

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Seventeenth Legislature
OF THE
State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 7, 1994 to May 23, 1995

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
45th Legislative Day
Thursday, May 18, 1995

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

Prayer by the Reverend Calvin O. Dame, Unitarian Universalist Church, Augusta.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Communication: (H.C. 157)
Maine State Senate
State House Station 3
Augusta, Maine 04333

May 17, 1995

The Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, Maine 04333
Dear Clerk Mayo:

Please be advised that the Senate today Insisted to its former action whereby it accepted the Majority Ought Not to Pass Report on Bill "An Act to Protect the Rights of Employees and to Ensure the Proper Expenditure of Public Funds" (H.P. 262) (L.D. 364).

Sincerely,
S/May M. Ross

Secretary of the Senate
Was read and ordered placed on file.

Ought to Pass as Amended

Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-109) on Bill "An Act to Expand Eligibility for Benefits under the Adoption Assistance Program" (EMERGENCY) (S.P. 247) (L.D. 644)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-109).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-109) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, May 23, 1995.

Ought to Pass as Amended

Report of the Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-143) on Bill "An Act Concerning the Sale of Double Gauge Lobster Measures" (S.P. 429) (L.D. 1197)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-143).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-143) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, May 23, 1995.

Ought to Pass as Amended

Report of the Committee on Criminal Justice reporting "Ought to Pass" as amended by Committee Amendment "A" (S-133) on Bill "An Act to Authorize Certain Employees of the Department of Corrections to Use Deadly Force" (S.P. 454) (L.D. 1250)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-133) as amended by Senate Amendment "A" (S-149) thereto.

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-133) was read by the Clerk. Senate Amendment "A" (S-149) to Committee Amendment "A" (S-133) was read by the Clerk and adopted. Committee Amendment "A" (S-133) as amended by Senate Amendment "A" (S-149) thereto adopted and the Bill assigned for second reading Tuesday, May 23, 1995.

Non-Concurrent Matter

Bill "An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Public Employees Who Have Been Employed Fewer Than 6 Months" (H.P. 263) (L.D. 365) on which the Minority "Ought to Pass" as amended Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-189) in the House on May 16, 1995.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Labor read and accepted in non-concurrence.

The House voted to Adhere.

COMMUNICATIONS

The following Communication: (H.C. 141)
STATE OF MAINE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY
May 15, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 750

Resolve, to Authorize a Study of Recreational Uses of the Saco River from the Atlantic Ocean to the New Hampshire Border

L.D. 849

Resolve, Establishing the Commission to Study Procedures for Documentation of Feline Rabies Inoculations
An Act to Establish a Spaying and Neutering Program for Domestic Pets BY REQUEST

L.D. 888

An Act to Establish Procedures for Entering Property upon Receiving Complaints of Animal Cruelty

L.D. 899

An Act to Amend the Sheltering Requirements for Dogs and to Provide Funding for the Spaying and Neutering of Cats and Dogs

L.D. 935

An Act to Amend the Cruelty to Animals Laws by Defining the Term "Undue Suffering"

L.D. 979

L.D. 1130 An Act to Require Retailers
Stores to Label Foods That
Have Been Previously Frozen
as Previously Frozen
L.D. 1163 An Act Allowing Veterinarians
to License Dogs
L.D. 1272 An Act to Require That a
Person Providing a Dog to a
Laboratory Show Proof of
Ownership of the Dog
L.D. 1349 An Act to Clarify Animal
Welfare Laws Relating to
Euthanasia by Owners
L.D. 1362 An Act to Permit Boarding and
Licensed Kennels to
Administer Rabies
Vaccinations

We have also notified the sponsors and cosponsors of
each bill listed of the Committee's action.

Sincerely,

S/Sen. Vinton E. Cassidy
Senate Chair
S/Rep. Marjorie L. Kil Kelly
House Chair

Was read and ordered placed on file.

Business and Economic Development has - voted
unanimously to report the following bills out "Ought
Not to Pass":

L.D. 45 An Act to Regulate the Sale
of Cosmetics that are Exempt
from Federal Labeling Laws BY
REQUEST
L.D. 126 An Act to Amend the Laws
Governing Real Estate
Appraisers
L.D. 754 An Act to Increase Access to
Primary Care by Redefining
the Practice of Advanced
Nursing
L.D. 789 An Act Allowing Retailers to
Limit the Number of
Returnables They Accept
L.D. 1044 An Act to License Home
Contractors and Builders

We have also notified the sponsors and cosponsors of
each bill listed of the Committee's action.

Sincerely,

S/Sen. Philip Harriman S/Rep. G. Steven Rowe
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 142)
STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE
May 15, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to
notify you that the Joint Standing Committee on
Banking and Insurance has voted unanimously to report
the following bills out "Ought Not to Pass":

L.D. 81 An Act to Change
Reimbursement Policy on
Mental Health Services
L.D. 1222 An Act to Prevent Age
Discrimination in the
Purchase of Loan Insurance BY
REQUEST

We have also notified the sponsors and cosponsors of
each bill listed of the Committee's action.

Sincerely,

S/Sen. I. Joel Abromson S/Rep. Marc J. Vigue
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 143)
STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT
May 15, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to
notify you that the Joint Standing Committee on

The following Communication: (H.C. 144)
STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE
May 15, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to
notify you that the Joint Standing Committee on
Criminal Justice has voted unanimously to report the
following bills out "Ought Not to Pass":

L.D. 915 An Act to Increase the
Authorized Penalties for
Multiple OUI Offenders
L.D. 1007 An Act to Increase the
Penalty for Violating the
Laws Governing Passing
Another Vehicle BY REQUEST
L.D. 1066 An Act Authorizing the
Immediate Suspension of a
Driver's License upon Arrest
for a Repeat OUI Offense
L.D. 1127 An Act to Provide Funds to
Reimburse the Counties for
the Cost of Housing Certain
Prisoners
L.D. 1174 An Act Regarding the
Bind-over Procedure of
Juveniles
L.D. 1220 An Act Concerning Suspension
of Drivers' Licenses of
Minors Who Operate Motor
Vehicles Under the Influence
L.D. 1228 An Act Relating to the
Training and Certification of
Law Enforcement Officers
L.D. 1231 An Act to Provide for a
10-Year License Suspension of
Any Person Having 4 or More

L.D. 1309 Operating-under-the-influence
Convictions
An Act to Regulate Bank
Accounts of Clients of the
Department of Corrections

L.D. 1379 An Act to Ensure a Minimum
Sentence for a Sex Crime
Committed against a Minor and
to Permit Attendance of a
Minor's Victim and Witness
Advocate at a Grand Jury
Proceeding

L.D. 1408 An Act to Permit Polygraph
Examination of Certain
Individuals Charged with
Committing a Crime

We have also notified the sponsors and cosponsors of
each bill listed of the Committee's action.

Sincerely,

S/Sen. John W. Benoit S/Rep. Herbert E. Clark
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 145)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

May 15, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to
notify you that the Joint Standing Committee on
Education and Cultural Affairs has voted unanimously
to report the following bills out "Ought Not to Pass":

L.D. 277 An Act to Suspend Driver's
Licenses of Students under
the Age of 18 Who Drop Out of
High School

L.D. 451 An Act to Postpone the
Opening of the Maine School
of Science and Mathematics

L.D. 733 An Act to Eliminate the
Position and Office of the
Chancellor of the University
of Maine System

L.D. 878 Resolve, to Develop a
Voluntary Firearm Safety
Program for Use in Schools in
the State

L.D. 894 An Act to Provide Funding for
Homeless Students

L.D. 908 An Act to Require the
Department of Human Services
to Consider the Effect on a
School System before Placing
a Child in Foster Care

L.D. 990 An Act to Encourage the
Retention and Expansion of
Existing Schools within
Communities

L.D. 1011 Resolve, to Direct the
Department of Education to
Reduce the Number of
Superintendents in the State
to 25

L.D. 1019

L.D. 1020

L.D. 1041

L.D. 1211

L.D. 1240

L.D. 1274

L.D. 1313

We have also notified the sponsors and cosponsors of
each bill listed of the Committee's action.

Sincerely,

S/Sen. Mary E. Small S/Rep. John L. Martin
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 146)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON HUMAN RESOURCES

May 15, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to
notify you that the Joint Standing Committee on Human
Resources has voted unanimously to report the
following bills out "Ought Not to Pass":

L.D. 130 An Act to Protect Nursing
Home Residents

L.D. 303 An Act to Require the
Department of Human Services
to Pursue Federal Waivers
Concerning Medicaid
Eligibility

L.D. 374 An Act to Shift from Small
Business Owners to the
Department of Labor the
Responsibility for Providing
the Department of Human
Services with Information on
New Employees

L.D. 579 An Act to Increase the
Availability of Certain Drugs
Used to Treat Mental Illness

L.D. 581 An Act to Amend Provisions of
the Child and Family Services
and Child Protection Act
Relating to Voluntary
Agreements

L.D. 960 An Act to Reimplement
Statewide Child Sex Abuse
Medical Teams

L.D. 1001 Resolve, to Establish the
Commission to Study Certain
Provisions Regarding Medicaid
and Aid to Families with
Dependent Children during
Catastrophic Illness and
Economic Hardship

L.D. 1037 Resolve, to Establish a
Comprehensive Study on the
Effects of Maine's Middle Age
Population on the Maine
Economy and Health Facilities

L.D. 1133 An Act to Provide Funding for
Services for Persons with HIV
or AIDS

L.D. 1143 An Act to Adopt Uniform
Standards for Substance Abuse
Treatment

L.D. 1214 An Act to Award Child Support
Payments Directly to the
Recipient

L.D. 1219 An Act to Consolidate Health
Care Planning, Oversight and
Regulation in Maine

L.D. 1232 Resolve, to Establish the
Commission to Evaluate and
Reduce Medical Paperwork

L.D. 1288 An Act to Amend the
Certificate of Need Laws to
Include Rural Health Clinics

L.D. 1290 Resolve, to Increase Payments
to Foster Parents

L.D. 1330 An Act to Protect Victims of
Sexual Assault

We have also notified the sponsors and cosponsors of
each bill listed of the Committee's action.

Sincerely,

S/Sen. Joan M. Pendexter
Senate Chair
S/Rep. Michael J. Fitzpatrick
House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 147)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE
May 15, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to
notify you that the Joint Standing Committee on
Inland Fisheries and Wildlife has voted unanimously
to report the following bills out "Ought Not to Pass":

L.D. 1016 An Act to Prohibit the Taking
of a Female Bear Accompanied
by a Cub

L.D. 1085 An Act to Reduce Fishing
License Fees for Nonresidents
Who Pay Property Taxes

L.D. 1132 An Act to Provide Increased
Enforcement of Noise
Pollution Laws

L.D. 1157 Resolve, to Require the
Department of Inland
Fisheries and Wildlife to
Remove Deer from Marsh Island

L.D. 1238 An Act to Provide a \$35
Bounty on Coyotes

We have also notified the sponsors and cosponsors of
each bill listed of the Committee's action.

Sincerely,

S/Sen. Stephen E. Hall S/Rep. Dorothy A. Rotondi
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 148)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY
May 15, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to
notify you that the Joint Standing Committee on
Judiciary has voted unanimously to report the
following bills out "Ought Not to Pass":

L.D. 116 An Act to Clarify that the
Jurisdiction of Tribal Courts
Is Consistent with Federal
Laws

L.D. 328 An Act to Provide Immunity
from Civil Liability
Regarding Emergency Care

L.D. 488 An Act Concerning
Uncompensated Care Liability
for Health Care Providers

L.D. 498 An Act Requiring Pretrial
Review of Disputes Involving
Engineers, Architects and
Surveyors

L.D. 663 An Act to Extend the
Charitable Immunity Laws

L.D. 722 An Act to Grant Immunity from
Suit for Officers and
Directors of Fish and Game
Clubs

L.D. 1089 An Act Relating to Hospital
Medical Records

L.D. 1138 An Act to Remove the Statute
of Limitations in Cases of
Sexual Abuse of a Minor

L.D. 1292 An Act to Require That
Grandparent Visitation Rights
Be Included in Divorce
Decrees

We have also notified the sponsors and cosponsors of
each bill listed of the Committee's action.

Sincerely,

S/Sen. S. Peter Mills S/Rep. Sharon Anglin Treat
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 149)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON LABOR**

May 15, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1048	An Act to Prohibit the Collection of Unemployment Benefits Based upon Employment During Work Release
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We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Charles M. Begley	S/Rep. Pamela H. Hatch
Senate Chair	House Chair
Was read and ordered placed on file.	

The following Communication: (H.C. 150)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 15, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 448	An Act to Permit Condominium Associations to Obtain Reimbursement for Common Expenses Pending a Mortgage Foreclosure
L.D. 723	Resolve, Authorizing Jacqueline M. Sorenson of Westbrook to Sue the State BY REQUEST
L.D. 764	Resolve, Authorizing Norman Davis to Sue the State for Wrongful Suspension of a Driver's License BY REQUEST
L.D. 805	An Act to Make Appropriations to Improve Services to Veterans
L.D. 808	An Act to Better Enable Small Businesses to Keep On-line Lottery Machines
L.D. 1004	An Act to Prohibit Political Action Committee and Corporate Contributions in State and Federal Elections
L.D. 1031	An Act to Repeal the Residency Requirement for Admission into a Maine Veterans' Home

L.D. 1074

An Act to Limit Contribution of Political Committees and Other Associations in Elections for State Legislators

L.D. 1098

An Act to Voluntarily Limit Campaign Spending

L.D. 1115

An Act to Create a Voluntary Campaign Spending Law

L.D. 1223

An Act to Reform Campaign Financing by Changing the Nature of Television Advertising by Candidates

L.D. 1246

An Act to Implement Campaign Finance Reforms

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Norman K. Ferguson, Jr.

Senate Chair

S/Rep. Guy R. Nadeau

House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 151)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

May 15, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 25	An Act to Establish a 30-day Temporary Sea Urchin Boat Tender License
L.D. 138	An Act to Repeal the Laws Regarding Commercial Underwater Handharvesting Safety
L.D. 511	An Act Requiring Training Workshops for Eligibility for All New Applicants for Commercial Fishing Licenses
L.D. 626	An Act to Impose a Moratorium on New Lobster and Crab Fishing Licenses and to Develop a Resource Management Plan for the Lobster Industry
L.D. 635	Resolve, to Study the Use of Wooden and Wire Lobster Traps in Coastal Waters
L.D. 654	An Act to Amend the Licensing Laws for Sea Urchin Harvesting
L.D. 661	An Act to Prohibit Dragging in a Portion of the St. Croix River BY REQUEST
L.D. 859	An Act to Grandfather Urchin Divers Who Held Valid Licenses in 1992 BY REQUEST
L.D. 889	An Act to Control Entry into the Lobster Fishery to

L.D. 912 Alleviate Pressure on That Resource
An Act to Make Owners Responsible for Their Abandoned Lobster Traps BY REQUEST

L.D. 988 Resolve, to Direct the Commissioner of Marine Resources to Investigate Controlling Marine Predators Inhibiting Shellfish Farming

L.D. 1116 An Act to Establish an Appeals Procedure for Certain Persons Denied Handfishing Urchin Licenses

L.D. 1137 An Act to Exempt from Lobster Meat Permit Requirements the Sale of Less Than \$1500 Worth of Lobster Meat

L.D. 1215 An Act to Clarify Licensing in the Sea Urchin Fishery

L.D. 1226 An Act to Amend the Laws Pertaining to the Selling of Clams and Sea Urchins to Protect Certified Sellers of Clams and Sea Urchins

L.D. 1380 An Act to Strengthen the Sea Urchin Tender License

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. Jeffrey H. Butland S/Rep. Peter A. Cloutier
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 152)
STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES
May 15, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:
Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 9 An Act to Equalize Payments for Emission Testing in the State

L.D. 36 An Act to Amend the Motor Vehicle Emission Inspection Program to Extend the Period of Time Available for Repairs

L.D. 864 An Act to Amend the Laws Regarding Planning and Land Use Regulations of Villages to Allow Adoption of Local Growth Management Programs BY REQUEST

L.D. 933 An Act to Clarify and Provide Municipal Authority to Implement Comprehensive Waste Management Services

L.D. 1260 An Act to Repeal the Automobile Emissions Testing

Law, to Repeal the Requirement to Use Reformulated Gasoline and to Withdraw Maine from the Ozone Transport Region

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. Willis A. Lord S/Rep. Richard A. Gould
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 153)
STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT
May 15, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:
Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 966 An Act Concerning County Sheriff Patrols in Municipalities with No Local Law Enforcement

L.D. 994 An Act to Require State Agencies to Prepare Impact Statements

L.D. 1018 An Act to Prohibit the Expenditure of Public Funds to Challenge the Adoption or Amendment of a Municipal Charter BY REQUEST

L.D. 1026 An Act to Amend the Laws Dealing with Municipalities Having the Option of Inspecting Buildings BY REQUEST

L.D. 1229 An Act to Create the Emergency Management Advisory Board

L.D. 1261 An Act Concerning Fees Collected for the Restoration, Recreation and Preservation of Records in the Register of Deeds Offices

L.D. 1316 An Act to Address Membership of the Substance Abuse Services Commission

L.D. 1369 An Act to Amend the Law to Reflect Recent Changes in the Joint Rules

L.D. 1395 An Act to Provide for Sunset Review by the Legislative Joint Standing Committee of Jurisdiction

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. Jane A. Amero S/Rep. Beverly C. Daggett
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 154)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON TAXATION**

May 15, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 399 An Act to Implement the Recommendations of the Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals
- L.D. 476 An Act to Revise the Income Tax Code to Make It More Progressive
- L.D. 489 An Act Requiring That Distress Sales Be Included in Property Valuations
- L.D. 593 An Act to Increase the Veterans' Property Tax Exemption
- L.D. 657 An Act to Enhance Business along the Maine and New Hampshire Border
- L.D. 707 An Act to Include an Optional Contribution Check-off Box on State Income Tax Forms to Benefit Fort Knox
- L.D. 806 An Act to Eliminate the Sales Tax Exemption for Certain Property Purchased by Out-of-State Purchasers
- L.D. 831 An Act to Establish Individual Medical Savings Accounts
- L.D. 834 An Act to Award an Income Tax Credit for Value-added Wood Production
- L.D. 890 An Act to Make the Circuit-breaker Program a Credit under the Income Tax
- L.D. 940 An Act to Require that Information Recorded on the Real Estate Transfer Tax Form Be Kept on File in the Registry of Deeds BY REQUEST

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. W. John Hathaway S/Rep. Susan E. Dore
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 155)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

May 15, 1995

Honorable Jeffrey H. Butland, President of the Senate

Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 591 An Act to Give Motor Vehicle Drivers and Owners the Option of Keeping Motor Vehicle Information Confidential
- L.D. 751 An Act to Allow Charitable Organizations to Accept and Dispose of Motor Vehicles
- L.D. 818 Resolve, Directing the Maine Turnpike Authority to Establish a Formula to Reimburse Municipalities for the Costs of Municipal Services Provided
- L.D. 853 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Authorize the Dedication of a Portion of Vehicle Registration Fees to the Motor Vehicle Inspections Program
- L.D. 944 An Act to Conform Regulations of Off-system Railroads to Federal Standards
- L.D. 962 An Act to Require Certain Motorists to Yield When Traveling under the Speed Limit
- L.D. 1032 An Act to Add a \$5 Surcharge to the Fines Collected for All Moving Violations
- L.D. 1051 An Act to Allow the Posting of Temporary Signs at Dangerous Intersections
- L.D. 1075 An Act to Ensure Confidentiality of Motor Vehicle Records
- L.D. 1093 An Act to Allow for Street Legal Sprint Cars
- L.D. 1110 An Act to Allow the Erection of Certain Off-premises Signs Advertising Property
- L.D. 1225 An Act Concerning License Plates for Firefighters
- L.D. 1233 An Act to Provide Uniform Weight Limits for Public Ways in the State
- L.D. 1236 An Act Concerning the Transportation of Crushed Vehicles
- L.D. 1297 An Act to Ensure Consistency in the Laws Governing Maine's Roads
- L.D. 1308 An Act to Require Roll Bars in Emergency Response Vehicles
- L.D. 1381 An Act to Allow for the Issuance of Motor Vehicle Titles at Branch Offices of the Bureau of Motor Vehicles BY REQUEST

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Albert G. Stevens, Jr.

Senate Chair

S/Rep. William B. O'Gara

House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 156)

STATE OF MAINE

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

May 15, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature

State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|-----------|----------------------------------------------------------------------------------------------|
| L.D. 666 | An Act to Streamline Procedures before the Public Utilities Commission BY REQUEST |
| L.D. 984 | An Act Concerning the Eminent Domain Powers of Sanitary and Sewer Districts |
| L.D. 1015 | An Act to Allow Electric Power to be Purchased by Ski Resorts at the Lowest Profitable Rate |
| L.D. 1084 | Resolve, to Require Development of Energy Plans |
| L.D. 1128 | Resolve, Concerning the Exercise of the Eminent Domain Powers of the Portland Water District |
| L.D. 1151 | An Act to Allow Local Control over the Allocation of Public Fire Protection Costs |

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. David L. Carpenter S/Rep. Carol A. Kontos

Senate Chair

House Chair

Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bill was received and, upon the recommendation of the Committee on Reference of Bills, was referred to the following Committee, Ordered Printed and Sent up for Concurrence:

Education and Cultural Affairs

Bill "An Act Regarding School Construction in School Administrative District No. 49" (EMERGENCY) (H.P. 1092) (L.D. 1535) (Presented by Speaker GWADOSKY of Fairfield) (Cosponsored by Representatives: CHASE of China, JONES of Pittsfield, Senator: MILLS of Somerset)

ORDERS

On motion of Representative HICHBORN of Lagrange, the following Order: (H.O. 25)

ORDERED, that Representative Pamela H. Hatch of Skowhegan be excused April 26 and 27 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Harry G. True of Fryeburg be excused May 15 and 16 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Marc J. Vigue of Winslow be excused May 16 to 18 for legislative business.

Was read and passed.

REPORTS OF COMMITTEES

Refer to the Committee on Human Resources

Representative DORE from the Committee on Taxation on Bill "An Act to Establish a Lead Poisoning Fund" (H.P. 560) (L.D. 761) reporting that it be referred to the Committee on Human Resources.

Report was read and accepted and the Bill referred to the Committee on Human Resources and sent up for concurrence.

Refer to the Committee on Appropriations and Financial Affairs

Representative DORE from the Committee on Taxation on Bill "An Act to Fund Drug Abuse Resistance Education (DARE) by Increasing the Tobacco Tax by 1.5 Mills" (H.P. 1007) (L.D. 1418) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Report was read and accepted and the Bill referred to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

Ought to Pass as Amended

Representative FITZPATRICK from the Committee on Human Resources on Bill "An Act to Apply the Hospital Cooperation Act of 1992 to a Broader Range of Health Care and Social Service Agencies" (H.P. 548) (L.D. 744) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-266)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-266) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, May 23, 1995.

Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought Not to Pass" on Bill "An Act Concerning Licensed Activities for Marine Worm Diggers" (H.P. 413) (L.D. 570)

Signed:

Senators:

BUTLAND of Cumberland

PINGREE of Knox

GOLDTHWAIT of Hancock

Representatives:

CLOUTIER of South Portland

BIGL of Bucksport

ETNIER of Harpswell

LAYTON of Cherryfield

PINKHAM of Lamoine

RICE of South Bristol

VOLENIK of Sedgwick

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-256) on same Bill.

Signed:

Representative: BENEDIKT of Brunswick

Was read.

On motion of Representative CLOUTIER of South Portland, the House accepted the Majority "Ought Not to Pass" Report and was sent up for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(S.P. 109) (L.D. 285) Bill "An Act Concerning Placement of Modular Homes" Committee on Business and Economic Development reporting "Ought to Pass"

(S.P. 340) (L.D. 945) Bill "An Act to Allow Candidates to Donate Surplus Campaign Funds to Charitable and Educational Institutions" Committee on Legal and Veterans Affairs reporting "Ought to Pass"

(S.P. 384) (L.D. 1061) Bill "An Act to Amend Certain Provisions of the Law Relating to Defense" Committee on Legal and Veterans Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-144)

(S.P. 448) (L.D. 1221) Bill "An Act to Establish Responsibility for the Investigation of the Use of Deadly Force by Law Enforcement Officers" Committee on Criminal Justice reporting "Ought to Pass" as amended by Committee Amendment "A" (S-145)

(H.P. 629) (L.D. 854) Bill "An Act to Amend the Charter of the Seaport Water District" (EMERGENCY) Committee on Utilities and Energy reporting "Ought to Pass"

(H.P. 688) (L.D. 939) Bill "An Act to Exclude Services Provided by Home Stitchers from the Definition of Employment for Purposes of Unemployment Compensation" Committee on Labor reporting "Ought to Pass"

(H.P. 891) (L.D. 1244) Bill "An Act to Require County and State Inmates to Pay a Health Care Fee" Committee on Criminal Justice reporting "Ought to Pass" as amended by Committee Amendment "A" (H-270)

(H.P. 892) (L.D. 1245) Bill "An Act Limiting the Types of Municipal Investments" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-262)

(H.P. 943) (L.D. 1332) Bill "An Act to Authorize the Town of Topsham to Increase the Amount the Town May Contribute to the Construction Costs of Sewers That Belong or May Later Belong to the Topsham Sewer District" (EMERGENCY) Committee on Utilities and Energy reporting "Ought to Pass" as amended by Committee Amendment "A" (H-269)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, May 23, 1995 under the listing of Second Day.

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 352) (L.D. 980) Bill "An Act to Amend the Charter of the Somerset Woods Trustees to Eliminate the Cap on the Value of Holdings"

(H.P. 908) (L.D. 1284) Bill "An Act to Remove Outdated Provisions from the Public Utilities Law"

(H.P. 714) (L.D. 971) Bill "An Act to Require Special Care Program Disclosure by Entities Providing Alzheimer Care" (C. "A" H-255)

(H.P. 819) (L.D. 1150) Bill "An Act to Authorize the Use of Loon Plates on Baxter State Park Authority Vehicles" (EMERGENCY) (C. "A" H-259)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Increase the Property Tax Exemption for Farm Machinery" (H.P. 17) (L.D. 11) (C. "A" H-242)

Bill "An Act Preventing the Increase of Any Processing or Permitting Fees in the Department of Environmental Protection" (EMERGENCY) (S.P. 113) (L.D. 288) (C. "A" S-134)

Bill "An Act to Reimburse Former Temporary Hearing Officers of the Workers' Compensation Board for Lapsed Vacation Time" (S.P. 234) (L.D. 599) (C. "A" S-88)

Bill "An Act to Change the Restricted Area around Aquaculture Pens from 500 to 300 Feet" (S.P. 268) (L.D. 719) (C. "A" S-139)

Bill "An Act to Further Restrict the Illegal Harvest of Cultivated Oysters" (EMERGENCY) (S.P. 363) (L.D. 989) (C. "A" S-138)

Bill "An Act to Repeal the Salmon Aquaculture Monitoring and Research Fund" (EMERGENCY) (S.P. 366) (L.D. 992) (C. "A" S-140)

Bill "An Act to Amend the Law Concerning the Pricing of Discontinued and Test-market Liquor Items" (S.P. 372) (L.D. 1049) (C. "A" S-141)

Resolve, to Establish a Paper Industry Council (S.P. 382) (L.D. 1059) (S. "A" S-146 to C. "A" S-136)

Bill "An Act to Modify and Update Certain Laws Pertaining to the Importation and Possession of Wild Turkeys" (H.P. 855) (L.D. 1186) (C. "A" H-257)

Bill "An Act to Amend the Maine Criminal Code to Ensure Fairness in Classifying a Crime Based on the Value of Loss or Damage" (H.P. 879) (L.D. 1234) (C. "A" H-260)

Bill "An Act to Amend Laws Regarding False Claims for Payment or Approval by the Department of Human Services" (S.P. 462) (L.D. 1258) (S. "A" S-147)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

Bill "An Act Regarding the Schedule of the Distribution of Funds from the Maine Environmental Trust Fund" (EMERGENCY) (S.P. 468) (L.D. 1264) (C. "A" S-132)

Was reported by the Committee on Bills in the Second Reading, read the second time.

On motion of Representative CAMERON of Rumford was set aside.

The same Representative presented House Amendment "A" (H-271) which was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-132) and House Amendment

"A" (H-271) in non-concurrence and sent up for concurrence.

ENACTORS

An Act to Ensure Integrity in Maine Government by Prohibiting Involvement of Constitutional Officers and the State Auditor in Political Action Committees (S.P. 43) (L.D. 73) (C. "A" S-100)

An Act to Clarify the Liquor Licensing Laws for Certain Establishments (S.P. 94) (L.D. 234) (C. "A" S-121)

An Act to Clarify the Tax Records Laws (S.P. 140) (L.D. 326) (C. "A" S-111)

An Act to Clarify the Sales Tax Law Applicable to Packaging (S.P. 207) (L.D. 550) (C. "A" S-113)

An Act to Discourage Prescription Drug Fraud (S.P. 265) (L.D. 705) (C. "A" S-120)

An Act to Provide Funds for Family Crisis Shelters (S.P. 307) (L.D. 846) (C. "A" S-110)

An Act to Amend the Procedures for Conducting a School District Referendum (S.P. 317) (L.D. 898)

An Act to Remove Outdated and Duplicative Provisions from the Statute Governing the Office of Substance Abuse (S.P. 349) (L.D. 977)

An Act to Clarify Juvenile Detention (S.P. 354) (L.D. 982) (C. "A" S-114; S. "A" S-129)

An Act Regarding Abandoned Prescription Drugs at State Facilities (S.P. 419) (L.D. 1142)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted or finally passed, signed by the Speaker and sent to the Senate.

Resolve, to Strengthen Fish Hatchery Capacity within the State by Establishing a Partnership between Public and Private Organizations (S.P. 365) (L.D. 991) (C. "A" S-116)

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

On motion of Representative CLOUTIER of South Portland was set aside.

On further motion of the same Representative tabled pending passage to be enacted and specially assigned for Tuesday, May 23, 1995.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-251) - Minority (2) "Ought Not to Pass" - Committee on Natural Resources on Bill "An Act to Exempt Owners of Shooting Ranges from any Civil or Criminal Action Relating to Noise Pollution" (H.P. 60) (L.D. 96)

TABLED - May 17, 1995 (Till Later Today) by Representative GOULD of Greenville.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative GOULD of Greenville to accept the Majority "Ought to Pass" as amended Report and later today assigned.

HOUSE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (H-244) - Committee on Taxation on Bill "An Act to Amend the Law Relating to Municipal Service Fees and to Modify the Reimbursement Policy for Hospitals to Recover Service Fees Paid" (H.P. 550) (L.D. 746)

TABLED - May 17, 1995 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - Acceptance of Either Report.

Representative DORE of Auburn moved that the House accept the Minority "Ought to Pass" Report.

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

Representative DORE: Thank you Mr. Speaker. It is always awkward to be in the Minority on a position in your committee. I think I got a reputation yesterday for handing out materials. I am going to ask you to bear with me today, I have a couple of other things I would like you to read. I want you first of all to notice that this Minority Report is a complete change in the nature of the bill. This bill which is sponsored by Representative Stone, he can speak at length about it, but I first want you to catch the new title. "Resolve, to Create the Commission to Study the Growth of Tax Exempt Property in Maine's Towns, Cities, Counties, Regions and it's Impact on those Budgets."

This is a commission to study the growth of tax exempt property in Maine municipalities and the impact of growth in tax exempt properties on the budget. It isn't a commission to do anything. It is a commission that will report back to us with suggested legislation. I am going to ask you now to listen to the reasons to support the Minority "Ought to Pass" Report. Thank you.

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

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: When I did a survey in my district, 86 percent of the constituents came back and told me that they supported service fees for tax exempt property. As a large municipality and a service center, it is unfair for 100 percent of the municipal service fees to go toward supporting tax exempt properties when a large portion of the services provided are for people who do not live in that municipality.

The motion before you is merely to study the issue of service fees. I know that when people hear the word commission they get real excited and they think, oh no, we are going have additional costs. I believe this issue is too broad to be covered by the Committee on Taxation. People that are not on the committee and the service groups that would be involved need to be more than just feel involved in this process, they need to be involved. The only way to be involved is to be on the commission and have a voice in the outcome by being able to vote.

These nonprofit organizations, I don't believe, will be sitting there asking for pay to be there, they will want to be there, because they can't afford not to be there. This is an issue that has been before this chamber several times in the past and I would urge your support for this Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Thank you Mr. Speaker. Permission to pose a parliamentary inquiry.

The SPEAKER: The Representative may pose his inquiry.

Representative REED: Thank you Mr. Speaker. In so much as L.D. 746 in its title speaks to amending the laws relating to municipal service fees and modifying hospital reimbursement policy and proposes specific amendments to 22 M.R.S.A. 396 and 36 M.R.S.A. 652 and H-244, Committee "A", in its title speaks of the creation of a commission and makes no reference to either sections of the statutes. I respectfully request a ruling from the Chair as to whether or not Committee "A" is in violation of House Rule 31?

Representative REED of Falmouth asked ruling from the Chair if Committee Amendment "A" (H-244) is in violation of House Rule 31.

The Chair tabled pending ruling from the Chair and later today assigned.

HOUSE DIVIDED REPORT - Majority (12) "Ought Not to Pass" - Minority (1) "Ought to Pass" as amended by Committee Amendment "A" (H-247) - Committee on Agriculture, Conservation and Forestry on Bill "An Act to Clarify the Board of Pesticides Control Authority Regarding Restricted Use Pesticides and Groundwater Contamination" (H.P. 690) (L.D. 941) TABLED - May 17, 1995 (Till Later Today) by Representative KILKELLY of Wiscasset. PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: Listening to the discussion on this bill reminded me so much of listening to the discussions last summer on emissions control. The way it started out in emissions control is everybody wants clean air, but this isn't quite the way to do it. The way it started out on this bill is no one is against clean water and everybody, of course, would like to have zero contamination in groundwater.

One of the frustrations, however, that faced a number of us on the committee is the fact that there have been a number of programs that have been put into place over the past several years. Some of those have not had an opportunity to be tested to see if they work or don't work. The concern that was expressed by the department was if we add one more change, then again, they will be set back because they will be doing more planning and less implementation and it will again cloud the results of the other work that has been done.

I would like to share with you things that are currently in place. The 115th Legislature passed "An Act to Amend the State Groundwater Classification System and Protection of Public Water System Wellheads". In 1994, a plan was developed called the Maine's Wellhead Protection Program and that is being implemented. The proposed Maine Coastal Nonpoint Source Program requires that all coastal states submit to EPA and the National Oceanic and Atmospheric Administration a program from management measures to control nonpoint sources of pollution.

Maine is working on its proposal and needs to submit that by July of this year. In 1987, there was an EPA mandate for the state of Maine authorized by amendments to the Clean Water Act in 1991 those guidelines were developed and the state of Maine

strategy for managing nonpoint source pollution from agricultural sources and best management system guidelines. In 1994, also, the generic state management plan for pesticides and groundwater. This particular plan put together the different agencies and different areas responsible for looking at groundwater contamination and making sure those were coordinated. There is also a condition that if these measures are not successful the pesticides control board may consider other means to control pesticides use.

The Majority of the members of the Agriculture Committee certainly don't want contaminated groundwater, but our concern is that if we keep changing what is going to be happening and we keep changing the kinds of programs that there is to deal with contamination in groundwater, we may not know what works and what doesn't work. I would urge you to vote with the Majority on the "Ought Not to Pass" Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: I agree with Representative Kilkelly that all of us want clean water. Ninety percent of Maine's drinking water comes from groundwater. I would ask you how many of you want any pesticides in your groundwater? How many of you would be happy to know that pesticides have been identified in your well water or drinking water.

The goal of this bill is to minimize the contamination using the best available practices. We were presented with a petition containing the signatures of nearly 700 citizens who are asking for a procedure like that outlined in this bill. You have heard from Representative Kilkelly that there are other things in place that are going to take care of our problem. One of them is a management plan, DEP's management plan for pesticide and groundwater. That only provides action when the contamination reaches 50 percent of state or federal standards maximum exposure guidelines.

How many of you want to wait until the contamination of your drinking water reaches 50 percent of maximum exposure guidelines in order to take action. I should also note that the actions they take don't include any kind of remediation provisions. I think those standards are too high and too late. The nature of groundwater is that once something is in the ground, it is there for a long time, generally. You have groundwater plumes of contamination. Also, a lot is not known about how pesticides break down or don't break down in groundwater and the lack of oxygen.

If a program like that of the management plan for pesticides and groundwater, if the program is voluntary or complaint driven, that means that nothing will happen as long as no one finds out. As long as no one complains and as long as no one tests, someone can keep polluting and may contaminate a large amount of groundwater. This bill is a conservative approach. It is not banning pesticides of known potential to contaminate groundwater. I am aware that there are people right now circulating petitions to ban aerial spraying of pesticides.

This bill instead asks for a proactive approach by the Board of Pesticides Control. This bill is not in conflict with the Right to Farm Law. Best Management Practices, which was also alluded to, do not address groundwater contamination concerns. Best Management

Practices are a voluntary program engaged in or not, the choice of the farmer, mainly to provide an affirmative defense to the Right to Farm Law, but they do not address groundwater contamination. With so much of Maine depending on groundwater, I think it is incumbent upon us to protect that with all we can do. It will cost a lot more to clean it up and go to alternate water sources than it would to prevent it in the beginning. I urge you to defeat the pending motion. Thank you.

The Chair ordered a division on the motion to accept the Majority **"Ought Not to Pass"** Report.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Chartrand.

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: I am rising in support of voting against the "Ought Not to Pass" Report. I am rising in support of the bill. I would like to agree with the Representative from Wilton that this is in effect the conservative approach, because this bill does put the decision making power for how to promulgate these rules with the Board of Pesticides Control, which is composed of users of pesticides and applicators of pesticides. There will be lots of input in what is a reasonable level of restriction on the use and it will be in the hands of those people using the products.

It is clear that the bill also spells out the contamination of groundwater will be minimized only to the maximum extent practical under currently available technology, which leaves a lot of leeway in the hands of those using these products and in the hands of those applying them to decide how best to apply the rules. It does give us some restriction on contamination of groundwater. I think we applied some of these same restrictions to contamination of groundwater from other industrial users and we do have to look a farm use of chemicals also, when we try to protect our groundwater.

I hope you will vote against the "Ought Not to Pass" Report on this bill.

Representative HEESCHEN of Wilton requested a roll call on the motion to accept the Majority **"Ought Not to Pass"** Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was 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. 101

YEA - Ault, Bailey, Barth, Berry, Bigl, Birney, Bouffard, Buck, Bunker, Cameron, Campbell, Carleton, Chick, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Donnelly, Dore, Dunn, Fisher, Fitzpatrick, Gamache, Gieringer, Gould, Greenlaw, Guerrette, Hartnett, Heino, Hichborn, Jacques, Jones, S.; Joseph, Joy, Joyce, Joyner, Keane, Kerr, Kil Kelly, Kneeland, Kontos, Labrecque, Lane, Layton, Lemaire, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Morrison, Murphy, Nadeau,

Nass, Nickerson, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Pinkham, Plowman, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Rotondi, Rowe, Savage, Saxl, J.; Simoneau, Sirois, Spear, Stedman, Stone, Strout, Taylor, Thompson, Tripp, True, Tufts, Tuttle, Tyler, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor, Yackobitz, The Speaker.

NAY - Benedikt, Brennan, Chartrand, Chase, Chizmar, Etnier, Farnum, Gates, Gerry, Gooley, Green, Hatch, Heesch, Johnson, Jones, K.; LaFountain, Lemke, Luther, Meres, Mitchell JE; Perkins, Richardson, Samson, Saxl, M.; Shiah, Stevens, Townsend, Treat, Volenik, Watson, Winn.

ABSENT - Adams, Ahearne, Aikman, Dexter, DiPietro, Driscoll, Lumbra, Martin, Mitchell EH; Truman.

Yes, 110; No, 31; Absent, 10; Excused, 0.

110 having voted in the affirmative and 31 voted in the negative, with 10 being absent, the Majority **"Ought Not to Pass"** Report was accepted and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (10) **"Ought to Pass"** as amended by Committee Amendment "A" (H-175) - Minority (3) **"Ought Not to Pass"** - Committee on Appropriations and Financial Affairs on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Line-item Veto (H.P. 729) (L.D. 1003) TABLED - May 17, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Motion of Representative KERR of Old Orchard Beach to accept the Majority **"Ought to Pass"** as amended Report. (Roll Call Ordered)

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative KERR of Old Orchard Beach to accept the Majority **"Ought to Pass"** as amended Report and later today assigned.

SENATE DIVIDED REPORT - Report "A" (8) **"Ought Not to Pass"** - Report "B" (4) **"Ought to Pass"** as amended by Committee Amendment "A" (S-117) - Report "C" (1) **"Ought to Pass"** as amended by Committee Amendment "B" (S-118) - Committee on Utilities and Energy on Bill "An Act to Release the Public Utilities Commission from Mandatory Participation in Welfare Programs" (S.P. 149) (L.D. 335)

- In Senate, Report "B" **"Ought to Pass"** as amended read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-117).

TABLED - May 17, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Motion of Representative KONTOS of Windham to accept Report "A" **"Ought Not to Pass."**

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative KONTOS of Windham to accept Report "A" **"Ought Not to Pass"** and later today assigned.

Bill "An Act to Amend the Notification Requirements Regarding Automated Telephone Solicitation" (H.P. 100) (L.D. 135) (C. "A" H-214)

TABLED - May 17, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Engrossed.

On motion of Representative JACQUES of Waterville, tabled pending passage to be engrossed and later today assigned.

Bill "An Act Investing the Joint Standing Committee of the Legislature Having Jurisdiction over Taxation Matters with Exclusive Authority to Review Legislation Relating to Tax Policy" (S.P. 195) (L.D. 504) (C. "A" S-79)

TABLED - May 17, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Motion of Representative MITCHELL of Vassalboro to reconsider passage to be engrossed.

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative MITCHELL of Vassalboro to reconsider passage to be engrossed and later today assigned.

Bill "An Act to Exclude Certain Parks from the Definition of Mobile Home Parks" (H.P. 372) (L.D. 507) (C. "A" H-142)

TABLED - May 17, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Motion of Representative NADEAU of Saco to indefinitely postpone Bill and all accompanying papers. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Lemaire.

Representative LEMAIRE: Mr. Speaker, Men and Women of the House: This has really troubled me and I have done a little bit of research. I think it is important to say that the main rules related to drinking water done by the Department of Human Services Bureau of Health for EPA, performs an annual chloroform bacteria test which checks for fecal matter. It is a basic safety test. The difference between that and the Maine Manufactured Housing Board is that they mandate broader testing. They do tests for contaminants such as pesticides and radon. Obviously these people are working on farms, so I think that is important.

This authority extends to all mobile home parks with two or more trailers. Growers comply with the U.S. Department of Labor and State Manufactured Boards. These regulations do not overlap. The Manufactured Boards have much more stringent and comprehensive checks. I feel we are going to be treating seasonal employees differently. Migrant workers deserve the same treatment in relation to health and safety. Migrant workers provide a valuable service to the agricultural community. The Manufactured Housing Association in Maine opposes L.D. 507. We are not enacting a new law here. We are dismantling. My feeling is Congress is looking at dismantling OSHA. They are also looking at local autonomy, I think we need to have our own standards in the state of Maine to take care of the health and safety of every person in the state of Maine whether they are here to do work or they live here.

I don't think anybody should be discriminated against. I think what we are trying to do is blatant discrimination. I do hope we support postponement.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Mr. Speaker, Men and Women of the House: This issue has been battered

around and we have talked about issues that aren't pertaining to the bill, but are pertaining to attitudes some people have about migrant workers and about the way we have addressed different issues regarding these employees. I understand the deep concern to make sure that all people are treated fairly. What we have here is a piece of legislation that makes it easier for farmers to continue to provide housing for migrant workers.

The same standards don't make sense to be applied and I say that in regard to the reason in which folks are living in these homes. The homes are lived in summer months. The homes are lived in the best part of Maine's seasons. It is not during our harshest January and February which the Mobile Home Park Laws do address. There are differences in law currently as has been explained by the Representative from Easton and we don't have to go into that all again about the different agencies that address these because these are parks in which employees live in.

I guess it just disturbs me to say that someone who votes for this bill is prejudiced. I think what it is there are differences in the purpose of the park, the length of time spent in the park and the cost of the park and that is what the bill focuses on. I hope you will make your decision based on those reasons. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: I think I should apologize to the gentleman from Presque Isle right at the beginning, because he just mentioned that it really disturbs him when some of us bring this right down to a discrimination issue, but that is what it is. Why should a different class of people receive different treatment. It is as simple as that. This is not an Aroostook County bill. This is not a York County bill. This is a people bill. This is a humanistic bill. This is a discrimination type piece of legislation. There is no question.

Some people can dress this like a Christmas tree and tell you it's not really that bad, but you and I both know that the bottom line is profits. Profit is not necessarily a dirty word. If these folks, the employers here, could figure out a better way to reap their harvest to maximize their profits, you would think they really care about the workers. I mean, who's intelligence is being insulted here. Bottom line is if the employers can figure out a way to maximize profit and diminish employees and capitol intensive working, they'll do it.

Who is trying to argue the point that this is in their best interest? They haven't quite figured it out yet, but it is in their best interest. Baloney. I might have been born at night, but it wasn't last night. I don't think any of you are quite that silly or simplistic. The issue here is discrimination. Period. I really would urge you not to start dismantling good human rights legislation. Is this the thread that may get pulled and may dismantle the whole quilt? I think you just might be touching on it. I don't think it is the way to go. I urge you to vote for the prevailing indefinite postponement measure.

The SPEAKER: The Chair recognizes the Representative from Bridgewater, Representative Wheeler.

Representative WHEELER: Mr. Speaker, Men and Women of the House: I am speaking in favor of L.D.

507 and against the pending motion, not to downgrade the working and living conditions of migrant workers. The bill would get rid of an unneeded layer of bureaucracy, in my opinion. If the working conditions and living conditions of migrant workers were to be downgraded, the federal government and OSHA regulations would take care of the problem. If not, the court certainly will.

It is an economic issue for both the workers and the farmers in my area. Without this bill it is my understanding costs could reach a point where the farmers would have to reevaluate the use of hand labor, thus putting more people out of work and some crops at risk. I would urge your support for L.D. 507 and please vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

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

The SPEAKER: The Representative may pose his question.

Representative CAMPBELL: Thank you. In trying to understand this legislation, being in construction, I can relate to construction and construction camps and the temporary nature of those camps. Is there anyone that can answer the question concerning the length of time this worker camp might be occupied?

The SPEAKER: The Representative from Holden, Representative Campbell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Easton, Representative Kneeland.

Representative KNEELAND: Thank you Mr. Speaker. The length of time runs around three months period of time that these migrant workers are in our area, but just to clarify a few points for you, OSHA requires 61 points the employer has to look at his mobile home and have these checked off before these people can move in and also a water test. I have here the water test. Each spring the water test is taken and has to pass to be approved by EPA and all the 61 points have to be checked by the team and they come back through the summer to check the mobile homes again so they are not just checked once a year, but they are checked often. They are really kept up really well and these people are very well taken care of. The migrant labor people that come and work are really pleased with the living conditions that they live under. Thank you.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Buck.

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

The SPEAKER: The Representative may pose his question.

Representative BUCK: Thank you Mr. Speaker. It is my understanding that most of these temporary housing units are located in Washington and Aroostook County. I understand that those two counties have the highest unemployment rate in the state. My question is if that is the case, why do we have to import migrant workers?

The SPEAKER: The Representative from Yarmouth, Representative Buck has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Easton, Representative Kneeland.

Representative KNEELAND: Mr. Speaker, Men and Women of the House: The unemployment in Aroostook

County runs around 11 and 12 percent, but these people will not do this type of work. They would rather stay on unemployment. Thank you.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I was interested in Representative Campbell's question and his observations about construction camps. I am not going to pretend I know a lot about migrant farm workers. I will say there are some in Auburn, they pick apples. They are largely Jamaicans who come and pick apples in apple orchards. I am going to vote with Representative Lemaire and Representative Nadeau and I want to tell you why.

This is not a construction camp. Children live in migrant farm workers homes. Children live in those homes. I think we take an extra measure of care for children in this state and I think we should continue to do that.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I don't feel that I can answer all of your questions, but the migrant workers in Washington County are those who come to help harvest the blueberry crop. The blueberry crop usually starts around the first of August and it extends for three to four weeks. Sometimes depending on the way the blueberries ripen up it may extend into early September.

However, the majority of the people who come to Washington County to help harvest these are the Native Americans and most of them are from Canada. I can't tell you why these migrant workers come, except that they want to work. We do have local people who look forward to the blueberry harvest and I know of some of those who live close to the area where they work, but they prefer to take their own tents or their campers or things like that and go to the location of the fields. Let me also say that for these blueberry harvesters there is, in my area, the rakers center where they can go and receive free medical help, free services of many kinds. Let me tell you, they are well taken care of.

The harvest is a perishable harvest. That is why it has to be done within the time element. If these people prefer to come and work there, they know before they come the conditions and let me also say this. I happen to have a radio system which is shared by others in the area who are harvesters of blueberries or have their own fields and I have heard telephone conversations over that network from people as far away as California, Ohio, Louisiana, and all over this country.

In blueberry time some of them come to Washington County, because they use it as a vacation and they come to help harvest and get a chance to get out to get away from where they are and earn some extra money and believe me they do come in a lot of Cadillacs, Lincolns and other cars. It is a preference thing for them. That is why they come. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Thank you Mr. Speaker. It seems to me that this bill is getting way off the issue. Some of the issues that I have heard discussed here this morning have absolutely nothing to do with the bill. I have heard insults thrown at

our employers in the state of Maine and there is not an employer in the state of Maine who cares about their employees, the only thing they care about is profits.

I think that was a slam at much more than just farm employers and I think it was totally inappropriate. I know many employers and I know people that work for them and I know that a lot of the people that work for them are treated very well and have a lot of respect for their employers. I have heard it said that children are in these camps so then we need an extra measure of control. That would lead me to say that those of us who have a home and have children should have three or four different agencies requiring that we have water tests in our homes. That is not required. One test is adequate.

Why is one test not adequate for these same facilities, if it is adequate for each one of us in our homes. We go build a new house, you drill a new well and you have one water test for life, I might add, and that is all we ever have. Our children drink the water so why should we have to have three or four agencies regulating this particular situation when one federal agency asks for the water tests and 61 other points that have to do with the quality of life that these people lead in these camps. I don't think there is anybody in this room that wants any of these people living in the conditions that we have seen, 10, 15 or 20 years ago. That doesn't happen anymore.

This is a completely different situation as far as I am concerned and the issue really is multi-agency regulation. It is not all these other issues that we have talked about. If one water test is not good enough for this particular group of workers, then it follows in my mind, again, in our private homes where we have children we ought to have three or four different agencies expecting our water to be tested every year. Thank you.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative O'Neal.

Representative O'NEAL: Thank you Mr. Speaker, Men and Women of the House: This is a problem I can't address all over the state, but only in the area that I live. In the area I do live, I have seen these mobile homes and know they are being used for the best use possible. The children issue has been addressed. I will tell you that the children in the area I live in go to school all summer long under the CAP Program. They are very well attended. There are buses that take them back and forth to school while their parents are working. The programs have been very well received.

I will also share with you that OSHA and the ETA, the Employment Training Administration, both have regulations in place above and beyond the Maine law. There is no loss of protection or reduction in the standards in the migrant worker's health, safety, especially in regard to the safe water, because of the federal laws on those issues.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I have been listening to the debate over this issue and I was confused on exactly what the issue was when you started and I still am confused on exactly what the issue is right now. I think I am getting it, but I'm not sure.

I represent the three mobile home parks in the city of Waterville and last night I went and drove

through one of them on the way home to see what conditions those parks had to deal with when these were set up that would be different than a mobile home park that migrant workers would have to live in, in either Aroostook or Washington County. I will admit that the roads are tarred. They have water. They have sewer. They have electricity and in Waterville you have to be so far apart, which has changed over the years. Looking around at the rest of it, I didn't see too much there above and beyond that that was a requirement or a burden to either the mobile home owner or the owner of the park itself.

Why I think we have danced around here is it is a case of probably a little overzealous enforcement on behalf of people who are designated by law to visit these parks and cannot make the distinction between someone who is living there 12 months out of the year through all the conditions and everything that happens versus someone who may be living there two or three months of the year. I still am confused understanding the concerns of the people who represent the farmers who require the services of the migrant workers to bring their crops in. I am still confused at exactly what it is and who is saying that the problem is with the way they set up the mobile homes.

I understand checking groundwater if you are in the middle of a farm and you are applying pesticides on a regular basis. I remember very well when former Representative McGowen had his well tested on a home he was renting in Pittsfield and it come back that the well was highly contaminated in pesticides and was never able to use that water again. I remember that. I understand how that can happen. I can understand where wells should be checked more often than my well at Northeast Carry where I have children come and play and drink the water. Clearly there is no pesticide application. There may be a little herbicide once in a while, but I am told that really doesn't hurt much.

I am still confused on what exactly we are talking about. Is it indeed an overzealous bureaucrat that has come forward and read something into the law that either isn't there or I have not been able to see what would require a mobile home park in Aroostook on a farm set up for migrant workers to be treated differently or provide services differently than in my district for a mobile home park that was set up to provide housing for some of my citizens. No one has been able to address that to this point.

What exactly is the difference and what is the problem and why is this putting an undo burden on the farmers, if you are required to have electricity, water, and sewage? Is it the location of the parks? Is it the fact that someone is inspecting those trailers? What is the difference and what is the problem that causes such a burden? I am being serious about this. I am not being facetious, on the farmers, what will warrant us passing this law? Is it the fact that the person who is assigned to enforce this is absent of any form of common sense at all and has put more into the law than the law says?

I need to have the answer to that before I can, in all honesty and good faith, vote for or against this bill. No one has answered those questions up to now. We spent a lot of time debating it, but those are the fundamental questions that have to be answered by someone who knows a lot more about it than I do. I can tell you what the requirements are for the mobile home park in my district. I doubt if

any of you would argue that those are excessive or too burdensome to the park owners. I want to know what it is that we are talking about in a mobile home park where the migrant workers would have to reside whether they are here for a month or three months that is causing this problem.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the good Representative from Waterville, I believe you had this paper that was passed around the other day and I think there was some answers on this. You must remember, as it was mentioned earlier, these are seasonal workers, they aren't there the whole year to have to face some of the winter conditions we do face.

Two of the main reasons why they want to be set up differently is for space reasons. I believe the Mobile Home Board requires here by state law in Maine 5000 square feet per unit. This would allow them to be exempt from the 5000 square feet per unit. The other one is that the Mobile Home Board requires electrical meters for each hookup. It would be rightly so in a mobile home park everyone is paying rent and they need their own utilities. These migrant workers are being supplied housing. They do not pay any rent fees. It is all in the deal that they are hired under. Therefore, the farmer or whoever would be paying the entire bill so it would save them a lot of money if they do not have to have an electrical meter hookup for each unit.

I know those are two main reasons that they want to be treated differently than the regular mobile home parks that are here for a whole year, especially where these are seasonal. That answers a couple of questions.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Jones.

Representative JONES: Mr. Speaker, Ladies and Gentlemen of the House: I think there has been some misinformation passed around. My understanding of landlord tenant law is that if you are paying for electricity in each apartment or mobile home, then you have to be metered separately. If the electricity is being provided in the rent or in the nonrent coming out of your wages, then one meter can be used.

It is also my understanding that the definition of a mobile home is 8 feet by 34 feet. Someone might correct me one that. To me I really need to center this debate. The other day I talked to one of our highest sitting justices and mentioned this bill. I told him it didn't pass my straight face test and he laughed. The real issue here is the 14th Amendment that does not allow us to deny equal protection of the law and it is parallel in the Maine Constitution, Amendment 6A, that says the same.

The real problem here is if we repeal this, then not only are we denying equal protection, but we are also denying their protection under the Mobile Home Park Law that says, each individual tenant cannot be treated differently. If we repeal that, then the people in the these parks can be treated differently from trailer to trailer. One can be charged \$10 dollars rent and one can be charged \$100 dollars. One could have it deducted from their pay and one wouldn't. We are unraveling equal protection here. I am sure it would be a fun case to try in court for whoever gets it. I hope I don't. Thank you.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I am very pleased to answer Representative Jacques excellent question. The difference between the mobile home parks that, I think, most of us have in our districts, which provide housing for year round citizens and are not directly tied to one form of employment compared to the mobile home parks we are talking about today, which are for seasonal migrant workers, is that the average mobile home park in our district, which is year round, does not have to conform to the OSHA Regulations, to the Department of Agriculture Regulations and to the Department of Labor Regulations that are required for seasonal migrant worker mobile home parks.

That is the distinction that the average park in our district has to conform to the Maine Manufactured Housing standards, whereas, the parks we are talking about in L.D. 507 have to conform to that level which we are trying to, in the bill say, ok, that is an additional level that we would like removed, but they have these other three levels as well. That is the distinction between the two levels of parks. The standards are still the same. The federal standards are still extremely strict with regard to health and safety. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I am very interested in this piece of legislation. I have lived in Washington County for a long time and I remember a horrific story about migrant workers in Washington County in the blueberry barrens. However, as a former member of the Labor Committee it is my recollection and I would ask to be corrected, first of all we need to ask ourselves, who are these migrant workers. Are these migrant workers citizens of the United States? Often they are not.

It is also my understanding that OSHA regulations say that they must be called by an employee. If you happen to be an illegal immigrant and you happen to be a migrant worker or you happen to be a migrant worker who is a U.S. citizen, which are the best kind, which would be a legal best kind of migrant worker, then, in fact, would you call OSHA? I would like to ask the question is how often does the Department of Agriculture inspect? How often does the Department of Labor inspect and if it is still true as my recollection is, must OSHA be called by an employee about a complaint about their situation in their workplace? Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I appreciate the answers that I have gotten, because factually I think we have gotten more information in about the last three minutes on this bill than we have in the last couple of times of debate. The answers do little to allay my concerns, because based on what Representative Spear has said is that we are going to abandon all of the state standards for housing for migrant workers in this state based on the fact that there is a requirement that says they all have to have separate meters, which I think could be worked out. I am sorry, I don't even remember what the requirement was that you said was a priority. I guess space, closeness of proximity.

The original version of the mobile home park in my district the trailers are very, very close together. As a matter of fact, the person who originated that trailer park, his son and I were very good friends and I helped plant some of the trees and work on that park way back when it was built. Since that time the city has changed the ordinance and I sponsored the bill effectively that dealt with the space issue for mobile home parks in the cities and municipalities of the state of Maine. I still don't believe that those two issues alone are so bad and so unreasonable that something could not have been worked out without throwing the proverbial baby out with the bath water.

The other concern I have is that the standards, the mobile, that manufactured the homes standards that were adopted, clearly if you have some of these mobile homes that were prior to a particular date in this state, yes, probably the standards that are in place in today's law would have an impact on that. Those are the mobile homes that burnt in about 35 seconds. Those are the mobile home that, quite frankly, the floors used to warp and you had all kinds of problems. I think nationwide, as well as the state of Maine, adopted some standards that just made common sense if you are building something, so that you weren't selling people chicken houses and expecting them to live in there.

I firmly believe that somewhere along the line we have lost sight of what this whole issue is about. Clearly, with intelligent rational human beings these issues should have been worked out without throwing the whole set of guidelines and protections that are afforded to migrant workers who come up here to provide services to the people of the state of Maine and those farmers in particular. I find it very disturbing that we were not able to as an intelligent civilized society sit down with the state of Maine and work those minor, what I believe to be very minor, and have very little impact on the health, safety and welfare of the citizens and the people that would be living in this type of housing.

Although you have answered a couple of my questions, it just amazes me that this issue has gotten this far and the only alternative we have is to completely throw out the set of standards that we put in place in the state of Maine, by the state of Maine, for Maine people. I am puzzled by that. I think we best start looking at the way we are interpreting things, if this is the only solution we can come out with this problem. Meters are going to be effected. Square footage is going to be effected.

Obviously it makes a big difference if somebody is going to live there year round and have children and pets on how much square footage that you have a mobile home on. Quite frankly, one of the reasons we did come up with that minimum square footage is because municipalities were adopting ordinances that made it literally impossible to locate mobile home parks within their borders. That was the reason they came back with a square footage requirement, to make sure that type of affordable housing would be possible and plausible in most of the communities of this state. It had very little to do with safety standards or anything else.

Clearly, someone along the line has taken that law that was passed for a specific reason and brought it to new heights. I am afraid in some cases, some new heights of absurdity, but it just amazes me that the only way we can deal with this problem is to pass a law that negates all the other things that clearly

should be taken care of. I remember this issue very well. I remember a former member of this body that was taken to press and all the print in all the newspapers and all the press, because of the bad publicity occurred of the treatment that was occurring on one of his farms.

I remember how the people of Maine were shocked and outraged that an elected Representative of the people would allow this to happen. Quite frankly, he probably was a very busy guy, I knew him and served with him and I never believe that this man intended to do anything to mistreat the people that were working for him and helping make a living. Unfortunately, it became the issue of the day and the issue of the week. I certainly don't want to go back to that time. I don't believe most of the farm owners want to go back to that time. It just really amazes me that the solution to this problem is what we have before us today and it should bother every one of us.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

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

The SPEAKER: The Representative may pose his question.

Representative THOMPSON: Thank you. I would like to know if these 5000 square foot requirements and the separate meter requirements are in the statute or if they are rules adopted by the board?

The SPEAKER: The Representative from Naples, Representative Thompson has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Thank you Mr. Speaker. To answer the good Representative's question, I believe the 5000 square feet is in the statute. As far as the meters are concerned, I don't know it that is in the statute. I know in many cases that the utility districts themselves have put those conditions on. I guess the tenant law that Representative Jones talked about dealing with if the tenant pays their own electricity, they are required by law to have their own meter. We follow much of that under the public housing.

If the electricity is part of the rent, it is taken care of by the landlord, one meter suffices for the whole building. I am not sure whether the law dealing with mobile home parks specifically says, I know some of the park owners of the past had different setups. I am not sure what the law says, but the 5000 feet is in the law now.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Saco, Representative Nadeau that this bill and all accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 102

YEA - Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Dore, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Green, Hatch, Heeschen, Jacques, Jones, K.; Joseph, Keane, Kerr, Kontos, LaFountain, Lemaire, Lemke, Luther, Meres, Mitchell JE; Nadeau, O'Gara, Paul, Poulin, Pouliot, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Thompson,

Townsend, Treat, Tripp, Tuttle, Volenik, Watson, Winn, The Speaker.

NAY - Ahearne, Aikman, Ault, Bailey, Barth, Bigl, Birney, Buck, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Damren, Desmond, Donnelly, Dunn, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Hartnett, Heino, Hichborn, Johnson, Jones, S.; Joy, Joyce, Joyner, Kilkelly, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Morrison, Murphy, Nass, Nickerson, O'Neal, Ott, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Povich, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Sirois, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Tyler, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor, Yackobitz.

ABSENT - Adams, Dexter, DiPietro, Driscoll, Lumbr, Martin, Mitchell EH; Truman.

Yes, 59; No, 84; Absent, 8; Excused, 0.

59 having voted in the affirmative and 84 voted in the negative, with 8 being absent, the motion to indefinitely postpone was not accepted.

Subsequently, the Bill was passed to be engrossed as amended and sent up for 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:

SENATE PAPERS

The following Joint Order: (S.P. 567)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 23, 1995, at 9:30 o'clock in the morning.

Came from the Senate read and passed.

Was read and passed in concurrence.

ORDERS

On motion of Representative O'GARA of Westbrook, the following Joint Order (H.P. 1094)

ORDERED, the Senate concurring, that Bill, "An Act to Permit Greenhouses To Have Temporary Road Signs," H.P. 193, L.D. 252, and all its accompanying papers, be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence. Ordered sent forthwith.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

SENATE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (S-126) - Committee on Business and Economic Development on Bill "An Act to Coordinate Low-income Energy Assistance Programs" (S.P. 270) (L.D. 721)

- 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-126)

TABLED - May 17, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Motion of Representative ROWE of Portland to accept the Majority "Ought Not to Pass" Report.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Mr. Speaker, Men and Women of the House: I ask that you support the pending Majority "Ought Not to Pass" motion. This bill deals with the Low-income Home Energy Assistance Program, otherwise known as LIHEAP. It is a federal program that provides energy assistance to low-income households throughout Maine. This year Maine low-income households received over \$17,000,000 dollars through this program.

The Maine State Housing Authority serves as a grantee for the federal funds and currently the 11 community action agencies, otherwise known as the CAP agencies serve as the subgrantee. This bill requires the Maine State Housing Authority to administer the program on a competitive bidding basis, which includes local agencies, including municipalities and to designate the agency with the lowest cost per applicant as a subgrantee.

I know that may sound like a good idea, but eight of the nine members of this body who serve on the Business and Economic Development Committee thought otherwise. I would like to tell you why. The current use of the CAP agencies as subgrantees is very efficient from a cost perspective. In fact, Maine has the most efficient administration in terms of cost and number of applications per CAP among the New England states. You do have a yellow handout, a fact sheet with some of this information on it. I have asked you to look at that.

The Maine State Housing Authority deals with only 11 subgrantee presently, that is the 11 CAP agencies. If that number is increased as this bill proposes, the possibility of the Maine State Housing Association's administrative costs would also increase. Presently the Maine State Housing uses only about two and a half percent of the LIHEAP fund for administration. There is an allowable 10 percent. The balance of that 10 percent is used by the CAP agencies for administration.

There are 489 municipalities around the state and I am not suggesting that there would be that many subgrantees, indeed there probably only a few towns or cities that might wish to participate, but we still think that it would be better to keep it as it is. It is working fine. The second reason is the current use of CAP agencies as subgrantees is very efficient from a customers perspective. The CAP agencies administer over 120 different programs and by using the single LIHEAP application as a basic income eligibility application individuals can find out that they are eligible for other programs, both state and federal. It is a very good way to coordinate services. Some other programs that are administered through the CAP agencies are Weatherization Programs, central heating improvement, transportation, Temporary Housing Assistance Program and Low Energy Home Improvement Program.

You can see there are other programs that are very similar to this that are already administered through the CAP agencies and by a single application it makes sense that you can find out if people are entitled to benefits through more than one program. The final thing is passage of this bill will potentially conflict with several provisions of federal law.

That is also mentioned on the yellow sheet. Federal law gives preference to organizations that administer other low-income energy or energy crisis prevention programs and the CAP agencies are among these organizations. Federal law also requires subgrantees to provide outreach and intake functions for crisis intervention and other heating assistance administered by the state and CAP agencies do this.

Finally, under current law and current rules of the Maine State Housing Authority the towns and cities throughout Maine can apply to become subgrantees. However, the rules do have selection criteria. Among those selection criteria are factors other than just lowest cost per application. I think that is important, because some of the other selection criteria are very important. They deal with other factors, for example, the other programs that are offered through the CAP agencies, the experience in providing fuel assistance to low-income persons, the current capacity to administer such programs, the geographic area of service and cost efficiency.

For all these reasons, I believe, and as I say a majority of the members of the committee believed that it is working very well and in the end the low-income households who applied for these funds are getting the maximum money they could under the fund, because of the excellent administration that we currently have in place. I would ask for your support of the pending motion and ladies and gentlemen of the House, I thank you very much for your attention.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Birney.

Representative BIRNEY: Thank you Mr. Speaker, Distinguished Members of the House: I rise today to ask for your support in opposing the Majority "Ought Not to Pass" Report, because we as legislators should be encouraging efficiency in the way the Low-income Energy Assistance Program, better known as LIHEAP, is being delivered.

It is true that the good Representative Rowe who said that the CAP agencies, at this point, seem to be working very efficiently. The grant for LIHEAP in the federal year 1994-95 totaled about \$17,500,000 dollars and the federal law allows the grantee agency, which is the Maine State Housing, to reduce that grant by 10 percent for administrative purposes. The Housing Authority only keeps about two and a half to three percent of that money and the other seven percent, as Representative Rowe mentioned, is used to deliver the services, in other words, administrative fees for the CAP agencies.

This translates into about \$1,000,000 dollars to administer the program in 11 Community Action Agencies, which gets to my point. Only the 11 CAP agencies deliver this program. No other entity delivers this program, because they are not given the consideration that the CAP agencies are given. What I am suggesting is that we should seriously consider asking that this program go out for bid to all interested parties.

There will be those who will claim that we will be breaking federal law by doing so, because it is mandated that the CAP agencies be given preferential treatment in program administration. The case is that what is mandated is that the CAP agencies be given special consideration as the designated agencies to deliver the LIHEAP program. There are 11 agencies in the state. Assuming that one or two of

the major towns or cities in the state through their welfare director want to administer this LIHEAP program, I would charge that probably the rest of the programs being administered would be considered preferential treatment, if the CAP agencies got them.

It was suggested in committee that this special consideration is the only criteria when selecting the designee. Well, ladies and gentlemen of the House, this is the only criteria and special consideration does not mean full consideration and we as policy makers have a responsibility to make sure that competition is encouraged, not discouraged. The intent of this bill is to encourage competition in determining the designee. It requires that bidders meet all the federal requirements. If the city such as Bangor or Auburn can meet the program requirements, why shouldn't they have the opportunity to bid on the delivery of the program.

Please support me in supporting opposing the "Ought Not to Pass" Report and keep government agencies accountable. Another thing that I want to mention after hearing Representative Rowe's testimony talks about other benefits and other programs that the CAP agencies administer. It is true, they do administer some other programs. For instance, the administer budget counselling, energy education, payment arrangement assistance, home visits, not including the portion of the home visit attributable to normal outreach mandates, program referrals and other similar services.

Another thing that was mentioned was that through this program they have access to the information so that they can find out if these constituents who qualify for low cost energy assistance qualify for other programs. I will tell you in my area, I have a constituent who contacted me that said and she does get assistance for energy, they have called her on every other thing that she is eligible for. The latest was did you realize you are eligible for reimbursement for mileage to go to the doctors and the drugstore.

She said, That is nice, but I am doing fine. I guess I can manage to pay for gas going to the doctor and the drugstore." Ladies and gentlemen, this CAP agency employee kept almost harassing her, called her several times and every time she would see her in the grocery store asking her come in a make out an application for this reimbursement. Finally, my constituent said, "Well, what is the big deal here, I am getting along fine. I appreciate all the assistance I have gotten, but I really don't need this benefit." The agency employee said, "Well, it is my job. I have to have so many of these or I am not going to have a job and you qualify so why don't you come in and fill out the application and get the money, because it is my job ensure that you get it." These are some of the inefficiency that I see. I just think that there ought to be a chance for it to go out to bid. Thank you.

On motion of Representative JACQUES of Waterville tabled pending the motion of Representative ROWE of Portland to accept the Majority "Ought Not to Pass" Report and later today assigned.

On motion of Representative JACQUES of Waterville, the House recessed until 4:30 p.m.

(After Recess)

The House was called to Order by the Speaker.

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

SENATE PAPERS

Bill "An Act to Clarify the Municipal Bounds of the Town of Eliot" (EMERGENCY) (S.P. 566) (L.D. 1536)

Came from the Senate referred to the Committee on State and Local Government and Ordered Printed.

Was referred to the Committee on State and Local Government in concurrence.

Non-Concurrent Matter

Bill "An Act to Require All Persons to Use Safety Belts in Motor Vehicles" (S.P. 77) (L.D. 165) which was passed to be engrossed as amended by Committee Amendment "A" (S-91) and House Amendment "A" (H-181) in the House on May 16, 1995.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-181) and Committee Amendment "A" (S-91) as amended by Senate Amendment "A" (S-135) thereto in non-concurrence.

The House voted to Recede and Concur.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(S.P. 375) (L.D. 1052) Bill "An Act to Allow the Collection of Reimbursement for Medical Expenses" Committee on Criminal Justice reporting "Ought to Pass" as amended by Committee Amendment "A" (S-148)

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday, May 23, 1995 under the listing of Second Day.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

BILL RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1094)

An Act to Permit Greenhouses To Have Temporary Road Signs (H.P. 193) (L.D. 252) (C. "A" H-153)

- In House, Passed to be Enacted on May 9, 1995.

- In Senate, Passed to be Enacted on May 10, 1995.

On motion of Representative O'GARA of Westbrook, the Bill was recommitted to the Committee on Transportation and sent up for concurrence.

The Chair laid before the House the following items which were tabled earlier in today's session:

SENATE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (S-126) - Committee on Business and Economic Development on Bill "An Act to Coordinate Low-income Energy Assistance Programs" (S.P. 270) (L.D. 721) which was tabled by Representative JACQUES of Waterville pending the motion of Representative ROWE of Portland to accept the Majority "Ought Not to Pass" Report.

- 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-126)

The Chair ordered a division on the motion to accept the Majority "Ought Not to Pass" Report.

Representative WATERHOUSE of Bridgton requested a roll call on the motion to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was 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.

Representative DONNELLY of Presque Isle was excused from voting pursuant to House Rule 19 and Joint Rule 10.

ROLL CALL NO. 103

YEA - Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Cameron, Chartrand, Chase, Chizmar, Clark, Cross, Daggett, Davidson, Desmond, DiPietro, Dore, Dunn, Etnier, Fisher, Fitzpatrick, Gates, Gerry, Gould, Green, Guerrette, Heesch, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kneeland, Kontos, LaFountain, Lemaire, Lemke, Libby JL; Luther, Madore, Mayo, McAlevy, McElroy, Meres, Morrison, Murphy, O'Gara, O'Neal, Paul, Poulin, Pouliot, Povich, Reed, W.; Richardson, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Thompson, Townsend, Treat, Tripp, True, Tyler, Vigue, Volenik, Watson, Wheeler, Winn, The Speaker.

NAY - Aikman, Ault, Barth, Bigl, Birney, Buck, Campbell, Carleton, Chick, Clukey, Damren, Farnum, Gamache, Gieringer, Gooley, Greenlaw, Hartnett, Jones, S.; Joy, Joyce, Joyner, Labrecque, Lane, Layton, Libby JD; Lindahl, Look, Lumbr, Marshall, Marvin, Nass, Nickerson, Ott, Peavey, Perkins, Pinkham, Plowman, Reed, G.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Taylor, Tufts, Underwood, Waterhouse, Winglass, Winsor, Yackobitz.

ABSENT - Adams, Bailey, Cloutier, Dexter, Driscoll, Hatch, Heino, Lemont, Lovett, Martin, Mitchell EH; Mitchell JE; Nadeau, Pendleton, Poirier, Rotondi, Stevens, Stone, Strout, Truman, Tuttle, Whitcomb.

Yes, 77; No, 51; Absent, 22; Excused, 1.

77 having voted in the affirmative and 51 voted in the negative, with 22 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

An Act to Enable the Department of Corrections to Share Information with Canadian Criminal Justice Agencies (H.P. 846) (L.D. 1177)

TABLED - May 17, 1995 (Till Later Today) by Representative MITCHELL of Vassalboro.

PENDING - Passage to be Enacted.

On motion of Representative JACQUES of Waterville, tabled pending passage to be enacted and later today assigned.

SENATE DIVIDED REPORT - Majority (10) **"Ought Not to Pass"** - Minority (3) **"Ought to Pass"** as amended by Committee Amendment "A" (S-142) - Committee on **Utilities and Energy** on Bill "An Act to Facilitate Charging Electric Utility Customers Based on Actual Usage" (S.P. 31) (L.D. 61)
- In Senate, Majority **"Ought Not to Pass"** Report read and accepted.

TABLED - May 17, 1995 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Motion of same Representative to accept the Majority **"Ought Not to Pass"** Report.

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative KONTOS of Windham to accept the Majority **"Ought Not to Pass"** Report and later today assigned.

SENATE DIVIDED REPORT - Majority (9) **"Ought Not to Pass"** - Minority (4) **"Ought to Pass"** as amended by Committee Amendment "A" (S-119) - Committee on **Utilities and Energy** on Bill "An Act to Clarify the Intent of the Electric Rate Reform Act" (S.P. 253) (L.D. 691)

- In Senate, Majority **"Ought Not to Pass"** Report read and accepted.

TABLED - May 17, 1995 (Till Later Today) by Representative MITCHELL of Vassalboro.

PENDING - Acceptance of either Report.

On motion of Representative JACQUES of Waterville, tabled pending acceptance of either Report and later today assigned.

HOUSE DIVIDED REPORT - Majority (10) **"Ought to Pass"** as amended by Committee Amendment "A" (H-128) - Minority (3) **"Ought Not to Pass"** - Committee on **Agriculture, Conservation and Forestry** on Bill "An Act to Allow the Sale of Irradiated Food in the State" (H.P. 437) (L.D. 603)

TABLED - May 17, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Motion of Representative HEESCHEN of Wilton to accept the Minority **"Ought Not to Pass"** Report.

At this point the Speaker appointed Representative JACQUES of Waterville to serve as Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: I would urge you today to support the Minority **"Ought Not to Pass"** Report on L.D. 603, "An Act to Allow the Sale of Irradiated Food in the State".

One of the reasons that I had asked for the question of germaneness on this bill is because this bill actually has two parts that are, I believe, quite separate and distinct from each other. One is to allow the sale of irradiated food in the state of Maine, but the second is to create irradiation plants. It would remove the ban from irradiating

food within the state. There are a couple of ways that could happen. One is we could have a stationary plant located somewhere or several stationary plants located in places around the state. The second is we could have mobile food irradiation plants that would travel from one harvest sight to another.

As a person from Wiscasset, I feel quite well equipped to talk about some of the interesting issues around dealing and living with nuclear power. I have sat through a 12 hour drill that our town participated in, to test for a possible nuclear emergency. There were about 50 people just from my town that were involved in that, as well as people from the surrounding communities, because we have a 20 mile evacuation area. The amount of money that it cost to run that kind of a program where everyone has pagers, because you need to be able to be in touch with everyone in your community, where there is an evacuation plan that has been put together where you have people who are trained to, heaven forbid, if there was an emergency, trained to react and respond to that.

A thing that concerns me in terms of this bill, is it is my understanding that the only other food irradiation plant in the country, is a plant in Florida that has been marginally successful from the time it was built. I mean marginally, to the point where they tried to sell a lot of their irradiated produce to their employees, because they can't get people and consumers to purchase it because it is not terribly appreciated by the consumers and they don't have the resources available to support the kind of evacuation program, training, and services that are necessary to, in fact, provide for community safety, in the event of a nuclear emergency.

In voting for this bill one of the things that I believe a legislator is saying is that my community is prepared to handle this. If a company comes to my town or within my district and says we would like to locate here with the irradiation plant, my town will be prepared for that. If there are mobile irradiation programs, then any town that one of those tractor trailer trucks would drive through would be saying that they were, in fact, prepared to deal with a potential nuclear emergency.

We are setting ourselves up, I believe, for a situation that is a no win. Consumers have across the country stated that they are not in favor of irradiated food. It is not an easy sell, in terms of fresh produce. From things I have read, chicken that has been irradiated in order to cut down on Salmonella and E-coli looks sort of half-cooked or like it has been sitting on a counter for a while. It is very difficult to market. Hamburger and many other products that are irradiated have the tendency to look like they have been somewhat cooked. The consumers are not terribly accepting of that.

If we are to allow the sale of irradiated food in the state, it is my belief that we have to have a reason for doing that. One of the questions that I asked when we were doing the hearing on this bill was, what food products are currently not available to consumers in the state of Maine that would be available if this bill passes? Are we, in fact, dealing with food shortages here in the state of Maine? Are consumers calling you and saying we really need to have irradiated hamburger? We really need to have irradiated blueberries. I have not gotten one of those calls.

Maine is, at this time, the only state in the country that bans the sale of irradiated food. If that was causing food shortages, if that was causing a serious problem for consumers, then I would be one of the first people to say let's take a look at that, but it is not. The problems that we have had in this state with E-coli have not been primarily due to hamburger. They have been organic gardening that was done with manure that had not been composted properly and produce that hadn't been washed. Those were the things that caused the E-coli to get into the systems of some of the children in the central part of the state.

Irradiated food would not have addressed that issue at all, because those were home-grown produced, home processed products and they weren't out and available for processing anyway. The allowing of irradiated food in this state and the allowing of irradiation as a process in this state will not improve the food safety or food products in the state of Maine. If we are the only state that does not allow the sale of irradiated food and we aren't seeing food shortages, then I say we might as well continue to ban the sale of irradiated food until we see that there are some very clear and specific reasons to lift this ban.

I would urge you to support the Minority "Ought Not to Pass" Report and Mr. Speaker when the vote is taken I request the yeas and nays.

Representative KILKELLY of Wiscasset requested a roll call on the motion to accept the Minority "Ought Not to Pass" Report.

The SPEAKER PRO TEM: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Easton, Representative Kneeland.

Representative KNEELAND: Mr. Speaker, Men and Women of the House: As you have heard, Maine is the only state in the nation that bans the sale and treatment of irradiated foods. The first in agriculture industry primary potatoes and blueberries who would like to be able to use irradiation to increase shelf life of blueberries to prevent spoilage in potatoes, this would also prevent sprouting. The second source of support comes from a medical and public health communities who are concerned with disease caused food during illnesses, especially in red meats.

First of all food irradiation is not a new technology. Research began in the early 1950's to develop safe field rations for U.S. soldiers and space rations for U.S. astronauts. The Food and Drug Administration has determined that food irradiation is safe and has approved the process. The use of irradiation to treat food products also has support of the world health organizations and American Medical Association and has been approved by the governments of more than 37 countries in more than 40 different food products.

The most common form of irradiation is done through the x-ray process on vegetables and is similar to that done in a doctor's office and in the dentist's office and also when you put your luggage

on the carrier at the airport. This was asked to be put in by the blueberry industry who wanted to irradiate blueberries so they could ship them overseas to give them about a 10 day longer shelf life. I ask you to vote against the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Mr. Speaker right now I can say thank heavens for New Hampshire. I have tomatoes in my room that were irradiated or something and they are delicious.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lagrange, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: Had my mother been a member of this House some years ago when pasteurization came into being, I am sure that she would have spoken with the same enthusiasm as the gentle lady from Wiscasset, because she thought pasteurized milk was something ridiculous, because you couldn't see the cream on the top and she thought they had done something wrong to the milk in taking out all the good parts of the milk.

Unfortunately, she lived long enough to realize that pasteurization was a good thing. She lived to see the day when she wouldn't use anything else, except the pasteurized milk. I think we should pay close attention to the letter that was distributed by Representative Kneeland and from the State Department of Human Services and that gives you some real facts. I would suggest that before we vote, you glance over that. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: I urge you to support the "Ought Not to Pass" motion. It has been alleged here that radiation is going to be the new pasteurization. We had someone speaking at the hearing who, in fact, has severe reaction to pasteurized milk and the modern technique of pasteurization, absolutely cannot eat it. Technology does not always have unalloyed benefits.

It has been stated that while it is not a new technology, in the 1950's the Army started research. That is true. We also had an individual who was at Natick Laboratories in Massachusetts during that period. He was directly involved with the research. Although he did say that he ate some of the stuff, as somewhat of a human guinea pig, but what he pointed out was, what they were testing were rations for long term storage in emergency situations in fox holes, space and so forth and not being tested for long time human consumption.

Just because the FDA has signed off and said it is safe doesn't necessarily make it so. The FDA, in terms of food, rely on what the companies provide for information. They do not test this like they test drugs. As I pointed out before, even drugs have had recalls, even though they have been tested in human trials. Our epidemiologist, Representative Kneeland has passed out a letter from, really wanted this technology and kept pointing out all these cases in Maine where there had been an E-coli infection, but when asked directly at the hearing, whether irradiation at the point in which it is proposed here would have made any difference in these cases, she said, "No, this was a case of food handling."

In fact, there is a possibility that you may get a false sense of security if you got something that is irradiated, you think it is sterile somehow, but, in fact, there is a possibility that you could have, perhaps, a greater problem. I want to quote from a statement by Nicols Fox who is currently writing a book on the E-coli 0157, the so called hamburger bacteria. She states that it does not produce a food, which contrary to popular expectations can be stored at room temperature, it does, however, produce a product in which the microbial balance has been disturbed. That can create problems. She commented that she had talked to a meat company scientist who said if the product were decontaminated since there is no competitive bacteria there, you could really get a quick and large infection. I think there is a misconception about what this will do.

I am sort of astounded at the desire of the agricultural industry to embrace a new technology when already the public questions some of the existing technology and practices. I think that rather than assure the public that they are keeping their best health in mind, this may make people even more suspicious.

I want to quote from the University of California at Berkeley Wellness Letter, May 1992. "Is irradiated food safe to eat? The answer to this question is unknown. Of course, the radiation does not make food radioactive anymore than dental x-rays make your jaw radioactive. The radiation is classified by the government as a food additive, but just what it adds to foods and what effects these compounds have on humans is not completely understood. Radiation damages the basic molecular structure of the food creating new substances known as free radicals that confer to threaten the stability of molecules. The higher the dose of radiation, the more free radicals and new compounds. Studies so far have not adequately tested the toxicity of these compounds. It is illegal to check for toxicity on humans until experiments with animals seem to indicate that such tests would be safe.

"In testing food additives, laboratory animals are fed abnormally high levels of potential toxins and then theoretical models are made, such studies have not been done for radiation. Some people claim that the substances produced by irradiation are like those created by simple heating or broiling, but no one knows. Newer scientific techniques are now available to isolate and test for some, but not all, of these unknown compounds and do the proper studies. Surely such studies should be done before food irradiation becomes wide spread. We do know that besides alteration of flavor and texture irradiation can cause vitamin losses particularly vitamins C and A, beta-carotene and the B vitamins."

I also want to quote from the Harvard Health Letter, August 1992. "More research is needed to assess how radiolytic products created when food is irradiated combined with DNA and RNA, which directs the synthesis of proteins in plant and animal materials," according to radiation oncologist and pathologist, Jacob Steinburg. It isn't clear what proportion of the DNA and RNA food cells is altered when exposed to gamma rays or whether consuming irradiated food might ultimately set the stage for cancer causing mutations in human DNA."

This doctor says, "I am not an atheist on the issue of food irradiation, I am an agnostic. I question how the FDA concluded that it is absolutely

safe." The problems that are likely to come back and haunt us with any new technology are probably those unknown to us now. Radiation still has many more unknowns than knowns.

A few weeks ago I had the opportunity to visit the homestead of Rachael Carson, north of Pittsburgh. Surrounded by houses now, used to be a farm, but that was the price for Rachael's education. On the wall there was a framed spread of a photo magazine, probably the late 40's. I am not sure whether it was Life Magazine, but what struck me was it was about DDT. There were several photographs and captions. There was a photograph of a lot of kids playing in bathing suits out in the street in fog, saying that the street had just been sprayed with DDT, but it is absolutely safe for people. There was another photograph of a young woman drinking a bottle of, what they call in that area, pop or soda. The caption said, "This doesn't contaminate liquid or surfaces, perfectly safe." There was another photograph of people in fog.

I think we have learned a lot about DDT in the past 40 or 50 years. What I don't want to do is learn a lot more about irradiation and find out we were mistaken in our decisions now. I do urge you to accept the "Ought Not to Pass" Report.

Representative WATERHOUSE of Bridgton asked the Clerk to read the Committee Report.

The Clerk read the Committee Report in its entirety.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dover-Foxcroft, Representative Cross.

Representative CROSS: Thank you Mr. Speaker, Distinguished Colleagues of the House: I am not going to take much of your time. I voted in the Majority "Ought to Pass". I listened to all the testimony for and against and my conclusion is this food is healthy and nourishing. I urge you to vote against the "Ought Not to Pass" motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: Just a couple of points to share. One is that in nine years that I have been here it is the first time that Representative Farnum has had positive things to say about living near New Hampshire. I am really glad to hear that. We have a ban now and there aren't any shortages. People are not calling and begging for irradiated food, so why do we need it. Do you really want irradiation plants either in your district or driving through your district. If it ain't broke, don't fix it. Please vote on the Minority "Ought Not to Pass". Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Mr. Speaker, Men and Women of the House: There is one difference between the irradiated tomatoes and the regular tomatoes. The regular tomatoes cost \$1.29 a pound and irradiated tomatoes cost \$1.36 a pound. That is the only difference I found.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cherryfield, Representative Layton.

Representative LAYTON: Mr. Speaker, Men and Women of the House: I believe it was the 115th Legislature that passed a law, "An Act to Create Harmony between

Farmers and Abutters". This law was enacted to enhance the agriculture business of this state. What this law did was to allow farmers to spray their crops with pesticides and insecticides at the expense of abutters. L.D. 603 would continue to enhance the farm industries and not to allow the sale or processing of irradiated food creates a paradox in how this body views helping the farmers. I recommend that you go against the pending motion.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion from the Representative from Wilton, Representative Heeschon that the House accept the Minority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 104

YEA - Ahearne, Benedikt, Berry, Brennan, Chartrand, Chase, Chick, Desmond, DiPietro, Dore, Etnier, Gerry, Green, Hartnett, Heeschon, Johnson, Jones, K.; Joseph, Kilkelly, Lemke, Luther, Meres, Ott, Peavey, Perkins, Pinkham, Plowman, Richardson, Samson, Saxl, J.; Saxl, M.; Shiah, Townsend, Treat, True, Volenik, Watson, Winn.

NAY - Aikman, Ault, Barth, Bigl, Birney, Bouffard, Buck, Bunker, Cameron, Campbell, Carleton, Chizmar, Clark, Clukey, Cross, Daggett, Damren, Davidson, Donnelly, Dunn, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Hichborn, Jacques, Jones, S.; Joy, Joyce, Joyner, Keane, Kneeland, Labrecque, LaFountain, Lane, Layton, Lemaire, Libby JD; Libby JL; Look, Lumbr, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Morrison, Nass, Nickerson, O'Gara, O'Neal, Paul, Poulin, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Savage, Simoneau, Sirois, Spear, Stedman, Taylor, Thompson, Tripp, Tufts, Tyler, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor, Yackobitz.

ABSENT - Adams, Bailey, Cloutier, Dexter, Driscoll, Hatch, Heino, Kerr, Kontos, Lemont, Lindahl, Lovett, Martin, Mitchell EH; Mitchell JE; Murphy, Nadeau, Pendleton, Poirier, Pouliot, Rotondi, Rowe, Stevens, Stone, Strout, Truman, Tuttle, The Speaker.

Yes, 38; No, 85; Absent, 28; Excused, 0.

38 having voted in the affirmative and 85 voted in the negative, with 28 being absent, the Minority "Ought Not to Pass" Report was not accepted.

Subsequently, the Majority "Ought to Pass" Report was accepted. The Bill was read once. Committee Amendment "A" (H-128) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 23, 1995.

HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-251) - Minority (2) "Ought Not to Pass" - Committee on Natural Resources on Bill "An Act to Exempt Owners of Shooting Ranges from any Civil or Criminal Action Relating to Noise Pollution" (H.P. 60) (L.D. 96) which was tabled by Representative JACQUES of Waterville, pending the motion of Representative GOULD of Greenville to accept the Majority "Ought to Pass" as amended Report

Subsequently, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-251) was read by the Clerk.

Representative GOULD of Greenville presented House Amendment "B" (H-274) to Committee Amendment "A" (H-251) which was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I just want to let you know that this amendment is a result of all of us setting down working this out together. Then we took it back to the committee just to run it by them and see what they thought about it. The committee was in unanimous agreement of those that were there so I think this is a very good effort to work this out and I am sure that you will all support it. Thank you.

House Amendment "B" (H-274) to Committee Amendment "A" (H-251) was adopted.

Committee Amendment "A" (H-251) as amended by House Amendment "B" (H-274) thereto was adopted.

The Bill was assigned for second reading Tuesday, May 23, 1995.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

On motion of Representative GOULD of Greenville, the House adjourned at 5:50 p.m., pursuant to the Joint Order (S.P. 567).