

MAINE STATE LEGISLATURE

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

VOLUME VI

SECOND REGULAR SESSION

House of Representatives
January 3, 1996 to April 3, 1996

Senate
January 3, 1996 to March 13, 1996

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
26th Legislative Day
Tuesday, March 19, 1996

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

Prayer by Father Vincent Maroun, St. Augustine Catholic Church, Augusta.

National Anthem by Madison Area Memorial High School Concert Band.

Physician for the day, Myron K. Krueger, M.D., Park View Hospital, Brunswick.

The Journal of Thursday, March 14, 1996 was read and approved.

SENATE PAPERS
Divided Report

Majority Report of the Committee on **Natural Resources** reporting **"Ought Not to Pass"** on Bill "An Act to Grandfather Municipal Ordinances Regulating the Spreading of Sludge" (S.P. 705) (L.D. 1804)

Signed:

Senator: RUHLIN of Penobscot
Representatives: DEXTER of Kingfield
GOULD of Greenville
POULIN of Oakland
MERES of Norridgewock
WATERHOUSE of Bridgton
DAMREN of Belgrade
MARSHALL of Eliot

Minority Report of the same Committee reporting **"Ought to Pass"** on same Bill.

Signed:

Senators: HATHAWAY of York
LORD of York
Representatives: BERRY of Livermore
SHIAH of Bowdoinham

Came from the Senate with the Majority **"Ought Not to Pass"** Report read and accepted.
Was read.

Representative DEXTER of Kingfield moved that the House accept the Majority **"Ought Not to Pass"** Report.

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

COMMUNICATIONS

The following Communication: (S.P. 751)

117TH MAINE LEGISLATURE

March 14, 1996

Senator Jeffrey H. Butland

Representative Theone F. Look

Chairpersons

Joint Standing Committee on Marine Resources
117th Legislature

Augusta, Maine 04333

Dear Senator Butland and Representative Look:

Please be advised that Governor Angus S. King, Jr. has nominated Marshall E. Alexander of Biddeford, William L. Guptill, Jr. of Addison and Jennifer S. Bichrest of Brunswick for appointment and Robert J. Peacock, II of East Machias and J. Peter Angis of Scarborough for reappointment as members of the Marine Resources Advisory Council.

Pursuant to Title 12 MRSA, Section 6024, these nominations will require review by the Joint Standing

Committee on Marine Resources and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland

President of the Senate

S/Dan A. Gwadosky

Speaker of the House

Came from the Senate, read and referred to the Committee on **Marine Resources**.

Was read and referred to the Committee on **Marine Resources** in concurrence.

The following Communication: (S.P. 754)

117TH MAINE LEGISLATURE

March 14, 1996

Senator Stephen E. Hall

Representative Ernest C. Greenlaw

Chairpersons

Joint Standing Committee on
Inland Fisheries and Wildlife

117th Legislature

Augusta, Maine 04333

Dear Senator Hall and Representative Greenlaw:

Please be advised that Governor Angus S. King, Jr. has nominated Urban "Sonny" D. Pierce, Jr. of West Buxton, Gail E. Gould of Calais, David E. Dickinson of Ashland, John B. Dimond of Orono, John S. Banks of Milford and William H. Nichols, Jr. of Cumberland Foreside for appointment as members of the new Atlantic Salmon Authority.

Pursuant to Public Law 1996, Chapter 535, these nominations will require review by the Joint Standing Committee on Inland Fisheries and Wildlife and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland

President of the Senate

S/Dan A. Gwadosky

Speaker of the House

Came from the Senate, read and referred to the Committee on **Inland Fisheries and Wildlife**.

Was read and referred to the Committee on **Inland Fisheries and Wildlife** in concurrence.

The following Communication: (S.P. 755)

117TH MAINE LEGISLATURE

March 14, 1996

Senator Jane A. Amero

Representative Beverly Daggett

Chairpersons

Joint Standing Committee on State and Local Government
117th Legislature

Augusta, Maine 04333

Dear Senator Amero and Representative Daggett:

Please be advised that Governor Angus S. King, Jr. has nominated David M. Gauvin of Brewer for appointment as a member of the Workers' Compensation Board.

Pursuant to Title 39-A MRSA, Section 151, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland

President of the Senate

S/Dan A. Gwadosky

Speaker of the House

Came from the Senate, read and referred to the Committee on State and Local Government.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Business and Economic Development

Bill "An Act to Amend the Petroleum Market Share Act" (H.P. 1355) (L.D. 1860) (Presented by Representative ROWE of Portland)(Governor's Bill)

Criminal Justice

Bill "An Act to Make All Cases of Vehicular Manslaughter Class A Crimes" (H.P. 1356) (L.D. 1861) (Presented by Representative POVICH of Ellsworth) (Cosponsored by Representatives: BUNKER of Kossuth Township, CLARK of Millinocket, McALEVEY of Waterboro, REED of Dexter) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Improve the Provisions of Mental Health Services to Patients Residing in the Community" (H.P. 1358) (L.D. 1863) (Presented by Representative LEMKE of Westbrook) (Cosponsored by Representative TUTTLE of Sanford and Representatives: ADAMS of Portland, AHEARNE of Madawaska, BAILEY of Township 27, BIRNEY of Paris, BOUFFARD of Lewiston, BUCK of Yarmouth, CAMERON of Rumford, CAMPBELL of Holden, CHIZMAR of Lisbon, CLARK of Millinocket, CLOUTIER of South Portland, DEXTER of Kingfield, FISHER of Brewer, GERRY of Auburn, GIERINGER of Portland, GOULD of Greenville, GREEN of Monmouth, GUERRETTE of Pittston, GWADOSKY of Fairfield, HATCH of Skowhegan, HICHBORN of Lagrange, JACQUES of Waterville, KEANE of Old Town, KERR of Old Orchard Beach, KILKELLY of Wiscasset, LEMAIRE of Lewiston, LEMONT of Kittery, LIBBY of Buxton, LUMBRA of Bangor, MADORE of Augusta, McALEVEY of Waterboro, MITCHELL of Vassalboro, MORRISON of Bangor, MURPHY of Berwick, O'GARA of Westbrook, O'NEAL of Limestone, PERKINS of Penobscot, POULIN of Oakland, POULIOT of Lewiston, REED of Falmouth, ROSEBUSH of East Millinocket, SAXL of Bangor, SIMONEAU of Thomaston, SIROIS of Caribou, STROUT of Corinth, TRUE of Fryeburg, UNDERWOOD of Oxford, VIGUE of Winslow, WATERHOUSE of Bridgton, WINSOR of Norway, Senators: CAREY of Kennebec, CARPENTER of York, ESTY of Cumberland, FERGUSON of Oxford, LAWRENCE of York, LORD of York, PARADIS of Aroostook, RUHLIN of Penobscot, STEVENS of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

The Committee on Human Resources was suggested.

On motion of Representative LEMKE of Portland, tabled pending reference and later today assigned.

Judiciary

Bill "An Act to Prohibit the Photographing or Videotaping of Jury Deliberations" (EMERGENCY) (H.P. 1360) (L.D. 1868) (Presented by Representative LIBBY of Buxton) (Cosponsored by Representatives: ADAMS of Portland, BARTH of Bethel, CAMPBELL of Holden, DEXTER of Kingfield, HARTNETT of Freeport, JOYNER of Hollis, LaFOUNTAIN of Biddeford, LANE of Enfield, LAYTON of Cherryfield, LEMKE of Westbrook, LUMBRA of Bangor, NASS of Acton, O'NEAL of Limestone, PLOWMAN of Hampden, ROBICHAUD of Caribou, UNDERWOOD of Oxford, WHEELER of Bridgewater, Senators: HANLEY of Oxford, RAND of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Labor

Bill "An Act to Ensure That Employees Are Compensated for Accrued Vacation Time in the Event of the Sale of a Business" (H.P. 1357) (L.D. 1862) (Presented by Representative TUTTLE of Sanford) (Cosponsored by Representative HATCH of Skowhegan, Senator MILLS of Somerset and Representatives: CHASE of China, GWADOSKY of Fairfield, JACQUES of Waterville, JOY of Crystal, LEMAIRE of Lewiston, MITCHELL of Vassalboro, SAMSON of Jay, STEDMAN of Hartland, TYLER of Windham, Senators: BEGLEY of Lincoln, RAND of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Utilities and Energy

Bill "An Act to Increase the Debt Limit of the Madawaska Water District" (H.P. 1361) (L.D. 1869) (Presented by Representative AHEARNE of Madawaska) (Cosponsored by Senator PARADIS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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

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

The House was called to order by the Speaker Pro Tem.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following items:

Recognizing:

Holly Hock Dumaine, of Monmouth, upon her retirement after 20 years of dedicated service to the citizens of Monmouth as the Library Director at the Cumston Public Library. Ms. Dumaine has done an outstanding job in building Cumston Public Library into one of the finest small-town libraries in Maine. We applaud her many efforts to keep state resources available to local area libraries and her leadership in utilizing technology to enhance the services offered by small-town libraries; (SLS 236)

On objection of Representative GREEN of Monmouth, was removed from the Special Sentiment Calendar.

On further motion of the same Representative, tabled pending passage and specially assigned for Thursday, March 21, 1996.

Alden G. Small, on the occasion of his retirement as Deputy Commissioner for Highways for the Maine Department of Transportation. Mr. Small's career in public service spans five decades, and his dedication and commitment to improving Maine's transportation system and to serving the interests of the people of Maine is greatly appreciated. We extend our congratulations to him and best wishes for a long and contented retirement; (HLS 994) by Representative STROUT of Corinth. (Cosponsors: Senator STEVENS of Androscoggin, Senator CASSIDY of Washington, Senator PARADIS of Aroostook, Representative O'GARA of Westbrook, Representative RICKER of Lewiston, Representative DRISCOLL of Calais, Representative BOUFFARD of Lewiston, Representative CHARTRAND of Rockland, Representative BAILEY of Township 27, Representative FARNUM of South Berwick, Representative HEINO of Boothbay, Representative LINDAHL of Northport)

On objection of Representative STROUT of Corinth was removed from the Special Sentiment Calendar.

On further motion of the same Representative, tabled pending passage and specially assigned for Wednesday, March 20, 1996.

the following members of the St. Dominic Regional High School Mock Trial Team who have won the State Mock Trial Championship: Robyn Adair, Michael Beam, Keith Bidwell, Nicole Bouttenot, Rachel Bouttenot, Piper Carey, Derek Coulombe, Emma Dore-Hark, Erin Fournier, Catherine Fredricks-Rehagen, Nathan Hall, Timothy Hebert, Kate Ireland, John Kivus, Kendra LaRoche, Rachel Lawrence, Chris MacMahon, Peter Murray, Paul Sheridan, Anne Theriault and Katie Wilson; and their coaches Rosanne Ducey and Michael J. Welch, Esq. We extend our congratulations to them on winning the championship; (HLS 995) by Representative DORE of Auburn. (Cosponsors: Representative POULIOT of Lewiston, Representative GAMACHE of Lewiston, Representative RICKER of Lewiston, Representative LEMAIRE of Lewiston, Senator CLEVELAND of Androscoggin, Senator BERUBE of Androscoggin)

On objection of Representative DORE of Auburn was removed from the Special Sentiment Calendar.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: It is a rare privilege to be able to stand and deliver a special sentiment to a team that my daughter is a member of.

I thought I would explain a little about mock trial to you with a story from home. Those of you who have served with me a long time know Emma has been here since she was six. When Emma was two she went through something called the terrible twos when we had a disagreement she would bang her head on the hardwood floor. We owned a Victorian at the time. If we ignored her and continued to say no, she dragged herself over to the cast-iron radiator and banged her head against the radiator. We knew then that we had a very stubborn child who liked to win arguments.

It took until high school before she met a group of like-minded individuals. I am told by their

parents theirs are stubborn children who like to win arguments. They are so good at winning arguments that last year they lost to Hampden by one point and the year before they won the state championship. They have again this year won the state championship. What you need to know about these argumentative children is that they can argue either side of a position. Soon, you will all be replaced by them, once they come of age. I have encouraged them to think about public service because I have watched them argue with passion, conviction and with intellectual vigor on both sides of an argument.

I especially want to thank the entirely voluntary assistants they have had from an attorney in the community from Auburn who worked in Lewiston, Michael Welch, who has done a wonderful job of working with these students on a strictly voluntary basis to turn them into good argumentative attorneys for mock trial. Also, to recognize Miss Ducey their coach and also their teacher at St. Dominic, who does a marvelous job of teaching on the importance of history, but also just an outstanding job and a lot of time goes into making these kids State Mock Trial Champions. I would ask you all to join me in congratulating these kids. They are going off to Pittsburg to the nationals.

Was read and passed and sent up for concurrence.

the following members of the Winslow Hockey Team: Mike Loubier, Charlie McCann, Greg Croce, Seth Karter, Jake Veilleux, Nick McCann, Casey Bellows, Dan Allen, Nick Roy, Jared Poulin, Eric Anderson, Sean Bridges, Jacob Fraser, Captain Erik Gunning, Dan Welch, Jake Savasuk, Mark Hall, Chad Dubois, Mark Gunning, Jon Taylor, Jared Bailey, Travis Bickford, Brian Pelletier, and coach Lee Bureau, assistant coaches Spat Roy and Alan Veilleux and managers Michelle Ayotte, Missy Morneau and Christie Lagasse, who won the State Class B Hockey Championship; (HLS 1007) by Representative VIGUE of Winslow. (Cosponsors: Senator BUSTIN of Kennebec, Senator CAREY of Kennebec)

On objection of Representative VIGUE of Winslow was removed from the Special Sentiment Calendar.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: It is with pleasure and pride that I rise to speak in recognition of this fine Class B Championship Hockey Team. They are coached by some fine individuals that I have seen formulating the lives of many young people in the past 20 or 30 years in the Waterville/Winslow area. One is Lee Bureau, coach of the Winslow championship team. Another is Spat Roy the assistant coach. These people were involved in formulating the lives of my three sons. They were involved in the hockey program along with numerous kids in the area. Another assistant coach on that team is Jay Moranda and Alan Verre. Coach Bureau was selected Eastern Class B Championship Coach of the Year in 1994-95 and again in 1995-96. The team is made up of only three seniors. The three seniors on this championship team are Captain Erik Gunning, Co-Captains Greg Croce and Dan Welch. All three seniors did a great job leading the team through the season and especially during the playoffs. We wish the seniors God speed in their future careers and serve notice to the league that all these young players will be back next year. I

congratulate the team and I wish them good luck in the future. Thank you.

Was read and passed and sent up for concurrence.

In Memory of:

United States Navy Commander Lanny L. King, 39, stationed in Bath, beloved husband, father, friend and proud officer in the defense of his country. He was the first Prospective Commanding Officer of the USS Carney, which was built at Bath Iron Works and set to be commissioned April 13, 1996. He was the recipient of the Navy Commendation Medal, the Meritorious Service Medal and had served as Flag Secretary of the U. S. Second Fleet, truly exemplifying the proud Maine tradition of "those that go down to the sea in ships"; (HLS 1009) by Representative CHIZMAR of Lisbon. (Cosponsors: Senator SMALL of Sagadahoc, Representative MAYO of Bath)

On objection of Representative CHIZMAR of Lisbon was removed from the Special Sentiment Calendar.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lisbon, Representative Chizmar.

Representative CHIZMAR: Mr. Speaker, Men and Women of the House: Lanny L. King would want me to be brief and to the point and that is exactly what I am going to be. Commander Lanny King was a graduate of the United States Naval Academy, a devoted husband, father and friend. He passed away last December at the age of 39. Only months away from fulfilling a dream. Lanny King would have commanded the USS Carney Missile Destroyer. For the past 21 months as its Prospective Commanding Officer, he worked to form its crew. He watched the sleek hull and powerful super structure of this destroyer take shape at the Bath Iron Works Shipyard. He had begun to plan for its commissioning in Florida scheduled for 13 April 96. Lanny was described as one of the Navy's highest, brightest rising star. He was the type of leader who inspired greatness in others. He gave an individual respect regardless of rank.

Lanny King, the Naval Officer who nearly reached his dream will return to his ship in the sea this Friday. As the USS Carney leaves Bath and makes its way slowly down the Kennebec River, his friends will gather at Fort Popham to wave a final goodbye. On Sunday, his crew will scatter his ashes at sea from the USS Carney and bring to a close a dream that would not be fulfilled. Thank you Mr. Speaker.

Was read and adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Refer to the Committee on Transportation Pursuant to Joint Order (H.P. 1340)

Representative STROUT from the Committee on Transportation on Bill "An Act to Facilitate the Implementation of a Logo Sign Program on the Interstate" (H.P. 1359) (L.D. 1864) reporting that it be referred to the Committee on Transportation pursuant to Joint Order (H.P. 1340).

Report was read and accepted and the Bill referred to the Committee on Transportation and sent up for concurrence. Ordered sent forthwith.

Ought to Pass as Amended

Representative REED from the Committee on Taxation on Bill "An Act to Provide a New Jobs Tax Credit"

(H.P. 1039) (L.D. 1458) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-783)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-783) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, March 20, 1996.

Ought to Pass as Amended

Representative DEXTER from the Committee on Natural Resources on Bill "An Act to Support Abatement of Uncontrolled Tire Stockpiles" (H.P. 1298) (L.D. 1781) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-782)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-782) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, March 20, 1996.

Ought to Pass as Amended

Representative HATCH from the Committee on Labor on Bill "An Act to Exclude Services Provided by Direct Sellers from the Definition of Employment for Purposes of Unemployment Compensation" (H.P. 1320) (L.D. 1807) (Governor's Bill) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-781)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-781) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, March 20, 1996.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Establish a User Fee System for Towns Requiring Sheriff's Services" (H.P. 1125) (L.D. 1570)

Signed:

Senators:

AMERO of Cumberland

CARPENTER of York

LONGLEY of Waldo

Representatives:

AHEARNE of Madawaska

LEMKE of Westbrook

SAXL of Bangor

GERRY of Auburn

ROSEBUSH of East Millinocket

LANE of Enfield

SAVAGE of Union

LOOK of Jonesboro

DAGGETT of Augusta

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-780) on same Bill.

Signed:

Representative:

ROBICHAUD of Caribou

Was read.

On motion of Representative SAXL of Bangor, tabled pending acceptance of either Report and specially assigned for Wednesday, March 20, 1996.

Divided Report

Majority Report of the Committee on Business and Economic Development reporting "Ought Not to Pass" on Bill "An Act to Make Changes in the Beverage Container Deposit Laws" (H.P. 1324) (L.D. 1813)

Signed:

Senators:

HARRIMAN of Cumberland

GOLDTHWAIT of Hancock

Representatives: CIANCHETTE of Somerset
 ROWE of Portland
 SIROIS of Caribou
 REED of Dexter
 DAVIDSON of Brunswick
 RICHARD of Madison
 BIRNEY of Paris
 POVICH of Ellsworth
 CAMERON of Rumford
 LEMONT of Kittery

Minority Report of the same Committee reporting
"Ought to Pass" on same Bill.

Signed:

Representative: LIBBY of Kennebunk

Was read.

On motion of Representative ROWE of Portland, the
 Majority **"Ought Not to Pass"** Report was accepted and
 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:

(H.P. 1303) (L.D. 1784) Bill "An Act to Amend the
 Home Health Laws" Committee on Human Resources
 reporting **"Ought to Pass"**

(H.P. 1269) (L.D. 1744) Bill "An Act to Revise the
 State Active Service Laws" (EMERGENCY) (Governor's
 Bill) Committee on Legal and Veterans Affairs
 reporting **"Ought to Pass"** as amended by Committee
 Amendment "A" (H-784)

There being no objections, the above items were
 ordered to appear on the Consent Calendar of
 Wednesday, March 20, 1996 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. 679) (L.D. 1745) Bill "An Act to Establish
 the Boundary Line between the Town of Cornville and
 the Towns of Solon and Athens"

(S.P. 682) (L.D. 1747) Bill "An Act to Authorize
 the Maine Photographic Workshops to Grant Degrees"

(S.P. 628) (L.D. 1635) Bill "An Act to Amend the
 Law Concerning Tobacco Use by Juveniles" (C. "A"
 S-471)

(H.P. 1294) (L.D. 1776) Resolve, to Require
 Additional Promotion of the Maine Quality Seal
 (EMERGENCY)

(H.P. 1028) (L.D. 1443) Bill "An Act to Dismiss
 Certain Federal Mandates" (C. "A" H-775)

(H.P. 1304) (L.D. 1785) Bill "An Act Relating to
 Payment of Tri-state Lotto Prizes" (Governor's Bill)
 (C. "A" H-773)

(H.P. 1312) (L.D. 1796) Bill "An Act to Facilitate
 the Lawful Detention of Juveniles" (EMERGENCY)
 (Governor's Bill) (C. "A" H-776)

No objections having been noted at the end of the
 Second Legislative Day, the Senate Papers were Passed
 to be Engrossed or Passed to be Engrossed as Amended
 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 Make Pet Dealers Liable for the
 Sale of Dogs and Cats That Have Health Problems"
 (H.P. 53) (L.D. 47) (C. "A" H-779)

Bill "An Act to Enhance Used Oil Recycling
 Capabilities" (H.P. 1178) (L.D. 1610) (C. "A" H-777)

Bill "An Act Authorizing Officers of Closely Held
 Corporations to Represent those Corporations before
 Any Court" (H.P. 1264) (L.D. 1739) (C. "A" H-770)

Bill "An Act Regarding Municipal Penalties for
 Late Filing under the Maine Tree Growth Tax Law"
 (H.P. 1271) (L.D. 1749) (C. "A" H-764)

Bill "An Act to Clarify and Amend Provisions of
 the Workers' Compensation Act Relating to Workers'
 Compensation Self-insurance" (S.P. 688) (L.D. 1757)
 (C. "A" S-468)

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

ENACTORS

Emergency Measure

An Act to Limit the Liability of Property Owners
 in Cases of Nonnegligent Lead Poisoning (S.P. 528)
 (L.D. 1445) (C. "A" S-463)

Was reported by the Committee on Engrossed Bills
 as truly and strictly engrossed. This being an
 emergency measure, a two-thirds vote of all the
 members elected to the House being necessary, a total
 was taken. 105 voted in favor of the same and 0
 against and accordingly the Bill was passed to be
 enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Charter of the East Boothbay
 Water District (H.P. 1181) (L.D. 1620) (H. "A" H-760
 to C. "A" H-750)

Was reported by the Committee on Engrossed Bills
 as truly and strictly engrossed. This being an
 emergency measure, a two-thirds vote of all the
 members elected to the House being necessary, a total
 was taken. 108 voted in favor of the same and 0
 against and accordingly the Bill was passed to be
 enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Implement the Recommendations of the
 Task Force to Study the Operations of the Department
 of Inland Fisheries and Wildlife (S.P. 666)
 (L.D. 1726) (C. "A" S-465)

Was reported by the Committee on Engrossed Bills
 as truly and strictly engrossed. This being an
 emergency measure, a two-thirds vote of all the
 members elected to the House being necessary, a total
 was taken. 114 voted in favor of the same and 1
 against and accordingly the Bill was passed to be
 enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Further Streamline Licensing Procedures
 at the Bureau of Insurance (S.P. 692) (L.D. 1762) (C.
 "A" S-459)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Exempt Certain Individuals from Unemployment Insurance Requirements (S.P. 696) (L.D. 1770) (C. "A" S-453)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Extend the Electric Rate Stabilization Projects (S.P. 704) (L.D. 1793) (C. "A" S-458)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Mandate

Resolve, for Laying the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1996 (H.P. 1345) (L.D. 1840)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 1 against, and accordingly the Mandate was finally passed, signed by the Speaker and sent to the Senate.

Emergency Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1996 (H.P. 1348) (L.D. 1845)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and 7 against, and accordingly the Mandate was finally passed, signed by the Speaker and sent to the Senate.

An Act to Amend the Laws Regarding the Maine Public Drinking Water Commission (H.P. 99) (L.D. 134) (C. "A" H-746)

An Act to Change the Maine Rule of Evidence That Currently Allows the Admission of Subsequent Remedial Measures as Evidence of Negligence (H.P. 244) (L.D. 346) (C. "A" H-754)

An Act Regarding Wrongful Death Actions (H.P. 546) (L.D. 742) (C. "A" H-755)

An Act to Improve the Function of the Maine Health Security Act (S.P. 335) (L.D. 916) (C. "A" S-462)

An Act to Establish Limited Liability Partnerships (S.P. 499) (L.D. 1358) (C. "A" S-450)

An Act Relating to the Sale of Alcoholic Beverages (S.P. 624) (L.D. 1632) (S. "B" S-456)

An Act to Make Changes to the Motor Vehicle Laws (S.P. 643) (L.D. 1687) (C. "A" S-454)

An Act Concerning Juveniles Who Have Been Adjudicated to Have Committed the Juvenile Crime of Gross Sexual Assault (H.P. 1234) (L.D. 1694) (C. "A" H-752)

An Act to Amend the Laws Relating to Recovery for Property Damage (H.P. 1246) (L.D. 1708) (C. "A" H-753)

An Act Concerning Special Licenses in the Department of Marine Resources (S.P. 667) (L.D. 1727) (C. "A" S-457)

An Act to Clarify the Agency Rule-making Process (S.P. 678) (L.D. 1735) (C. "A" S-455)

An Act to Amend the Protection from Abuse and Protection from Harassment Statutes (H.P. 1279) (L.D. 1758) (C. "A" H-751)

An Act to Distribute the Assets of the Maine Sordine Council to Council Members upon Dissolution of the Council by the Legislature (H.P. 1346) (L.D. 1841)

An Act to Clarify the Process for Referendum Recount (H.P. 1350) (L.D. 1851)

Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources to Research the Reinstatement of a State-operated Meat Inspection Program (H.P. 1050) (L.D. 1469) (C. "A" H-749)

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.

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

Resolve, to Extend the Reporting Deadline of the Export Financing Services Study Group (EMERGENCY) (S.P. 752) (L.D. 1865)

Came from the Senate, referred to the Committee on **Business and Economic Development** and Ordered Printed.

Was referred to the Committee on **Business and Economic Development** in concurrence.

Bill "An Act to Establish a Review Process for Certification of Political Petitions" (S.P. 756) (L.D. 1867)

Came from the Senate, referred to the Committee on **Legal and Veterans Affairs** and Ordered Printed.

Was referred to the Committee on **Legal and Veterans Affairs** in concurrence.

Bill "An Act to Establish a General Permit for Agricultural Irrigation Ponds" (EMERGENCY) (S.P. 748) (L.D. 1858)

Came from the Senate, referred to the Committee on **Natural Resources** and Ordered Printed.

Was referred to the Committee on Natural Resources in concurrence.

Bill "An Act to Authorize the Disposition of Property Interests at the Pineland Center" (S.P. 749) (L.D. 1859) (Governor's Bill)

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.

Resolve, to Reimburse a Lumber Company in Connection with Sales Tax Paid by the Company (S.P. 747) (L.D. 1857)

Came from the Senate, referred to the Committee on Taxation and Ordered Printed.

Was referred to the Committee on Taxation in concurrence.

**Refer to Education and Cultural Affairs
Pursuant to Joint Order (S.P. 722)**

Report of the Committee on Education and Cultural Affairs on Bill "An Act to Improve the Child Development Services System" (S.P. 753) (L.D. 1866) reporting that it be referred to the Committee on Education and Cultural Affairs pursuant to Joint Order (S.P. 722).

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Education and Cultural Affairs and Ordered Printed.

Report was read and accepted and the Bill referred to the Committee on Education and Cultural Affairs in concurrence.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

On motion of Representative JACQUES of Waterville, the House recessed until 4:00 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

Ought to Pass as Amended

Report of the Committee on Inland Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-485) on Bill "An Act to Revise Certain Fish and Wildlife Laws" (EMERGENCY) (S.P. 637) (L.D. 1645)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-485).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-485) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, March 20, 1996.

Ought to Pass as Amended

Report of the Committee on Inland Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-486) on Bill "An Act to Amend the Laws Concerning Commercial Whitewater Rafting" (S.P. 719) (L.D. 1820)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-486).

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Men and Women of the House: Many of us have had calls on this bill, some for and some against. I was hoping at this time that we could have an explanation from somebody who thoroughly understands this. So we can have an idea of what the law is as it is today, what the bill will do and what the amendment will do. I know there are several people that I have talked to, many of whom are not in the House right now, have been very vague about what the law is today and what this bill would do. I would like to have an explanation of this if possible.

On motion of Representative WHITCOMB of Waldo, tabled pending acceptance of the Committee Report and later today assigned.

Divided Report

Majority Report of the Committee on Inland Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-477) on Bill "An Act to Increase the Penalties for Certain Crimes Involving Alcohol and Illegal Drugs" (S.P. 323) (L.D. 904)

Signed:

Senators:

HALL of Piscataquis

KIEFFER of Aroostook

Representatives:

GREENLAW of Standish

JACQUES of Waterville

CLARK of Millinocket

TYLER of Windham

ROSEBUSH of East Millinocket

TUFTS of Stockton Springs

PAUL of Sanford

UNDERWOOD of Oxford

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-478) on same Bill.

Signed:

Representative: PERKINS of Penobscot

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-477).

Was read.

Representative GREENLAW of Standish moved that the House accept the Majority "Ought to Pass" as amended Report.

On further motion of the same Representative, tabled pending his motion to accept the Majority "Ought to Pass" as amended Report and later today assigned.

Divided Report

Eight Members of the Committee on Utilities and Energy on Bill "An Act Relating to Pole Attachment Rate Disputes" (S.P. 612) (L.D. 1616) report in Report "A" that the same "Ought Not to Pass"

Signed:
 Senators: HARRIMAN of Cumberland
 CLEVELAND of Androscoggin
 Representatives: ADAMS of Portland
 TAYLOR of Cumberland
 GIERINGER of Portland
 MARSHALL of Eliot
 STONE of Bangor
 HEESCHEN of Wilton

Four Members of the same Committee on same Bill report in Report "B" that the same **"Ought to Pass"** as amended by Committee Amendment "A" (S-474)

Signed:
 Representatives: KONTOS of Windham
 LUTHER of Mexico
 O'NEAL of Limestone
 CAMERON of Rumford

One Member of the same Committee on same Bill reports in Report "C" that the same **"Ought to Pass"** as amended by Committee Amendment "B" (S-475)

Signed:
 Senator: CARPENTER of York

Came from the Senate with Report "A" **"Ought Not to Pass"** read and accepted.
 Was read.

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

Divided Report

Majority Report of the Committee on **State and Local Government** reporting **"Ought Not to Pass"** on Bill "An Act to Establish the Penobscot County Budget Committee" (S.P. 613) (L.D. 1617)

Signed:
 Senator: LONGLEY of Waldo
 Representatives: AHEARNE of Madawaska
 SAXL of Bangor
 GERRY of Auburn
 LOOK of Jonesboro
 LEMKE of Westbrook
 DAGGETT of Augusta

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-476) on same Bill.

Signed:
 Senators: AMERO of Cumberland
 CARPENTER of York
 Representatives: ROSEBUSH of East Millinocket
 ROBICHAUD of Caribou
 LANE of Enfield
 SAVAGE of Union

Came from the Senate with the Minority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-476).

Was read.

Representative AHEARNE of Madawaska moved that the House accept the Majority **"Ought Not to Pass"** Report.

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

Divided Report

Majority Report of the Committee on **Human Resources** reporting **"Ought Not to Pass"** on Bill "An

Act to Amend the Mass Gathering Laws" (S.P. 669) (L.D. 1731)

Signed:
 Senators: PENDEXTER of Cumberland
 BENOIT of Franklin
 PINGREE of Knox
 Representatives: FITZPATRICK of Durham
 JOHNSON of South Portland
 ETNIER of Harpswell
 MITCHELL of Portland
 JONES of Bar Harbor
 LOVETT of Scarborough
 JOYNER of Hollis
 JOY of Crystal
 WINGLASS of Auburn

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-479) on same Bill.

Signed:
 Representative: MARVIN of Cape Elizabeth
 Came from the Senate with the Majority **"Ought Not to Pass"** Report read and accepted.

Was read.

Representative FITZPATRICK of Durham moved that the House accept the Majority **"Ought Not to Pass"** Report.

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

Non-Concurrent Matter

Bill "An Act to Ensure That Basic Health Care Needs of Women Are Covered in Insurance Policies" (H.P. 976) (L.D. 1385) which was passed to be engrossed as amended by Committee Amendment "A" (H-707) in the House on March 7, 1996.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-707) as amended by Senate Amendment "A" (S-469) thereto in non-concurrence.

The House voted to Recede and Concur.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative STEVENS from the Committee on **Education and Cultural Affairs** on Bill "An Act to Implement the Recommendations of the Committee to Study the Operations of the Governor Baxter School for the Deaf" (H.P. 370) (L.D. 505) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-787)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-787) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, March 20, 1996.

Ought to Pass as Amended

Representative DAVIDSON from the Committee on **Business and Economic Development** on Bill "An Act Concerning the Treatment of Ocular Diseases by Optometrists" (H.P. 1326) (L.D. 1814) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-790)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-790) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, March 20, 1996.

**CONSENT CALENDAR
First Day**

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

(S.P. 706) (L.D. 1805) Bill "An Act to Amend the Charter of the Somerset Woods Trustees in Order to Qualify the Charter as a Charitable Corporation under Internal Revenue Service Rules" Committee on **Judiciary** reporting "Ought to Pass"

(S.P. 249) (L.D. 646) Bill "An Act to Reinstate the Laws Governing Dam Abandonment" Committee on **Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-484)

(S.P. 638) (L.D. 1673) Bill "An Act to Ensure That Charity Care Guidelines That Apply to Hospitals Also Apply to Their Subsidiaries" Committee on **Human Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-482)

(S.P. 658) (L.D. 1718) Bill "An Act to Repeal and Replace the Charter of Bowdoin College" (EMERGENCY) Committee on **Education and Cultural Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-480)

(S.P. 720) (L.D. 1824) Bill "An Act Relating to Solid Waste Management" Committee on **Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-481)

(S.P. 730) (L.D. 1834) Bill "An Act to Amend the Laws Relating to Regulation of Wetlands" Committee on **Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-483)

(H.P. 1210) (L.D. 1660) Bill "An Act to Amend the Monetary Limit of Improvements That Must be Approved by the Department of Administrative and Financial Services for School Administrative Units" Committee on **Education and Cultural Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-786)

(H.P. 1268) (L.D. 1743) Bill "An Act to Establish Consistency between Federal and State Drinking Water Laws" Committee on **Human Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-785)

(H.P. 1318) (L.D. 1802) Bill "An Act to Consolidate and Improve Delivery of International Trade Services in Maine" (Governor's Bill) Committee on **Business and Economic Development** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-789)

(H.P. 1335) (L.D. 1829) Resolve, to Name a Portion of Highway in Millinocket in Honor of Prisoners of War and Those Designated as Missing in Action (EMERGENCY) Committee on **Transportation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-788)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, March 20, 1996 under the listing of Second Day.

On motion of Representative WATERHOUSE of Bridgton, the House reconsidered its action whereby the House voted to Recede and Concur on Bill "An Act to Ensure That Basic Health Care Needs of Women Are Covered in Insurance Policies" (H.P. 976) (L.D. 1385).

On motion of Representative WATERHOUSE of Bridgton, tabled pending the motion that the House

Recede and Concur and specially assigned for Wednesday, March 20, 1996.

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

Senate Divided Report - Committee on **Inland Fisheries and Wildlife** - (10) Members "Ought to Pass" as amended by Committee Amendment "A" (S-477) - (1) Member "Ought to Pass" as amended by Committee Amendment "B" (S-478) on Bill "An Act to Increase the Penalties for Certain Crimes Involving Alcohol and Illegal Drugs" (S.P. 323) (L.D. 904) which was tabled by Representative GREENLAW of Standish pending his motion to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-477).

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Mr. Speaker, Men and Women of the House: I don't enjoy being the minority of one and I certainly know that nobody wants to hear a speech of a minority of one. A couple of things that I did have to share. One of the reasons I voted against this majority is because it seems to me we are kind of rushing into solving a crisis situation. We have had 12 people killed on snowmobiles and I know there is a great cry to do something. Sometimes I think it is better not to rush into things when we don't really know if this is going to slow these deaths and injuries down.

My Minority Report would still increase the penalty for being drunk on a snowmobile or ATV on public land or on a trail maintained by taxpayer money, but this one will probably fool a lot of people. It will also repeal the law that is on the books now that says I can't be drunk on a snowmobile in my own yard. I have asked people back home if they knew that this was illegal. They have been astounded. The argument is, well how do we know you are not going to go onto the road. You could extend that to, in my own home, if I am drinking.

At some point we have to distinguish between private and public property, not only property, but public and private danger. We should not make a crime out of something or increase a crime on something if there is no compelling public danger. If it is dangerous to the individual, we have to be very careful that we don't trample on civil liberties as we are trying to solve some of these problems. Thank you.

Representative JACQUES of Waterville requested a roll call on the motion to accept the Majority "Ought to Pass" as amended 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 to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 316

YEA - Adams, Ahearne, Aikman, Ault, Barth, Benedikt, Bigl, Birney, Brennan, Cameron, Campbell, Carr, Chartrand, Chase, Chick, Chizmar, Clark,

Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dexter, DiPietro, Donnelly, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch, Hitchborn, Jacques, Johnson, Joy, Joyner, Keane, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, LaFountain, Lane, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Luther, Madore, Marshall, Martin, Marvin, McAlevey, Meres, Mitchell EH; Morrison, Murphy, Nadeau, O'Gara, O'Neal, Ott, Paul, Peavey, Poirier, Poulin, Povich, Reed, W.; Rice, Richard, Richardson, Robichaud, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stevens, Taylor, Thompson, Townsend, Treat, Tripp, True, Tufts, Tuttle, Tyler, Underwood, Vigue, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winn, Winsor, The Speaker.

NAY - Bailey, Berry, Buck, Carleton, Gates, Heeschen, Jones, K.; Jones, S.; Layton, Nass, Perkins, Pinkham, Volenik.

ABSENT - Bouffard, Bunker, Cloutier, Dunn, Gamache, Heino, Joseph, Joyce, Mayo, McElroy, Mitchell JE; Nickerson, Pendleton, Plowman, Pouliot, Reed, G.; Ricker, Stedman, Stone, Strout, Truman.

Yes, 117; No, 13; Absent, 21; Excused, 0.

117 having voted in the affirmative and 13 voted in the negative, with 21 being absent, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (S-477) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, March 20, 1996.

Senate Divided Report - Committee on Human Resources - (12) Members "Ought Not to Pass" - (1) Member "Ought to Pass" as amended by Committee Amendment "A" (S-479) on Bill "An Act to Amend the Mass Gathering Laws" (S.P. 669) (L.D. 1731) which was tabled by Representative FITZPATRICK of Durham pending his motion to accept the Majority "Ought Not to Pass" Report.

Subsequently, the Majority "Ought Not to Pass" Report was accepted in concurrence.

House Report - Committee on Inland Fisheries and Wildlife - "Ought to Pass" as amended by Committee Amendment "A" (S-486) - on Bill "An Act to Amend the Laws Concerning Commercial Whitewater Rafting (S.P. 719) (L.D. 1820) which was tabled by Representative WHITCOMB of Waldo pending acceptance of the Committee Report.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: Once again, many of us have received calls on this, especially if you live on the Kennebec or the Penobscot Rivers. Many of us are confused and would like an explanation of what the current law is and what this law will do. I know it is going to benefit some people, but I also know it is going to hurt some other people. We would kind of like to know what it is exactly that we are voting on. If there is somebody here that could give us an explanation, we would appreciate that.

The SPEAKER: The Representative from Madison, Representative Richard has posed a question through

the Chair to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: For lack of knowing we were going to stand up and leave the lady in doubt, I would refer to Representative Jacques. Would you please answer her question, knowing you have a complete history of it. If anyone is confused by whitewater rafting, it should be all of us.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I am sure you will all live to regret Representative Greenlaw's suggestion before this is through.

What this bill originally did in its original form was to come in and allow a company, one company, to buy another rafting company in the State of Maine. Fifteen or sixteen years ago we established a process by which companies could get on the two rivers and run rafts. What we did, is we broke it down in increments of eight because a raft carries eight people. We established by statute that 80 would be the biggest company that would be allowed to run on the river.

At that time, some companies had two companies, one in the husband's name and one in the wife's name. Clearly, it would have circumvented the intent of the law, so we got all the parties to come in. They were called affiliated outfitters or sister companies. What we did was got most of those companies to give up their sister company or their affiliated company. One company chose not to do that. We ended up in court and the court upheld the law and basically that company had to give up its sister company. The law, at that time, said you could not run more than 80 passengers, that was a large company. We have made changes consistently over the years dealing with rafting companies.

In 1991, we passed a provision of law that allowed one company to own up to 9 percent of another company and basically what you do is have 9 percent limited partnership in 91 percent and those of you who understand partnerships can talk about that because I didn't understand much about it then and I don't understand much about it now. What we did was we passed a law that allowed, effectively, someone to buy someone else out. When we did that, there was not much given about the fact of what happens if a company that has 80 buys another company that has 80 or if a company that has 80 buys a company with 48. You effectively have changed the whole scenario where a company can't have more than 80. There is a company that did that. They bought a company that was forced to go out because of internal problems and it is was one of the other larger companies. I was quite amazed that that situation came about.

What they did is they sold and they went to some partners and the partners sold it back to the original owner and the original owner, from my understanding, applied and got the allocations back, which are now part of the second company, which is the company which bought the other company. I am not being a wise guy. This is basically how it works out. The Fish and Wildlife Department feels very comfortable that what they did was to transfer those allocations to the other company, which is owned by another company. They did so with the Attorney

General's approval based on the 1991 law that allows limited partnership.

The bill was brought to the committee in an original draft and it was tried to be put onto our omnibus bill. There was much discussion about this because it was a major change in the way we did rafting in this state. It was not appropriate to have it stuck on an omnibus bill and the bill should go out and have a full public hearing, be advertised and the whole procedure. The committee did that and the whole procedure. We rejected it from the omnibus bill. It was printed, referred and it had a public hearing, actually before the bill actually got referred, but it ultimately ended up here.

We had many people from the Millinocket area come down and talk about this as an opportunity bill that allows a company to get bigger and stronger and thereby enables it to invest more money in the infrastructure of itself and of the industry as a whole provides full-time benefits and the argument was made that it would provide more jobs. Since we have never done this before, no one could make the argument that it wouldn't provide more jobs, that it would have a negative impact on the industry. The question was, do you want, ultimately, five large companies or do you want to keep with 15 multi-size companies? The original report was an 11 to 2 "Ought to Pass," with Representative Perkins and myself on the "Ought Not to Pass." The reason I was not on the "Ought to Pass" is I thought that this, indeed, violated everything that the original Whitewater Rafting Commission had put into place and was clearly changing the rules in the middle of the game.

Effectively, if five big companies bought out five other companies, you could have five companies of 160 each on one river and ultimately four on the Penobscot because on those allocated days, they can only run 560 on the Penobscot and 800 and 1,000 on the Kennebec respectively, on a Saturday and a Sunday. Under the old system, a company could grow and expand up to 80 or enter into the industry based on their performance, that is, how many people they carried on certain days, which were called unallocated days. Over the years, the allocated days started out to be most of the summer and through a process they have gotten down to basically seven weekends in July and August. Here is the glitch, for a company to lose some of their allocations on those days, they have to not perform. That is they have to not be able to carry passengers up to their 80 limit, if it is 80 or whatever the case may be on a disproportionment amount of days on those allocated days. I am trying to keep this simple, because it is as Representative Greenlaw so ably pointed out, very confusing to most.

What this amendment does is it changes the original 11-to-2 report and says that big companies will be able to buy other companies out up until the time that 60 percent of those allocated slots, that would be 60 percent of the 560 on the Penobscot and 60 percent of the 800 on Saturdays and 1,000 on Sundays, which eventually, I guess, would be 1,000 on both days on the Kennebec. I will use 1,000 for simple arithmetic. Six hundred of those slots would be able to be bought up by double companies, that is it. Not everyone would be buying 80. Some would be 80 buying 48 or 80 buying 24 or whatever you want to break down the companies that would be going out of business. What the committee report does now, which is not a unanimous report is OK. We don't want to let it

be helter-skelter where all of the big companies can buy all the other companies and you have four big companies on the Penobscot and five on the Kennebec, but you allow that to happen until you reach 60 percent of those allocated days on those rivers at that time. The other 40 percent would be set aside and kept in a pool available for new entries coming in and companies that wanted to grow.

The allocations are awarded for five-year periods. It was just done, so you are looking five years down the road. There is a provision in the law that says if a company doesn't use their entire allocation in any one given year, the department can step in take some of those slots away and put them in the unallocated pool and let new companies or growing companies apply for those. They can do that on a yearly basis. What the amendment before you does, basically and quite frankly, we could have argued this forever, but we didn't have the data to show that, indeed, if larger companies would provide better services and all the things that were claimed by the supporters of this, we don't have the data to say that it would wipe all the small companies out. We just don't know. We would be speculating, but clearly everyone from the Chief Executive on down that I talked to felt that it only made sense that a bigger stronger company would be able to provide year-round employment, health benefits and have money to invest in the infrastructure of their own business as well as the businesses around them that they work with.

I spent about four days trying to think of an amendment that would come up that would not literally wipe the little guys out, that would not guarantee a monopoly to four or five people, but yet would allow their version of carry through, without completely ruining industry and without me breaking faith with what I believe. You have to remember that we worked 15 months to write the whitewater rafting law. Every step of the way we were challenged by one company or another to answer constitutionality questions, whether something was legal or not and we came up with a law that stood up constitutionally in all the court discussions that we went through. My concern was that in 15 minutes we were changing a system that was put into place after 15 months of study. What this does is allow that one particular company that is in the position to do this now and up to three more companies in one river and four more on the other river to do just that.

It allows 40 percent of those allocations. This only applies to allocated days, because anyone can run raft trips on the rivers on unallocated days as long as you get your \$250 commercial license and you meet the safety criteria and all the other things you can run. This applies to the allocated weekends that are used to base somebody's performance and expansion of their company on. What this amendment now does and I know some of the small outfitters still don't like it, I understand that, but being the realist that I was on an 11-to-2 committee report that was worked pretty hard, by people who are interested in doing this and who think it is a good idea. I tried to come up with a mechanism basically that could assure that that big company could go along and get the allocation of the other company. If it does, in fact, add to the job and benefits that these companies will be able to pay their employees and yet will still guarantee a percentage of the allocation

for the smaller companies who want to come in new and continue to grow.

Can I tell you that this is going to be the answer to everything? Absolutely not. Can I tell that it is going to succeed or fail? Absolutely not. We don't have the data before us to see if it works or not. When I offered this amendment to the committee, I envisioned that it would be somewhere around 50/50, in the middle and that two or three years down the road when the time comes, if it is possible, that four or five companies have indeed bought out four for five other companies and you are getting to the position where you have maxed out the 60 percent, then clearly this Legislature and the Fish and Wildlife Department are going to have to sit down and see if the system that has been in place for 15 years, dealing with whitewater rafting, should indeed stay or should you look at some other options. Clearly there is a lot of other options. Other states have pursued different options, but I dare say that industry wise, the companies that are going to succeed have succeeded and barring any unforeseen circumstances, like split up between the partners where one has to liquidate their inventory and their company to pay off the other one, I think most of the companies that are surviving now will be surviving later on. I think they have kind of leveled out.

Faced with the alternative of having a bill that basically has no protections for everyone that basically would allow any big company to buy another big company and that is assuming that other companies are for sale. That is not the case right now and it may not be the case for a couple of years because, as I said, you have a five-year allocation period and this is the first year. They have had a couple of good summers and they have all made some money and I don't think anyone is going to sell their business right now unless something happens that is unforeseen. I think they are going to wait a couple, two or three years until the end of the allocation period comes up and see what their financial situation is there whether they can compete or not and then they will make a decision. I am told right now there is someone who has the money to buy a company out, but no one is willing to sell at this time. Probably this won't happen again for a couple of years. I can't guarantee that, but I just speculate. I do know there are a couple of larger companies who are very aggressive and they will do everything they can to buy out another company if that is possible.

Do I think the other system was broke? No, I don't. Do I think the other system was flawed? No, I don't. Do I think there is potential for bigger companies to buy bigger companies to provide the services they say they are going to? Yes, I do. Do I think that is going to happen? I don't know.

What the amendment does before you is it has half a loaf instead of the whole loaf. It gives half a loaf to the bigger companies who are trying to buy out other companies or would buy out another company if it is a possibility. It certainly does benefit the one individual that brought this forth to us in the first place because he has to make a decision and has made a decision to buy another company. Clearly, the allocations are very important to him. I guess that is the only way I can explain it to you. The 40 percent is there in law. Clearly, if you reach that maximum in a fairly short period of time, then those of you who are left in these hallowed halls and the

members of the Fish and Wildlife Committee and the department itself will hopefully put a task force together, sit down and go through the agonizing process we did twice, 15 years ago and come up maybe with a new system that will solve everybody's problem. That is the best I can do to answer your question, Representative Richards, in my own humble way.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Greenlaw. Representative GREENLAW: Thank you Mr. Speaker and thank you Representative Jacques.

Subsequently, the Committee Report was accepted.

On motion of Representative MITCHELL of Vassalboro, the House reconsidered its action whereby the House accepted the Committee Report.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I can't recall in my years of service here a more awkward time for me to speak on any issue. The reason for that is that I have many friends in this Chamber who are on the other side of this issue. We have two sets of constituents both the coalition of colleagues we have in here and the people that sent us here.

I rise very reluctantly, but my constituent has no other voice but me. I have a constituent, believe it or not, in East Vassalboro, of all places, who runs a whitewater rafting company. My constituent is very concerned about this issue. He does not believe that it is the appropriate thing to do, but rather it is a Private and Special Law for one person who wants to double his allocations. I respect Representative Jacques as much or more than anybody that I have ever met in my life. I know that Representative Jacques has tried to make a fair situation here. He has spent hours even talking to my constituent to persuade him that this is the best that can happen.

Let me talk to you for just a minute because I am his only voice and I apologize to the members of the committee because I know it is a unanimous report, but most of all I apologize for Representative Jacques because I know he has tried harder than anybody to reach an accommodation between Vassalboro and Millinocket. It isn't possible, but I would like to say my piece on behalf of my constituent.

The allocations system that the committee and the commission put together tries to create competition where it is almost impossible to have real competition because you had to limit the amount of rafters on the river to protect the natural resource. There is competition, but it is not pure economic competition. There are certain limits to get into the business. If the bill was passed as presented before the amendment was put on, obviously any company under the same rules that the company that swore us to do to buy up another company and have double the allocations. This could lead to five major competitors.

Representative Jacques tried to protect the smaller ones by setting aside a pool for the smaller ones. Some of the smaller ones think that the first company got through the door and one more can follow, but the rest of us will never be able to aspire to a big company. If we are going to have true competition within this mess, then we should have the opportunity for all of us to go big. It is one of those situations where you can't win and you can see

why Representative Jacques had a great deal of struggle trying to accommodate all of us. I think it is an inappropriate piece of legislation, at this time. I believe that there should be the strongest competition possible within the boundaries that we have to set to protect the river and that we should come back at a future date, in a thoughtful manner, with the commission and perhaps open up the whole process and auction off all the allocations so the state could at least make some money on this process. I appreciate your indulgence. I would ask for a roll call.

The same Representative requested a roll call on acceptance of the Committee 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 SPEAKER: The Chair recognizes the Representative from Rockland, Representative Chartrand.

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

The SPEAKER: The Representative may pose his question.

Representative CHARTRAND: Thank you. I was wondering if this bill affects the use of the rivers on unallocated days? Do the affiliated groups have unlimited use anyway? Could you describe that a little. Thank you.

The SPEAKER: The Representative from Rockland, Representative Chartrand 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: Mr. Speaker, Men and Women of the House: The answer to that question is this bill does not affect the unallocated days. The problem is that the allocated days are allocated because all of those days have their carrying capacity, that is, they have hit the 560, the 800 and the 1,000. The weekdays have not come to that point yet, but there is going to come a time fairly soon where probably your Mondays and Fridays will meet the carrying capacity of those rivers and they may have to do something different, but that is not the case right now.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Committee Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 317

YEA - Aikman, Ault, Bailey, Bigl, Birney, Buck, Cameron, Campbell, Carr, Chase, Chick, Clark, Clukey, Damren, Desmond, Dexter, DiPietro, Donnelly, Dore, Driscoll, Etnier, Farnum, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Hartnett, Hichborn, Jacques, Johnson, Jones, K.; Joy, Joyner, Kerr, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JL; Lindahl, Look, Lumbr, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, Morrison, Nass, O'Gara, O'Neal, Ott, Paul, Peavey, Perkins, Poulin, Povich, Reed, G.; Reed, W.; Rice, Robichaud, Rosebush, Samson, Savage, Saxl, M.; Simoneau, Sirois, Spear, Stevens, Taylor, Tripp, True, Tufts, Tuttle, Tyler, Underwood, Vigue,

Volenic, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor, The Speaker.

NAY - Adams, Ahearne, Barth, Benedikt, Berry, Brennan, Carleton, Chartrand, Chizmar, Cross, Daggett, Davidson, Fisher, Fitzpatrick, Gates, Gerry, Green, Hatch, Jones, S.; Keane, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Libby JD; Lovett, Luther, Meres, Mitchell EH; Murphy, Nadeau, Pinkham, Poirier, Richard, Richardson, Rowe, Shiah, Thompson, Townsend, Treat, Watson, Winn.

ABSENT - Bouffard, Bunker, Cloutier, Dunn, Gamache, Heeschen, Heino, Joseph, Joyce, McElroy, Mitchell JE; Nickerson, Pendleton, Plowman, Pouliot, Ricker, Saxl, J.; Stedman, Stone, Strout, Truman.

Yes, 87; No, 43; Absent, 21; Excused, 0.

87 having voted in the affirmative and 43 voted in the negative, with 21 being absent, the Committee Report was accepted.

The Bill was read once. Committee Amendment "A" (S-486) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on Bills in the Second Reading.

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-486) and sent up for concurrence.

Senate Divided Report - Committee on Natural Resources - (8) Members "Ought Not to Pass" - (4) Members "Ought to Pass" on Bill "An Act to Grandfather Municipal Ordinances Regulating the Spreading of Sludge" (S.P. 705) (L.D. 1804) which was tabled by Representative DEXTER of Kingfield pending his motion to accept the Majority "Ought Not to Pass" Report.

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

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House: I have here a document that would be sent to a town or a municipality where one of the inhabitants had asked for some of this material. In it are the requirements set forth by the DEP. It gives the site location. It gives all sorts of data about the nutrients, but I will only mention two or three parts to give you an idea of why people in six towns have a concern and did this prior to 1989 on an ordinance to be able to sit down and talk about one of these proposals. When this arrives in the town it is a done deal. It indicates the time, where this material will be sent, who will spread it and in this case the material is coming from the Portland Water District. It was going to be transported and spread or piled on land where people would use their own equipment to spread this.

First off, I will note in here that we will have clean water systems and will transport and spread all sludge, but that isn't necessarily true because in this report there are two separate applications by the same person and they agreed that they would spread some of this after it was stockpiled. Something you might be interested to hear would be, waiting periods. "One, do not graze animals on land for 30 days after the application of biosolids. Food crops, crops consumed by humans including, but not limited to fruits, vegetables and tobacco with harvested parts that touch the biosolids, soil mixture and are totally above the land surface should not be harvested for 24 months after the

application." It also goes on to say that "food crops, feed crops and fiber crops shall not be harvested for 30 days after the application of biosolids. Public access to land with low potential to public exposure, including, but not limited to, land and forests shall be restricted to 30 days." It also indicates here that "food crops harvested parts below the surface, in-ground vegetables, not to be consumed for 38 months after the application."

As I understand it now in southern and central Maine, there are six towns with an ordinance that would allow for that town, in the town I serve in, the environmental board would sit down with a company and look at the situation. Of course, as I understand it, six more towns have an ordinance that says, "No sludge spreading." This, I don't believe would be sensible. Where there is a chance for people to sit and talk, can you imagine what it is like when you get a notice that land adjacent to your property, well and home that this material is going to be trucked in, stockpiled and this agreement made it clear that it was to be spread within 30 days. The part about spreading on grazing land and that the cattle would not graze for 30 days. Can you imagine last summer with the long dry spell? People with animals would be looking for pasture and after the 30 days, some of them, I'm sure would think they were living within this agreement and they would put the cattle out to graze.

Yesterday, in the Portland Press Herald there was an article. I don't know how many of you people saw the article, but it indicates that there is a reorganization in the company. I would go down to that part which the spokesman for the company indicated that there would be restructuring, they did away with the system department head, managers, union workers. Two managers took early retirement. One was laid off and offered retraining. The one that I would refer to, for your consideration, the Quality Control Department was done away with. The spokesman for the company indicated that quality is part of everybody's job. Things I have been involved in in my lifetime, I have heard people make remarks about quality and it is everybody's concern, but if there is not a formal process within the organization to do the inspections, it is really nobody's concern. This is a real concern to people that I have talked with.

We have had hearings with this company in the town where I live and serve on the Environmental Board. I would ask that you people really consider what it is like in the case of Lebanon, the runoff goes into the Salmon Falls River. Downstream the Town of Berwick, Maine gets their water supply out of the Salmon Falls River. For you people that live in the Sebago Lake area, the City of Portland from my limited geography, I believe, gets their water supply from Sebago Lake. I think they just put a new plant in up there at a great expense. There is spreading going on up in that area, where I am sure runoff will be getting back into the water system in Portland.

Special interests took up the fight to try and prevent people from having any say of this spreading. I would suggest to you that you really consider and you would support the grandfathering of those towns that have an ordinance prior to 1989 that would provide for them to sit down and talk, not to prevent the spreading but to look over the application and decide with help from whomever they might choose, if it is good for the town. I would ask if this vote could be taken by the yeas and nays

and that the decision would be recorded as a roll call vote. Thank you.

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

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Mr. Speaker, Men and Women of the House: As you will see, I am on the Minority Report again. I supported this bill for, I guess, in part to give Representative Chick a chance to explain his reasons on the floor. It is very important to him and his town. This bill asks that towns that recognized or had voted in their municipalities to have a ban on the spreading of sludge in their communities before 1989 when the laws in the state changed affecting that. I have to give credit to these towns.

I think we have to recognize that some people in these towns may not be convinced that it is acceptable to spread sludge in their town. This bill is a little different from the bill we debated last week, which 90 of us in this House voted for local control. This is a local control home rule bill. These towns had voted to ban spreading sludge in their town. This will not impose a ban on the state, statewide. It will grandfather these towns that prior to 1989 had voted and enacted an ordinance in their town. With regards to the towns surrounding the Portland area that tend to receive sludge, we heard in our committee that if these towns are going to produce it, they should have to have a place to put it. Maybe Deering Oaks or Hadlock Field would be a good place to put it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Poulin.

Representative POULIN: Mr. Speaker, Ladies and Gentlemen of the House: There may be a question about what kind of sludge we are talking about from some people. This is septic and waste water from a treatment plant. The end result in that process is sludge. A lot of the sludge now is disposed on private property by the owners choice for agricultural purposes. Some people don't believe that it is a good thing to do with the sludge.

The problem with this proposal, as the Minority Report, would have it, is if we start allowing towns to not accept this sludge, then we are going to soon have no place to deal with the sludge that is coming out of all the major cities in the state. I think a lot of the people understand Representative Chick's point. They have some issues with the current state law, but I don't think this is the right way to approach the problem. I think that anything that is done has to be done on a statewide basis or we are going to end up in a pretty bad jam down the road. Please support the motion on "Ought Not to Pass." Thank you.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

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

The SPEAKER: The Representative may pose his question.

Representative LUTHER: Thank you. Are we talking about sludge from sewage disposal plant or paper companies or both?

The SPEAKER: The Representative from Mexico, Representative Luther has posed a question through the Chair to anyone who may care to respond. The

Chair recognizes the Representative from Oakland, Representative Poulin.

Representative POULIN: Mr. Speaker, Men and Women of the House: We are talking about sludge from sewage systems and treatment plants. Sludge that is processed and is used many places around the state agriculturally.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would support the Minority Report because this is actually local control. Some of these towns, especially the Town of Lebanon, has passed this ordinance and they would like to be able to have control over them. Somebody from the town, which the good Representative spoke about, gets their drinking water from the Salmon Falls River. Yes, we do and you can't drink it. You have to buy your drinking water or else have a purifier.

Coming from a town that has a tannery and that goes to our sewer treatment plant, that sludge cannot be put on any land because of the chromium in it. We have to send all of our sludge to a landfill. It is very expensive. I can understand the concerns of these people who do not know what is in this sludge that is being put on their land. As you said, there are some very dangerous heavy metals in this sludge. I think we should allow these towns who have passed their own ordinances and some are willing to set down and they want to know what is going into their towns. I think they have a right to do that. I think this Legislature should support local control on this. Please support the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Meres.

Representative MERES: Mr. Speaker, Men and Women of the House: This is one of the most difficult bills for me to talk on. I am on the Majority Report, but I have mixed feelings about this issue. I would like to explain it to you. The whole point of this is the legislation that you passed in 1989 dealing with the solid waste regulations whereby this Legislature in its wisdom at the time suggested and passed legislation that would not allow communities to pass any ordinances that were more strict than the state's solid waste rules and regulations. There was a lot of concern, at that time, because solid waste issues included landfills, special waste landfills, ratio active waste sites and the sludge issue fell under that.

Norridgewock, the town that I live in and represent, had an ordinance in 1989 dealing with solid waste. Our ordinance was overturned because it was stricter than the states. That impacted our community in a large way because we host Waste Management Incorporated now. Our town also dealt with sludge. We had the same kind of exercise that most communities have when we have very frustrated citizens trying to understand the process. I think the thing you have to understand is that in the states wisdom, they did allow in that process for public comments and input from citizens. The DEP also has a process whereby they evaluate anything that is going to be spread and they evaluate the site. They go through a process similar to siting a landfill. There is no surprises, I am sorry to say. The community knows exactly what is in the sludge.

Those reports are available as public information. The sludge is tested on a regular basis.

We had comments on our committee from the Town of Lebanon. Lebanon is very active environmentally. They have an ordinance in their community which meets and tests the state law. They have been able to defend that and they have no sludge in their town. They have done this within the existing laws as they are now. It is a little more complicated for towns to go through that process, but it is quite possible. The problem in our committee was that we were very concerned about the outright banning of sludge because there are farmers that do reap an economic benefit from this. There are restrictions and considerations that the DEP places on this. Another concern that we had on the solid waste rules and regulations was that there is an opportunity here for this whole process to unwind a little bit at a time.

We felt that it was important enough to vote "Ought Not to Pass," because there was a lot of implications that rested on the solid waste regulations for the State of Maine. All the regulations that deal with solid waste and other things that are the frame work for a lot of economic development opportunities in the State of Maine. I want you to consider very carefully the things that I have just said and realize that there are opportunities for communities to pass ordinances that meet the tests of the state and can still allow for them to not have sludge sites in their communities. Thank you.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: There is one point that I would like to make because all the other points have been made and there is no sense to repeat them. It is important to know that they already can pass the ordinance, as has been pointed out. Remember that each community produces waste and for a community to be able to prohibit it coming back, they are going just a little bit further than I think they should go. If they want to prohibit their producing it, which obviously they can't do, then they would be in a better position to say, you can't bring it back here. These towns produce it and to grant special permission to, I believe, it is seven communities, to grant them special permission to produce, but not to be responsible for what they produce, I believe, goes beyond the realm of the reasonable. Thank you.

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

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House: When I gave you the figures on the number of towns, this is something that was given to me today, that six have the ordinance prior to 1989. It would provide for that town to sit down and talk with the contractors of the spreading business. Six towns, 12 total, would have an ordinance that says no to spreading sludge. Here today, I think you need to consider that the special interests that try to defend this process talk about two situations. One, what are we going to do with the material? Two, the cost. I would believe that most people here know that when we have problems today, there are ways to solve them and spreading this sludge on towns that didn't produce it, simply to save some city money or take care of the sludge, I don't think is a valid reason when you get into the

health of people. I would urge you to consider home rule, not sending a mandate to these towns that they can't defend themselves. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: NIMBY, Not In My Back Yard," comes in to mind. We went around and around and around for weeks on landfills, to the point where we had two commercial landfills in the state. Township 30 comes to mind. One would think that this material, if you want to call it that, is not regulated. It is regulated on the federal level by the EPA and on the state level by the DEP. Many farmers, believe it or not, use this on their land. It is a cheap form of fertilizer. If we ban this, it is just going to increase their costs. Just for reference to you people, there are at least 20 towns that send their septic to the Portland Water District. There are over 20 towns that send their waste water elsewhere. Once again this is NIMBY and it doesn't serve any useful purpose.

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 to accept the Majority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 318

YEA - Aikman, Ault, Barth, Birney, Brennan, Buck, Cameron, Campbell, Clark, Daggett, Damren, Dexter, Donnelly, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Hartnett, Jacques, Johnson, Jones, S.; Joy, Kneeland, Kontos, LaFountain, Lane, Layton, Libby JL; Lindahl, Lumbra, Madore, Marshall, Marvin, Meres, Mitchell EH; Morrison, Nadeau, O'Gara, O'Neal, Peavey, Perkins, Poirier, Poulin, Richardson, Robichaud, Rosebush, Rowe, Savage, Spear, Taylor, Thompson, Tripp, Tufts, Underwood, Waterhouse, Whitcomb, Winsor.

NAY - Adams, Ahearne, Bailey, Benedikt, Berry, Bigl, Carleton, Carr, Chartrand, Chick, Chizmar, Clukey, Cross, Davidson, Desmond, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gates, Gerry, Green, Hatch, Hichborn, Jones, K.; Joyner, Keane, Kerr, Kilkelly, Labrecque, Lemaire, Lemke, Lemont, Libby JD; Look, Lovett, Luther, Martin, Mayo, McAlevey, Murphy, Nass, Ott, Paul, Pinkham, Povich, Reed, G.; Reed, W.; Rice, Richard, Samson, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Stevens, Townsend, Treat, True, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Winglass.

ABSENT - Bouffard, Bunker, Chase, Cloutier, DiPietro, Dunn, Gamache, Heeschen, Heino, Joseph, Joyce, McElroy, Mitchell JE; Nickerson, Pendleton, Plowman, Pouliot, Ricker, Stedman, Stone, Strout, Truman, Winn, The Speaker.

Yes, 58; No, 69; Absent, 24; Excused, 0.

58 having voted in the affirmative and 69 voted in the negative, with 24 being absent, the Majority "Ought Not to Pass" Report was not accepted.

Subsequently, the Minority "Ought to Pass" Report was accepted. The Bill was read once. The Bill was assigned for second reading Wednesday, March 20, 1996.

On motion of Representative CHIZMAR of Lisbon the House adjourned at 5:45 p.m. until 9:00 a.m., Wednesday, March 20, 1996 in honor and lasting tribute to the memory of United States Navy Commander Lanny L. King and Rodney V. Bowers of Sherman Mills, a former Representative.