certain Bear Hunting Practices.”
I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 50,519.
I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition’s behalf.
In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the fourth day of March in the year two thousand and four.
S/DAN A. GWADOSKY
Secretary of State
READ and with accompanying papers ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE
Sponsored by Representative GAGNE-FRIEL of Buckfield.
Cosponsored by Senator GAGNON of Kennebec and Representatives: BLANCHETTE of Bangor, CRAVEN of Lewiston, LESSARD of Topsham, MAKAS of Lewiston, MILLETT of Waterford, O’BRIEN of Lewiston, WALCOTT of Lewiston.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

By unanimous consent, all matters having been acted upon were ORDERED SENT FORTHWITH.
Bill "An Act To Decrease Insurance Fraud in This State"

WHEREAS, more than 1/3 of the population of Maine is of French and Canadian descent. Franco-Americans in Maine have contributed much to the beauty and quality of this State; and

WHEREAS, French is the primary language of thousands of Mainers and there has been a resurgence in the use of the French language and a heightened appreciation of the Franco-American heritage throughout the State; and

WHEREAS, clubs and organizations to promote French culture and language have sprung up throughout the State, including the Francophone Caucus at the Capitol; and

WHEREAS, fluent French-English bilingual people are a cultural and economic resource to the State of Maine; and

WHEREAS, cultural tourism can be greatly enhanced by the genuine Franco-American centers throughout the State and the large Franco-American presence in Maine can further strengthen our relationships with Canada, France and the rest of the francophone world; and

WHEREAS, the first Franco-American Day was celebrated on Wednesday, March 6, 2002 at the State Capitol; now, therefore, be it

RESOLVED: That, We, the members of the One Hundred and Twenty-first Legislature, now assembled in the Second Special Session, on behalf of the people we represent, proclaim that Franco-American Day be celebrated Thursday, March 18, 2004 at the State Capitol; and be it further

RESOLVED: That we suggest that Franco-American Day be celebrated annually in March to commemorate the rich history of the French people in the State of Maine and the United States of America.

READ.

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

Representative TWOMEY: Mr. Speaker, Ladies and Gentlemen of the House. RÉSOLUTION CONJOINTE HONORANT LES FRANCO-AMÉRICAINS. Considérant que, l’état du Maine est nommé après la province du Maine en France et que les villages de Calais et Paris dans l’état du Maine portent les noms de la capitale de France et du port français de Calais, respectivement; et

Considérant que, l’état du Maine célèbre cette année le 400ième anniversaire du premier village français au Nouveau Monde sur l’île Sainte-Croix en 1604; et

Considérant que, plus d’un tiers de la population du Maine est de descendance française ou canadienne; et

Considérant que, le tourisme culturel sera accru par les francophones et l’anglais sont une ressource économique et culturelle pour l’état du Maine; et

Considérant que, il y a eu une augmentation de l’utilisation de la langue française et une appréciation croissante de l’héritage franco-américain à travers l’état; et

Considérant que, des clubs et des associations pour promouvoir la culture et la langue française sont nés à travers l’état, y inclus le caucus francophone à la capi tale; et

Considérant que, les gens qui parlent couramment le français et l’anglais sont une ressource économique et culturelle pour l’état du Maine; et

Considérant que, le tourisme culturel sera accru par les véritables centres franco-américains à travers l’état et la grande présence de franco-américains dans le Maine peut renforcer davantage nos relations avec le Canada, la France, et les autres pays francophones; et

Considérant que, le premier Jour Franco-Américain a été célébré mercredi, 6 mars, 2002, à la Capitale de l’État; maintenant, alors qu’il soit

Résolu, qu’en sus de la Cent-Vingt-et-Unième Législature, assemblées dans la deuxième session spéciale, au nom des gens que nous représentons, proclamons que le Jour Franco-Américain soit célébré jeudi, 16 mars, 2004, à la Capitale de l’État; et qu’il soit aussi

Résolu, que nous suggérons que le Jour Franco-Américain soit célébré chaque année au mois de mars pour commémorer la riche histoire du peuple français dans l’état du Maine et aux États-Unis d’Amérique.

JOINT RESOLUTION RECOGNIZING FRANCO-AMERICAN DAY

WHEREAS, the State of Maine is named after the Province of Maine in France and the Towns of Paris and Calais owe their names to the capital city of France and the French port city of Calais, respectively; and

WHEREAS, the State of Maine is celebrating this year the 400th anniversary of the first French settlement in the New World, on Saint Croix Island in 1604; and

Considérant que, le français est la première langue de milliers de citoyens du Maine; et

Considérant que, l’état du Maine est célèbre cette année le 400ième anniversaire du premier village français au Nouveau Monde sur l’île Sainte-Croix en 1604; et

Considérant que, il y a eu une augmentation de l’utilisation de la langue française et une appréciation croissante de l’héritage franco-américain à travers l’état; et

Considérant que, des clubs et des associations pour promouvoir la culture et la langue française sont nés à travers l’état, y inclus le caucus francophone à la capi tale; et

Considérant que, les gens qui parlent couramment le français et l’anglais sont une ressource économique et culturelle pour l’état du Maine; et

Considérant que, le tourisme culturel sera accru par les véritables centres franco-américains à travers l’état et la grande présence de franco-américains dans le Maine peut renforcer davantage nos relations avec le Canada, la France, et les autres pays francophones; et

Considérant que, le premier Jour Franco-Américain a été célébré mercredi, 6 mars, 2002, à la Capitale de l’État; maintenant, alors qu’il soit

Résolu, qu’en sus de la Cent-Vingt-et-Unième Législature, assemblées dans la deuxième session spéciale, au nom des gens que nous représentons, proclamons que le Jour Franco-Américain soit célébré jeudi, 16 mars, 2004, à la Capitale de l’État; et qu’il soit aussi

Résolu, que nous suggérons que le Jour Franco-Américain soit célébré chaque année au mois de mars pour commémorer la riche histoire du peuple français dans l’état du Maine et aux États-Unis d’Amérique.

JOINT RESOLUTION RECOGNIZING FRANCO-AMERICAN DAY

WHEREAS, the State of Maine is named after the Province of Maine in France and the Towns of Paris and Calais owe their names to the capital city of France and the French port city of Calais, respectively; and

WHEREAS, the State of Maine is celebrating this year the 400th anniversary of the first French settlement in the New World, on Saint Croix Island in 1604; and
Considérant que, les franco-américains du Maine ont contribué beaucoup à la beauté et la qualité de cet état; et
Considérant que, le français est la première langue de milliers de citoyens du Maine; et
Considérant que, il y a eu une augmentation de l'utilisation de la langue française et une appréciation croissante de l'héritage franco-américain à travers l'état; et
Considérant que, des clubs et des associations pour promouvoir la culture et la langue française sont nés à travers l'état, y inclus le caucus francophone à la capitale; et
Considérant que, les gens qui parlent couramment le français et l'anglais sont une ressource économique et culturelle pour l'état du Maine; et
Considérant que, le tourisme culturel sera accru par les véritables centres franco-américains à travers l'état et la grande présence de franco-américains dans le Maine peut renforcer davantage nos relations avec le Canada, la France, et les autres pays francophones; et
Considérant que, le premier Jour Franco-Américain a été célébré chaque année au mois de mars pour commémorer la présence de franco- américains dans le Maine; et
Considérant que, les gens qui parlent couramment le français et l'anglais sont une ressource économique et culturelle pour l'état du Maine; et
Considérant que, les franco-américains du Maine ont maintenant, alors qu'il soit Franco-Américain soit célébré jeudi, 18 mars, 2004, à la Capitale du Maine et aux États-Unis d'Amérique,

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Landry.

Representative LANDRY: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to take a moment to welcome the Franco-American guests that are here today, every last one of them. As a son of a Canadian immigrant and as a former member of the Franco-American War Veterans Color Guard, I have done an awful lot to keep up the traditions and the culture of the Franco-American people. I pass that on to my children and my grand children. I would like to thank the Speaker for his efforts in making today possible. I think that I speak for the House in its entirety and we thank you for your efforts on today's schedule. I know that you and your wife did an awful lot of work putting this day together. I am very grateful to you for your efforts on today's schedule. I know that you and your wife did an awful lot of work putting this day together. I am very grateful to you for your efforts. I thought that I speak for the House in its entirety and we thank you for your efforts on today's schedule. I know that you and your wife did an awful lot of work putting this day together. I am very grateful to you for your efforts. I would like to invite the Franco-American community to come into the chambers after session and I will be glad to give them a personal tour. Subsequently, was ADOPTED.

Sent for concurrence.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

Recognizing:

Rita Saucier Dubé, of Lewiston, who has been elected to the Franco-American Hall of Fame. After retiring as a French teacher in Connecticut, she returned to her native Madawaska and has been a relentless advocate for the preservation and active use of French in the St. John Valley. She became involved in the Save Our French movement in the 1990s and was one of the founding members of Le Club Français, a nonprofit advocacy group for the French language. She created the club's bilingualismwas a real asset, as it was when they traveled the globe. As a member of the board of St. Mary's Church, Rita has raised funds for the Franco-American Heritage Center. The Heritage Center, a former church in the heart of "Petit Canada," was built by the French-speaking immigrants in the early 1900s. It will now be a museum, performing arts center and education center to pay tribute to those immigrants who were a vital part of the industrialization of Maine. These individuals brought their language, culture, Catholic faith, work ethic, strong family values, patriotism and good citizenship to the building of a better society. We join the Franco-American Heritage Center in celebrating "The Week of the Francophones";

(HLS 1346)

Presented by Representative MAILHOT of Lewiston.

Cosponsored by President DAGGETT of Kennebec, Speaker COLWELL of Gardiner, Senator ROTUNDO of Androscoggin, Senator DOUGLASS of Androscoggin, Representative WALCOTT of Lewiston, Representative CRAVEN of Lewiston, Representative O'BRIEN of Lewiston, Representative MAKAS of Lewiston, Representative SHIELDS of Auburn, Representative SIMPSON of Auburn, Representative SAMPSON of Auburn.

On ADOPTION of Representative MAILHOT of Lewiston, was ADOPTED, and sent for concurrence.

(HLS 1343)

Presented by Representative MAILHOT of Lewiston.

Cosponsored by Senator ROTUNDO of Androscoggin, Senator DOUGLASS of Androscoggin, Representative O'BRIEN of Lewiston, Representative MAKAS of Lewiston, Representative CRAVEN of Lewiston, Representative WALCOTT of Lewiston.

On OBJECTION of Representative MAILHOT of Lewiston, was REMOVED from the Special Sentiment Calendar. READ. On motion of the same Representative, TABLED pending PASSAGE and later today assigned.

Recognizing:

the Franco-American Heritage Center at St. Mary's in Lewiston. The Heritage Center, a former church in the heart of "Petit Canada," was built by the French-speaking immigrants in the early 1900s. It will now be a museum, performing arts center and education center to pay tribute to those immigrants who were a vital part of the industrialization of Maine. These individuals brought their language, culture, Catholic faith, work ethic, strong family values, patriotism and good citizenship to the building of a better society. We join the Franco-American Heritage Center in celebrating "The Week of the Francophones";

On ADOPTION of Representative MAILHOT of Lewiston, was ADOPTED, and sent for concurrence.
securing a trust fund from Marvin and Marie-Reine Mikesell from Chicago, Illinois, and is making sure that those and other funds will be dispensed wisely to help younger generations learn French. Marie-Anne remains an inspiration to Franco-Americans of all ages;

Presented by Representative PARADIS of Frenchville.
Cosponsored by Senator MARTIN of Aroostook, Representative SMITH of Van Buren, Representative JACKSON of Fort Kent.

On OBJECTION of Representative PARADIS of Frenchville, was REMOVED from the Special Sentiment Calendar.

Recognizing:
Doctor Marc Chasse, of Fort Kent, who has been inducted into the Franco-American Hall of Fame. A retired chiropractor, Dr. Chasse continues his active advocacy for the Acadian and Franco-American populations of the St. John Valley and the State. He is active in the Save Our French movement, a founding member and first president of Le Club Français. He served as the first president of the Maine Acadian Heritage Council. He has videotaped French-speaking residents of northern Aroostook County to ensure that their stories will be preserved for prosperity. He films current events involving Franco-Americans and has built an impressive library of videos about the St. John Valley people and their important milestones. He has labored tirelessly in revitalizing the Fort Kent Historical Society. He led the restoration of the old B&A Railroad Station for the Society while serving as its president from 1986 to 1990. He is presently compiling and will publish Les Belles Histoires in honor of a century of service of Daughters of Wisdom, a French order of nuns that settled in St. Agathe in 1904. Dr. Chasse is married presently compiling and will publish Les Belles Histoires in honor of a century of service of Daughters of Wisdom, a French order of nuns that settled in St. Agathe in 1904. Dr. Chasse is married to the former Priscilla Hanna of Biddeford and has 4 children: Daniel, Carl, Kevin and Christine. We extend our congratulations and best wishes to Dr. Chasse;

Presented by Representative PARADIS of Frenchville.
Cosponsored by Senator MARTIN of Aroostook, Representative SMITH of Van Buren, Representative JACKSON of Fort Kent.

Ought to Pass pursuant to Resolve 2003, chapter 101, section 3.

Disability Prevention Activities”
Departmental Reporting Requirements for Developmental Services

Majority Report of the Committee on HEALTH AND HUMAN SERVICES reporting Ought to Pass as Amended by Committee Amendment “A” (S-427) on Bill “An Act To Provide Safe Staffing Levels for Patients and To Retain Registered Nurses” (S.P. 225) (L.D. 616)

Signed:
Senators:
BRENNAN of Cumberland
MARTIN of Aroostook
Representatives:
EARLE of Damariscotta
CRAVEN of Lewiston
KANE of Saco
CURLEY of Scarborough
WALCOTT of Lewiston
PERRY of Calais

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

Signed:
Representatives:
SHELDERS of Auburn
DUGAY of Cherryfield
CAMPBELL of Newfield
LEWIN of Eliot

Ought to Pass as Amended by Committee Amendment “A” (S-427).

Divided Report
Majority Report of the Committee on HEALTH AND HUMAN SERVICES reporting Ought Not to Pass on Bill “An Act To Strengthen Health Data Information and Health Planning” (S.P. 175) (L.D. 535)

Signed:
Senator:
BRENNAN of Cumberland
Representatives:
KANE of Saco
DUGAY of Cherryfield
CRAVEN of Lewiston
EARLE of Damariscotta
PERRY of Calais
CAMPBELL of Newfield
WALCOTT of Lewiston

Minority Report of the same Committee reporting Ought to Pass as Amended by Committee Amendment “A” (S-426) on same Bill.

Signed:
Senator:
WESTON of Waldo
Representatives:
CURLEY of Scarborough
SHELDERS of Auburn
LEWIN of Eliot

Ought Not to Pass Report, signed and accepted.

Representative KANE of Saco moved that the House ACCEPT the Majority Ought to Pass as Amended 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.

Majority Report of the Committee on HEALTH AND HUMAN SERVICES reporting Ought to Pass as Amended by Committee Amendment “A” (S-427) on Bill “An Act To Provide Safe Staffing Levels for Patients and To Retain Registered Nurses” (S.P. 225) (L.D. 616)
On further motion of the same Representative, TABLED pending his motion to ACCEPT the Majority Ought to Pass as Amended Report and later today assigned:

Majority Report of the Committee on MARINE RESOURCES reporting Ought Not to Pass onResolve, Related to Aquaculture Leases in Blue Hill Bay (S.P. 410) (L.D. 1279)
Signed:
Senator:
BENNETT of Oxford
Representatives:
BULL of Freeport
ASH of Belfast
DUGAY of Cherryfield
PERCY of Phippsburg
MUSE of Fryeburg
MCNEIL of Rockland
BKEIRAN of Saco
RECTOR of Thomaston
Minority Report of the same Committee reporting Ought to Pass on same Resolve.
Signed:
Representatives:
DAMON of Hancock
PENDLETON of Cumberland
Representative:
SULLIVAN of Biddeford
Came from the Senate with the Minority OUGHT TO PASS Report and later today assigned.
By unanimous consent, all matters having been acted upon were ORDERED SENT FORTHWITTH.

Majority Report of the Committee on UTILITIES AND ENERGY reporting Ought to Pass as Amended by Committee Amendment "A" (S-424) on Bill "An Act To Support Clean and Efficient Energy for the Future of Maine’s Economy and Environment" (S.P. 407) (L.D. 1261)
Signed:
Representatives:
HALL of Lincoln
BROMLEY of Cumberland
YOUNGBLOOD of Penobscot
Representatives:
RINES of Wiscasset
FLETCHER of Winslow
LUNDEEN of Mars Hill
MOODY of Manchester
ADAMS of Portland
BERRY of Belmont
BLISS of South Portland
RICHARDSON of Skowhegan
Minority Report of the same Committee reporting Ought to Pass as Amended by Committee Amendment "B" (S-425) on same Bill.
Signed:
Representative:
GOODWIN of Pembroke
Came from the Senate with the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-424).
READ.
Representative BLISS of South Portland moved that the House ACCEPT the Majority Ought to Pass as Amended Report.
Representative RICHARDSON of Brunswick REQUESTED a roll call on the motion to ACCEPT the Majority Ought to Pass as Amended Report.

NAY - Clark, Goodwin
Yes, 132; No, 2; Absent, 17; Excused, 0.
132 having voted in the affirmative and 2 voted in the negative, with 17 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

On motion of Representative CLARK of Millinocket, the following Joint Order: (H.P. 1439)
ORDERED, the Senate conccurring, that the Joint Standing Committee on Legal and Veterans Affairs report out to the House, a bill repealing term limits.
READ.
Representative BRUNO of Raymond REQUESTED a roll call on PASSAGE.

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

ROLL CALL NO. 336
The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I rise on this issue because I feel it is pretty much a violation of our process. We already considered a bill dealing with term limits. In our committee, the Committee on Legal and Veterans Affairs, which I am a member of did report out a bill on term limits, consideration of repealing it. It was defeated. I understand that we are coming upon an election. I understand that there are some members of this body that may like to run for reelection. However, I do believe that we should be considering this bill and extending our terms and extending term limits. I will be voting opposed to this measure.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House. The reason for this Joint Order is very clear. Yes, I am termed out, but my idea of a bill coming out of committee would go on the November ballot, up or down, to get rid of term limits all together. What was reported out of the Committee on Legal and Veterans Affairs was not to get rid of term limits. It was to extend them to 12 years. That was the bill that came out of committee. It had nothing to do with getting rid of term limits whatsoever. It was just extending term limits. Me, being a legislator that is termed out, I have no problem being termed out. If this bill passes and goes to the voters in 2004 and if they decide, the voters, the people that elect you and I, they decide to get rid of term limits, then it won't take effect until 2006. Most people who are up for reelection and running for the House in 2006, those are the people that will have the choice with term limits being rescinded or not, not us sitting here today, unless you are still here in 2006.

The people that are termed out today, I think there are 18 of us, myself and the good Representative from Raymond are just two of us that are termed out. Yes, people have put in their papers for the other body and other decisions for political aspirations. Term limits in the House and what we decided in committee last session was just to extend term limits, not to get rid of them. I hope you support me and my Joint Order. Thank you.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Mr. Speaker, Men and Women of the House. There have not been a lot of constituent calls to my house to repeal term limits. Term limits were put in place by the people of the State of Maine. Until the people of the State of Maine speak against it, even though I am not a supporter of term limits, I will not be supporting any bill that makes us want to repeal term limits. I agree that we dealt with a similar bill last session. It was defeated overwhelmingly. I think this Joint Order ought to go the same way of defeating this overwhelmingly and let the people of Maine decide if they need to overturn term limits.

The SPEAKER: The Chair recognizes the Representative from York, Representative Andrews.

Representative ANDREWS: Mr. Speaker, Ladies and Gentlemen of the House. We are looking at massive Medicaid cuts. Taking prosthesis away from people who need artificial limbs, taking away the care of our brain injured people, etc., etc., etc. We are looking at conflicting tax proposals. I find that we have many serious things we need to deal with at this time that should take precedent. I do not feel we should be dealing with this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

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

The SPEAKER: The Representative may pose his question.

Representative CARR: Mr. Speaker, is this properly before us if we have already dealt with the same thing previously in the same session of the Legislature?

Representative CARR of Lincoln asked the chair to rule if the Joint Order was properly before the body.

The SPEAKER: The Chair would rule that although the Chair is often frustrated with the Joint Order process. First and foremost the legislation that was taken up by this body in the First Session of the 121st Legislature was a bill. This is a Joint Order. If the previous way that that legislation came before us was through a Joint Order, then the Chair would rule as the Representative suggests, but that wasn't the way that went.

Secondly, from the Chair's memory, that bill was an extension of term limits, not an outright repeal as is being proposed here in this Joint Order. The Chair does share the Representative's frustration with the Joint Order process. Subsequently, the Chair RULED the Joint Order was properly before the body.

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

Yes, 51; No, 88; Absent, 12; Excused, 0

ROLL CALL NO. 337


ABSENT - Cowger, Dugay, Eder, Kaelin, Maietta, McGowen, Paradis, Usher, Walcott, Watson, Woodbury, Mr. Speaker.

51 having voted in the affirmative and 88 voted in the negative, with 12 being absent, and accordingly the Joint Order FAILED PASSAGE.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 50) for personal reasons, that Representative Harold A. Clough of Scarborough be excused Thursday, March 11th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Kevin J. Glynn of South Portland be excused Wednesday, March 10th for personal reasons.

LEGISLATIVE RECORD - HOUSE, March 18, 2004
AND BE IT FURTHER ORDERED, that Representative Guy J. Duprey, Jr. of Medway be excused Wednesday, March 10th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Russell P. Treadwell of Carmel be excused Tuesday, March 9th for health reasons.

READ and PASSED.

CONSENT CALENDAR

First Day

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

(S.P. 622)  (L.D. 1690) Bill "An Act To Authorize the STARBASE Program" Committee on LEGAL AND VETERANS AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (S-423)

(H.P. 1271)  (L.D. 1749) Bill "An Act To Provide for the Assessment of the Mahogany Quahog Resource" (EMERGENCY) Committee on MARINE RESOURCES reporting Ought to Pass as Amended by Committee Amendment "A" (H-769)

(H.P. 1308)  (L.D. 1786) Bill "An Act Making Amendments to the Uniform Commercial Code Covering Provisions Dealing with Negotiable Instruments and Bank Deposits and Collections" Committee on JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (H-772)

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

CONSENT CALENDAR

Second Day

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

(H.P. 1384)  (L.D. 1859) Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Bureau of Insurance (EMERGENCY)

(H.P. 1393)  (L.D. 1869) Resolve, Regarding Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education, State Board of Education (EMERGENCY)

(H.P. 1403)  (L.D. 1896) Resolve, Authorizing the Town of Eustis To Exchange a Certain Parcel of Land

No objections having been noted at the end of the Second Legislative Day, the House Papers were ENGROSSED and sent for concurrence. ORDERED SENT FORTHWITH.

BILLS IN THE SECOND READING

House

Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Business, Research and Economic Development Regarding the Board of Licensure in Medicine Pursuant to Reviews Conducted under the State Government Evaluation Act"

(H.P. 1432)  (L.D. 1933)

Reported by the Committee on Bills in the Second Reading, read the second time, the House Paper was PASSED TO BE ENGROSSED and sent for concurrence.

By unanimous consent, all matters having been acted upon were ORDERED SENT FORTHWITH.

ENACTORS

Emergency Measure

An Act To Conform to Federal Law Regarding Electronically Printed Credit and Debit Card Receipts and To Delay Enforcement of Civil Penalties

(S.P. 694)  (L.D. 1854)  (C. "A" S-420)

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. 130 voted in favor of the same and 0 against, and accordingly the Bill was PASSED TO BE ENACTED, signed by the Speaker and sent to the Senate. ORDERED SENT FORTHWITH.
Representatives:
SULLIVAN of Biddeford
AUSTRYN of Gray
BEAUDETTE of Biddeford
JACOBSSEN of Waterboro
SMITH of Monmouth
ROGERS of Brewer

Minority Report of the same Committee reporting Ought Not to Pass on same Bill.
Signed:
Representative:
DUPREY of Medway

READ.

On motion of Representative SULLIVAN of Biddeford, the Majority Report of the same Committee reporting Ought Not to Pass on same Bill.
Signed:
Representative:
ROGERS of Brewer

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 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 Senate Amendment "A" (S-416) was ADOPTED. On further motion of the same Representative, Senate Amendment "A" (S-416) was INDEFINITELY POSTPONED. The Bill was PASSED TO BE ENGROSSED in NON-CONCURRENCE and sent for concurrence. ORDERED SENT FORTHWITH.

- In Senate, Minority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.


By unanimous consent, all matters having been acted upon were ORDERED SENT FORTHWITH.

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (H-771) on Bill “An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships” (EMERGENCY)

(S. “A” S-416)

Bill “An Act To Permit Small Game Hunting on Private Property on Sunday in Unorganized Territory” (H.P. 308) (L.D. 388)

- In House, Majority OUGHT TO PASS AS AMENDED Report READ and ADOPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623) on January 27, 2004.
- In Senate, Minority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

Tabled - March 16, 2004 (Till Later Today) by Representative RICHARDSON of Brunswick.
PENDING - PASSAGE TO BE ENACTED.

On motion of Representative RICHARDSON of Brunswick, 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 House RECONSIDERED its action whereby Senate Amendment "A" (S-416) was ADOPTED.

On further motion of the same Representative, Senate Amendment "A" (S-416) was INDEFINITELY POSTPONED.

The Bill was PASSED TO BE ENGROSSED in NON-CONCURRENCE and sent for concurrence. ORDERED SENT FORTHWITH.

By unanimous consent, all matters having been acted upon were ORDERED SENT FORTHWITH.

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

CATHCART of Penobscot
Representatives:
NORBERT of Portland
BULL of Freeport
SIMPSON of Auburn
GERZOFSKY of Brunswick
BENNETT of Caribou
MILLS of Farmington
SHERMAN of Hodgdon
CARR of Lincoln
DUPREY of Hampden
BRYANT-DESCHENES of Turner

Minority Report of the same Committee reporting Ought Not to Pass on same Bill.
Signed:
Senator:
WOODCOCK of Franklin
Representative LORING of the Penobscot Nation - of the House - supports the Majority Ought to Pass as Amended by Committee Amendment "A" (H-771) Report. READ.

On motion of Representative NORBERT of Portland, the Majority Ought to Pass as Amended Report was ADOPTED. The Bill was READ ONCE. Committee Amendment "A" (H-771) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Friday, March 19, 2004.

SENATE PAPERS

The following Joint Order: (S.P. 772) ORDERED, the House concurring, that when the Senate adjourns Thursday, March 18, 2004 it does so until Monday, March 22, 2004 at 9:00 in the morning and when the House adjourns Friday, March 19, 2004, it does so until Monday, March 22, 2004, at 9:00 in the morning.

Came from the Senate, READ and PASSED. READ and PASSED in concurrence.
SENATE PAPERS

Bill "An Act To Appropriate Funds to the Maine Potato Board for the Purchase of Potatoes in Need of Disposal Due to Weather Conditions during the Harvest in 2003" (EMERGENCY)

(S.P. 771) (L.D. 1937)

Came from the Senate, REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ordered printed.

REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS in concurrence.

Bill "An Act To Create the Starboard Water District" (EMERGENCY)

(S.P. 770) (L.D. 1935)

Came from the Senate, REFERRED to the Committee on UTILITIES AND ENERGY and ordered printed.

REFERRED to the Committee on UTILITIES AND ENERGY in concurrence.

By unanimous consent, all matters having been acted upon were ORDERED SENT FORTHWITH.

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

HOUSE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (4) Ought to Pass as Amended by Committee Amendment "A" (S-426) - Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Strengthen Health Data Information and Health Planning"

(S.P. 175) (L.D. 535)

Which was TABLED by Representative KANE of Saco pending his motion to ACCEPT the Majority Ought Not to Pass Report.

Subsequently, the Majority Ought Not to Pass Report was ACCEPTED in concurrence. ORDERED SENT FORTHWITH.

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

HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (S-427) - Minority (4) Ought Not to Pass - Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Provide Safe Staffing Levels for Patients and To Retain Registered Nurses"

(S.P. 225) (L.D. 616)

Which was TABLED by Representative KANE of Saco pending his motion to ACCEPT the Majority Ought to Pass as Amended Report.

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

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. This bill received a bountiful amount of testimony against it and the amendment transfers this bill to a study. It says that it will direct this study by the Maine Quality Forum Advisory Council to review direct care registered nursing staff levels in general acute and specialty care hospitals. I mean no disrespect to anyone, but I reviewed who was on the Maine Quality Forum Advisory Council and there isn't one acute care nurse there. They are all executives, some of whom probably have some nursing background. I just think that this bill ought to just go away. Since there are no bedside nurses involved in this quality forum and as General McArthur said, "You have to be out in the trenches with the troops to find out what is really going on. You can't run the war five miles behind the lines." I hope that you will defeat this motion and we will put this bill away. Thank you.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Perry.

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House. Regardless of who is on the Health Quality Forum, this bill came forward because of quality issues and patient safety, as well as nursing retention. There was a great deal of debate within the Health and Human Services Committee and also it went to be talked with some of the parties during the summer. The thing that we were able to agree to is that we should look at the facts around this and determine if this is a patient safety issue and also it does affect the quality of health care within this state. This seems to be the place to put it. I certainly do not want to see this go away, because I think this is a real issue that should be looked at within the State of Maine. There are studies outside of the State of Maine that show that this is a safety issue. I would like to see you follow my light and vote for this amendment.

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

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. I don't think anybody would argue against having better quality. However, I am not sure that this forum is a place to take care of that. Mr. Speaker when a roll call is taken I ask for the yeas and nays to be recorded.

Representative SHIELDS of Auburn REQUESTED a roll call on the motion to ACCEPT the Majority 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: The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Mr. Speaker, Men and Women of the House. As one looks at the Maine Health Quality Forum and its role and function and how it was established as a component of Dirigo, this is exactly the purpose for which it was put in place. In order to have a place where different interests could come together and present their views, but to have the ultimate decisions being made on a data based very objective basis. I disagree with my good friend on the other side and would rather submit that this is, in fact, a place where it ought to be. If Dirigo is not up and functioning and did not have a quality forum council, we would be trying to create something like that in order to handle this issue. Thank you Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 338


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

Golf Courses
An Act to Allow Beverage Sales from Mobile Service Bars on Golf Courses

presented for 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 Allow Beverage Sales from Mobile Service Bars on Golf Courses

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference until disposed of as provided by House Rule 502.

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

PENDING - PASSAGE TO BE ENACTED.
On motion of Representative CLARK of Millinocket, 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-636) was ADOPTED.

The representative presented House Amendment "A" (H-773) to Committee Amendment "A" (H-636) which was READ by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. I present this amendment to try to get more people involved in support of this piece of legislation. What it does is this amendment provides that malt liquor, in case anyone doesn’t have it in front of you, may be sold, served or dispensed from a mobile service cart only during a golf tournament in which all players are 21 years of age or older. That is all the amendment does.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative BROWNE: Mr. Speaker, Ladies and Gentlemen of the House. As you can tell, I am a little new at this I guess. I am sorry to keep rehashing this again. I think most of these issues have been pretty well addressed. It is just kind of a cumbersome issue as far as the golf courses go. We have rules and regulations for having alcoholic beverages, beer in particular when minors are around. We have rules that cover this. This is a prevalent situation if you go to the Sea Dogs game or pizza parlors or whatever. I guess I think from the golf course point of view, I think it is well covered, it is well regulated. I would ask that you vote against this amendment and let the original motion go. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative MCKEE: Mr. Speaker, Men and Women of the House. I certainly appreciate the amendment because it does answer some of the questions that I had, which are, is a mobile bar on a golf course just like a bar anywhere else? Consequently I was concerned about students, our children and grandchildren being there and so forth. If we stay with the amendment, that solves that. However, I have a question about the amendment to anyone who can answer the question. If someone who is the bartender for the mobile bar serves alcohol for up to five years. I think that most golf courses today are enlightened and welcome an ability to regulate and to have some oversight and to have very clear requirements with respect to their accountability, the communications system with the server and the age of the server. I urge you, men and women of the House, to rely on the original bill and to defeat the proposed more restrictive amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative BLANCHETTE: Mr. Speaker, Ladies and Gentlemen of the House. I speak to you today and ask you to
Representative McKee: Mr. Speaker, Men and Women of the House. I actually support this amendment. I think that this is a good compromise if it is only going to be for people who are 21 years and older and they are only going to be the people who show up. I am still concerned about the person who serves because even if we don't have players who are on the course who are under 21, we often have caddies who are. If the bartender gives or sells to an adult 21 years old and then that person gives alcohol to the caddy who then goes home or in route home has an accident, posing a question through the Speaker, is the person who serves at that mobile bar then responsible indirectly for the accident the caddy has on the way home or is it the adult who receives it from the bartender and gives it to the caddy. Thank you.

The SPEAKER: The Representative from Wayne, Representative McKee has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative Dunlap: Mr. Speaker, Men and Women of the House. Again, my understanding of the law as written is the server does have ultimate responsibility for what they dispense. They are not only subject to fine and loss of ability to dispense alcohol, but they also are subject to civil proceedings in court as well. I think there is a positive disincentive to violating the spirit of those laws.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative McKee: Mr. Speaker, May I pose a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative Clark: Mr. Speaker, Ladies and Gentlemen of the House. I need to clarify. I don't want to be debating for something that I don't understand. Is this amendment to now allow mobile bars only during golf tournaments at which all players are 21 years and older? This is not for regular golf course activity. Am I mistaken or not?

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative McKee: Mr. Speaker, Ladies and Gentlemen of the House. I need to clarify. I don't want to be debating for something that I don't understand. Is this amendment to now allow mobile bars only during golf tournaments at which all players are 21 years and older? This is not for regular golf course activity. Am I mistaken or not?

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

Representative Dunlap: Mr. Speaker, Men and Women of the House. Again, my understanding of the law as written is the server does have ultimate responsibility for what they dispense. They are not only subject to fine and loss of ability to dispense alcohol, but they also are subject to civil proceedings in court as well. I think there is a positive disincentive to violating the spirit of those laws.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative McKee: Mr. Speaker, Ladies and Gentlemen of the House. I need to clarify. I don't want to be debating for something that I don't understand. Is this amendment to now allow mobile bars only during golf tournaments at which all players are 21 years and older? This is not for regular golf course activity. Am I mistaken or not?

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative Clark: Mr. Speaker, Ladies and Gentlemen of the House. I need to clarify. I don't want to be debating for something that I don't understand. Is this amendment to now allow mobile bars only during golf tournaments at which all players are 21 years and older? This is not for regular golf course activity. Am I mistaken or not?

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative McKee: Mr. Speaker, Ladies and Gentlemen of the House. I need to clarify. I don't want to be debating for something that I don't understand. Is this amendment to now allow mobile bars only during golf tournaments at which all players are 21 years and older? This is not for regular golf course activity. Am I mistaken or not?

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative Clark: Mr. Speaker, Ladies and Gentlemen of the House. I need to clarify. I don't want to be debating for something that I don't understand. Is this amendment to now allow mobile bars only during golf tournaments at which all players are 21 years and older? This is not for regular golf course activity. Am I mistaken or not?

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative Clark: Mr. Speaker, Ladies and Gentlemen of the House. I need to clarify. I don't want to be debating for something that I don't understand. Is this amendment to now allow mobile bars only during golf tournaments at which all players are 21 years and older? This is not for regular golf course activity. Am I mistaken or not?

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative Clark: Mr. Speaker, Ladies and Gentlemen of the House. I need to clarify. I don't want to be debating for something that I don't understand. Is this amendment to now allow mobile bars only during golf tournaments at which all players are 21 years and older? This is not for regular golf course activity. Am I mistaken or not?
The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-773) to Committee Amendment "A" (H-636). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 339**


Yes, 27; No, 110; Absent, 14; Excused, 0.

ADOPT House Amendment "A" (H-773) to Committee Amendment "A" (H-636) FAILED.

Representative GL, RN of South Portland REQUESTED a roll call on the motion to ADOPT Committee Amendment "A" (H-636).

One of the reasons we didn't take our children to Sea Dogs games or the Boston Red Sox is because of an experience we had when we first started doing this. When you sit down and people are spilling beer all over your children and you and beer is a part of that experience that is what baseball is about. That is not the way I want students or grandchildren to think about golf. Golf is one of those games that is free of alcohol in the State of Maine. It would be nice if we could have at least one sport, one that is free of alcohol.

The way I understand it, it is back to the original Committee Amendment without the other body's amendment.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

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

The SPEAKER: The Representative may pose her question.

Representative MCKEE: Mr. Speaker, Men and Women of the House. Would someone remind me if we are back at the original bill or do we still have this additional amendment about the porta-potties on Committee Amendment "A"?

The SPEAKER: The Representative from Wayne, Representative McKee has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House. The way I understand it, it is back to the original Committee Amendment without the other body's amendment.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative MCKEE: Mr. Speaker, Men and Women of the House. One final comment if we are back to the original bill. One of the reasons we didn't take our children to Sea Dogs games or the Boston Red Sox is because of an experience we had when we first started doing this. When you sit down and people are spilling beer all over your children and you and beer is a part of that experience that is what baseball is about. That is not the way I want students or grandchildren to think about golf. Golf is one of those games that is free of alcohol in the State of Maine. It would be nice if we could have at least one sport, one that is free of alcohol.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-636). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 340**


ABSENT - Churchill E, Cowger, Earle, Eder, Gerzofsky, Hutton, Jennings, Kaelin, Lunde, Maietta, Mailhot, Makaw, Mcgowan, O'Brien L, Usher, Watson, Mr. Speaker.

Yes, 99; No, 35; Absent, 17; Excused, 0.

99 having voted in the affirmative and 35 voted in the negative, with 17 being absent, and accordingly the motion to ADOP HOUSE AMENDMENT "A" (H-636) was ADOPTED.

The Bill was PASSED TO BE ENGROSSED AS Amended by Committee Amendment "A" (H-636) in concurrence. 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 FORTHWIT.

The SPEAKER: The Chair recognizes the Representative from Frenchville, Representative Paradis who wishes to address the House on the record.

Representative PARADIS: Thank you Mr. Speaker. In response to roll Call 329 on LD 1802, if I had been present, I would have voted yea.

On motion of Representative SHIELDS of Auburn, the House adjourned at 1:08 p.m., until 9:00 a.m., Friday, March 19, 2004 in honor and lasting tribute to Daniel J. Desjardin, D.P.M., of Auburn.