

# MAINE STATE LEGISLATURE

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**House Legislative Record**  
of the  
**One Hundred and Eighteenth Legislature**  
of the  
**State of Maine**

**Volume I**

**First Regular Session**

December 4, 1996 - March 27, 1997

**First Special Session**

March 27, 1997 - May 15, 1997

ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
FIRST SPECIAL SESSION  
5th Legislative Day  
Thursday, April 3, 1997

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

Prayer by Reverend Dell R. Hyssong, Jr., West Rockport Baptist Church.

National Anthem by the Monmouth Middle School Chorus.

Pledge of Allegiance.

Doctor of the day, Scott A. Thomas, D.O., Winterport.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

Bill "An Act to Provide Choice to Maine's Electricity Customers" (EMERGENCY) (S.P. 576) (L.D. 1732)

Came from the Senate, referred to the Committee on **Utilities and Energy** and Ordered Printed.

Was referred to the Committee on **Utilities and Energy** in concurrence.

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**Divided Report**

Majority Report of the Committee on **Inland Fisheries and Wildlife** reporting "**Ought to Pass**" on Bill "An Act to Designate 2 Weekends When a Person May Fish without a License" (S.P. 24) (L.D. 22)

Signed:

Senators: KILKELLY of Lincoln

RUHLIN of Penobscot

HALL of Piscataquis

Representatives: PAUL of Sanford

CHICK of Lebanon

DUNLAP of Old Town

UNDERWOOD of Oxford

TRUE of Fryeburg

USHER of Westbrook

GOODWIN of Pembroke

CROSS of Dover-Foxcroft

CLARK of Millinocket

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

Signed:

Representative: PERKINS of Penobscot

Came from the Senate with the Majority "**Ought to Pass**" Report read and accepted and the Bill passed to be engrossed.

Was read.

On motion of Representative PAUL of Sanford, the Majority "**Ought to Pass**" Report was accepted in concurrence.

The Bill was read once and assigned for second reading Monday, April 7, 1997.

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

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**Divided Report**

Majority Report of the Committee on **Inland Fisheries and Wildlife** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-65) on Bill "An Act to Give an Antlerless Deer Permit to a Person Who Kills 5 or More Coyotes" (S.P. 63) (L.D. 182)

Signed:

Senators: KILKELLY of Lincoln

HALL of Piscataquis

Representatives: PAUL of Sanford

CHICK of Lebanon

UNDERWOOD of Oxford

TRUE of Fryeburg

USHER of Westbrook

GOODWIN of Pembroke

CROSS of Dover-Foxcroft

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

Signed:

Senator: RUHLIN of Penobscot

Representatives: CLARK of Millinocket

DUNLAP of Old Town

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-65)

Was read.

Representative PAUL of Sanford moved that the House accept the Majority "**Ought to Pass**" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Paul.

Representative PAUL: Madam Speaker, Ladies and Gentlemen of the House. This bill gives an antlerless deer permit to a person who kills five coyotes or more in a hunting or trapping year. A person who, in calendar year 1998 or 1999 lawfully kills and registers five or more coyotes, by hunting or trapping, is entitled upon request to the department to receive an antlerless deer permit in the following year. An agent may tag a coyote under this subsection only if the person registering the coyote removes one ear of the animal. A \$1 fee has to be paid to the tagging agent. This bill is for a two-year period and it would be repealed in 1999. The Inland Fisheries and Wildlife Department has recognized for many, many years the impact of coyotes on deer. They have taken active steps toward addressing the impact of coyotes on deer since they began regulating the doe harvest beginning in 1980 in western and statewide in 1983. They have minimized the effects of coyotes on wintering deer through Inland Fisheries and Wildlife and animal control programs. They have instituted fall trapping or early trapping seasons for coyotes in addition to the regular trapping season. They have also deployed qualified trappers to remove coyotes from problem areas by using leg-hold traps and snares.

At present there are probably less than 50 people statewide that regularly kill five or more coyotes in a given year. I know from past experience statewide, from York County to Aroostook County, how much of an increase in population of these coyotes have taken place. I have been made aware of animals on farms in my area of the state in York County that have been attacked by coy dogs. Chickens and ducks that have disappeared and people are continually seeing coy dogs on their property in the rural areas. The steps that the department has taken in the past 20-odd years has not really done the trick. We need this bill for a couple of years and take another look at it in the next session, the 119th Legislature, to see if we have gained any ground. I might also add that there is no fiscal impact with this bill to the department. They report that what little increases in expenses

can be absorbed within the department. I hope you will vote with the majority on this report. Thank you.

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

Representative DUNLAP: Madam Speaker, Men and Women of the House. In deference to my fellow committee members, I do rise in opposition to this motion. The antlerless deer permit system was set up as a conservation measure, not as a reward system. That is what this message sends. While there is a very distinct coyote problem in the this state, the population has been rising dramatically in the last 20 years, various bounty systems were used in the last 20 years and they didn't work. The only really effective method to control coyotes is by trapping and the trappers don't really fool around with them too much because the pelts aren't worth anything and it is too much of an effort to go into the woods to get them. I think the premise of this bill is fairly sound and that is to protect the deer wintering areas because the coyotes do get in there and they do wreak havoc. However, I don't necessarily think this is the way we want to go. The coyotes are very difficult to get hold of by hunting. I don't think the doe permit system would be well served by this. Madam Speaker, I request a division on this matter.

Representative DUNLAP of Old Town requested a division on the motion to accept the Majority **"Ought to Pass"** as amended Report.

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

Representative CHICK: Madam Speaker, Ladies and Gentlemen of the House. In the 117th Legislature I put in a bill that asks the Department of Inland Fisheries and Wildlife to make a study of the impact of the coyote on the white-tail deer. The report came out early in 1996 and one afternoon in our committee a gentleman from the department gave us quite a talk about the effects of the coyote on the white-tail deer. Some of the numbers he referred to would be road kills 4,000, 22,000 by coyotes, 18,000 by illegal kills and I think that year maybe the legal kill was 27,000. You can see the impact of the coyotes on the white-tail deer. It is still number one in the State of Maine in the wildlife section. I hear figures attached to it that are worth \$2,000. Sunday morning, Easter morning, I was up preparing to go to a sunrise service and as I looked out across the field, there was a coyote that was eyeing some of my little friends, geese, ducks, etc. The only thing that saved him was it was Sunday morning. They are a real thing. They are something that people that raise sheep have a great problem with. They eat the lambs.

This bill was put in by a retired game warden and his belief was, that where the deer have the great value to the State of Maine, it was a beginning to have people possibly reduce the numbers. I would hope that you would support this "Ought to Pass." If anyone has any questions about the figures I have given here this morning, I would be glad to try and answer the question. Thank you.

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

Representative CROSS: Madam Speaker, Ladies and Gentlemen of the House. I will be very brief. This is an attempt to control coyotes, which are, in fact, killing approximately 22,000 deer every year. Again, it is just another step in trying to control that kill. The department has tried other means, bounties and so forth and not all of them have worked, but we want to try this and maybe it will work. It is a no losing proposition as far as cost and that kind of thing. Hopefully, I would suggest that you all support this. We are trying to, maybe some of you that haven't been able to see a deer or shoot one during hunting season, like me, couldn't find one to hit. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Paul.

Representative PAUL: Madam Speaker, Ladies and Gentlemen of the House. I just want you to know that if you have never witnessed a deer slaughter in heavy snow, I don't believe you would ever want to see anything like that. I have seen that where the coy dogs go in there and the snow is very deep and the deer are up to their stomachs in the snow and they are helpless. These dogs do an awful job on the deer.

I want to tell you something else. My son and I have a camp at Shirley Mills. It is seven miles in the woods, just southwest of Greenville. I have been going there for the past 11 years, during the summer months when we can get into the camp. After being there for a couple of years, I thought I want to see what happens, see if I can call these coy dogs. Almost every night during the summer when I am there around 9:30 or 10:00, I can call coy dogs to the camp. They come awfully close to the camp and my surprise experience, that I couldn't believe, was one night last summer I was calling coy dogs and I had a friend on the porch of the camp and he had a side arm on him and he was really worried because I had called three packs of coy dogs around the camp. Eventually I went up on the porch. If someone tells you that we don't have a problem, I would strongly disagree with him. Thank you very much.

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

Representative PERKINS: Madam Speaker, Colleagues of the House. I am on the Minority Report here. I could vote either way on this and I may especially if it goes to roll call. I hate to admit it, but I might occasionally make a political vote here when I push the button. As far as I am concerned, you can't go wrong either way you vote because I don't think it is going to do a thing except send messages and that is the reason I am on the minority. For one, it sends a message that maybe by rewarding people, that is bounty, we can do something. Bounties have been tried all over North America to keep down the coyotes. They have failed. This is kind of a bounty without the money. It is a reward using the antlerless permit as a reward. That is one of the signals it sends. The question that I have is, just ask yourself if you know people in your own district who have the capability, the time and the inclination to kill five coyotes. Those are usually the people who get their bucks on the first day. They are not too worried about getting a doe permit. I don't think it is going to do much of anything except send a signal. Like I said, I may vote for it myself to send a signal to a lot of the sportsmen in the clubs that think maybe we ought to do something. To tell you the truth the sponsor of the bill, Senator Hall, mentioned that a few times in the committee. People are crying that we do something. You have to ask yourself is this doing something? Thank you.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. I know some of you are going to vote one way or the other on this bill who have never ever seen a coyote, never heard a coyote and just let me explain to you the sensation when you are awakened at 2:30 in the early morning to the howling of a family of coyotes as they celebrate a kill. It is one of the most eerie and chilling sounds that you can hear. I have seen coyotes in my field just below the house. I saw a coyote stalk a young moose calf and it wasn't until momma moose showed up and between the two of them they chased the coyote off. It was a fascinating interplay. I have had my dog chase off a coyote that was no closer, practically, than the Speaker is from me to my person. It happened to be behind me and I didn't realize it was there until my dog saw it. I also have

eaten coyote, served up coyote to my friends at a game supper and until this report came out, I didn't realize why it tasted so good. Now I know because they are eating all the deer. This particular bill, if passed, will provide just a little bit of an incentive to those hunters who out in the woods and they are hunting deer, bear or they are bird hunting and they see a coyote, they might not bother with the coyote. If they know that this is passed and they have a chance for an any deer permit the following year, then they might take steps to terminate that coyote in hopes of getting an additional four later on so that they could then get an any deer permit. I urge your support for this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative VOLENIK: Madam Speaker, Men and Women of the House. I guess I am a little confused. The object here is that because coyotes are killing deer and there is a major problem here that we are then going to reward the killing of the coyotes by killing more deer and killing antlerless deer, which in my mind is female deer. I am thinking marine resource terms, which is the brood stock, which is of the herd. To me that seems backwards. If we are going to be giving a reward, it should be a better thought out reward than this. I would have to oppose this.

The SPEAKER: The Chair recognizes the Representative from Breman, Representative Pieh.

Representative PIEH: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative PIEH: Thank you Madam Speaker. I am wondering why the department opposed the bill in the work session?

The SPEAKER: The Representative from Breman, Representative Pieh has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Paul.

Representative PAUL: Madam Speaker, Ladies and Gentlemen of the House. Actually why does the department oppose this bill is because they do not believe in any type of bounty system.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Bull.

Representative BULL: Madam Speaker, Men and Women of the House. I guess I am a bit confused like the good Representative from Brooklin as to the intent of this bill. I am not sure if the intent of this bill is to try to wipe out the coyote population here in Maine. I am not really sure what the purpose is. I am very troubled by this bill. If this is an attempt to wipe out the coyote herd, I would hope that we have learned from our past mistakes of trying to meddle in the systems of nature. I urge people to vote against this motion. I request a roll call.

Representative BULL of Freeport requested a roll call on the motion to accept the Majority "Ought to Pass" as amended Report.

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

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

Representative CROSS: Madam Speaker, Ladies and Gentlemen of the House. In answer to the recent question, again, they have tried all kinds of bounties, if you will, to control the coyote population. The thing that happens here is antlerless deer permits, you have to be in the lottery to get it. They are going to issue out so many anyway. It is no big deal. It doesn't cost any money. As far as we can tell there may be 100 or 200 of these permits issued. We need to make an inroad in killing coyotes who are decimating the deer herd. If you prefer to have that done or if you prefer to have the coyotes run at will and let

the deer kill be at 20,000 or 22,000 a year, then vote against the bill. If you prefer to see the deer herd increase so that everybody has a better chance of shooting them and we get rid of a few coyotes, then I suggest you vote in support of this bill. Thank you very much.

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

Representative WHEELER: Madam Speaker, Ladies and Gentlemen of the House. I would just like to clarify a point that was made earlier that coyotes not only kill deer, they kill sheep, cows, goats and farm animals. In Eliot we have had a lot of problems with them, especially killing sheep. Thank you.

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

#### ROLL CALL NO. 73

YEA - Baker JL, Barth, Belanger IG, Berry DP, Bodwell, Bouffard, Bragdon, Bumps, Bunker, Campbell, Chick, Chizmar, Cianchette, Cross, Dexter, Driscoll, Dutremble, Frechette, Gagne, Gagnon, Gamache, Gieringer, Goodwin, Hatch, Honey, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemont, Lovett, MacDougall, Mack, Madore, Mailhot, Mayo, McAlevey, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, Paul, Peavey, Pendleton, Pinkham RG, Plowman, Poulin, Povich, Richard, Rines, Samson, Sanborn, Savage, Shannon, Spear, Stanley, Stedman, Taylor, Thompson, Tobin, Treadwell, True, Tuttle, Underwood, Usher, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright.

NAY - Ahearne, Bagley, Baker CL, Berry RL, Bigl, Bolduc, Brennan, Brooks, Buck, Bull, Carleton, Chartrand, Clukey, Cowger, Davidson, Desmond, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Foster, Fuller, Gerry, Gooley, Green, Jones KW, Jones SL, Lemaire, Lemke, Marvin, McElroy, McKee, O'Neil, Ott, Perkins, Perry, Pieh, Pinkham WD, Powers, Quint, Rowe, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Snowe-Mello, Stevens, Tessier, Townsend, Tripp, Volenik, Watson.

ABSENT - Belanger DJ, Bruno, Cameron, Clark, Colwell, Donnelly, Jabar, Lindahl, Vigue, Madam Speaker.

Yes, 87; No, 54; Absent, 10; Excused, 0.

87 having voted in the affirmative and 54 voted in the negative, with 10 being absent, the motion to accept the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (S-65) was read by the Clerk and adopted. The Bill was assigned for second reading Monday, April 7, 1997.

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At this point, the Speaker recognized the Representative from Brunswick, Representative DAVIDSON, who was added to the quorum call of the 118th Legislature, First Special Session.

#### Divided Report

Majority Report of the Committee on **Business and Economic Development** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-82) on Bill "An Act to Allow a Patient to Order Contact Lenses through the Mail without a Prior Visit to a Physician" (S.P. 78) (L.D. 217)

Signed:

Senators: JENKINS of Androscoggin  
MacKINNON of York  
RAND of Cumberland

Representatives: VIGUE of Winslow  
BODWELL of Brunswick

MURPHY of Kennebunk  
CAMERON of Rumford  
SIROIS of Caribou  
SHANNON of Lewiston  
MacDOUGALL of North Berwick  
MACK of Standish  
WRIGHT of Berwick

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

Signed:

Representative: FARNSWORTH of Portland

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-82)

Was read.

On motion of Representative WRIGHT of Berwick, the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (S-82) was read by the Clerk and adopted. The Bill was assigned for second reading Monday, April 7, 1997.

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**Non-Concurrent Matter**

Bill "An Act to Make the University of Maine System Board of Trustees an Elected Body" (H.P. 952) (L.D. 1315) on which the House insisted on its former action whereby the Unanimous "**Refer to the Committee on Education and Cultural Affairs**" Report of the Committee on **State and Local Government** was read and rejected and the Bill and accompanying papers recommitted to the Committee on **State and Local Government** and asked for a committee of conference in the House on April 1, 1997.

Came from the Senate with that Body having adhered to its former action whereby the Unanimous "**Refer to the Committee on Education and Cultural Affairs**" Report of the Committee on **State and Local Government** was read and accepted and the Bill referred to the Committee on **Education and Cultural Affairs** in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

Bill "An Act to Review Registration of Certified Nursing Assistants" (H.P. 1206) (L.D. 1706) which was referred to the Committee on **Health and Human Services** in the House on April 1, 1997.

Came from the Senate referred to the Committee on **Business and Economic Development** in non-concurrence.

On motion of Representative MITCHELL of Portland, the House voted to Adhere.

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**COMMUNICATIONS**

The following Communication: (H.C. 125)

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON BUSINESS AND ECONOMIC  
DEVELOPMENT**

April 1, 1997

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333  
Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 114 An Act to Amend the Unclaimed Property Act

L.D. 690 An Act to Require That Safety Features Be Added to Hot Water Heaters and Furnaces Powered by Natural Gas

L.D. 891 Resolve, to Authorize and Fund an Independent Study of the Economic Impacts of Increased Natural Gas Availability and Use in the State

L.D. 1251 An Act to Preserve Consumer Privacy  
We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John T. Jenkins S/Rep. Marc J. Vigue  
Senate Chair House Chair  
Was read and ordered placed on file.

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The following Communication: (H.C. 126)

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE**

April 1, 1997

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, 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. 816 An Act to Repeal the Prohibition of the Failure to Use a Seat Belt as Evidence  
L.D. 1179 An Act to Require the State to Take Responsibility for Detention of Certain Juveniles by September 1, 1997

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

Sincerely,

S/Sen. Robert E. Murray, Jr. S/Rep. Edward J. Povich  
Senate Chair House Chair  
Was read and ordered placed on file.

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The following Communication: (H.C. 127)

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

April 1, 1997

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, 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. 428 An Act to Clarify Tuition Rates for Middle School Students
- L.D. 432 An Act to Allow Municipalities to Set Tuition Rates for Nonresident Students
- L.D. 1010 An Act Regarding Nonresident School Tuition
- L.D. 1109 An Act to Amend the State Share Percentage for Public School Tuition Students
- L.D. 1124 Resolve, Requiring the Department of Education to Replace the Building Code for Schools

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

Sincerely,

S/Sen. Peggy A. Pendleton S/Rep. Shirley K. Richard  
Senate Chair House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 128)

**STATE OF MAINE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 1, 1997

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 888 An Act to Provide for Notification to Local Officials upon the Release of Potentially Violent Patients from State Mental Health Institutions

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Judy Paradis S/Rep. J. Elizabeth Mitchell  
Senate Chair House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 129)

**STATE OF MAINE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON LABOR**

April 1, 1997

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 178 An Act to Permit an Employer to Offer a Compressed Time Workweek to Consenting Employees

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Mary R. Cathcart S/Rep. Pamela H. Hatch  
Senate Chair House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 130)

**STATE OF MAINE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON NATURAL RESOURCES**

April 1, 1997

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1104 An Act to Create an Evidentiary Privilege for Environmental Audits and Provide for Qualified Disclosure

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Sharon Anglin Treat S/Rep. G. Steven Rowe  
Senate Chair House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 131)

**STATE OF MAINE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

April 1, 1997

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, 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. 948 An Act to Permit County Commissioners to Retain the Services of a Road Commissioner

- L.D. 1120 An Act to Allow the Recording of Registry Records on Optical Disks

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

Sincerely,

S/Sen. John M. Nutting S/Rep. Douglas J. Ahearne  
Senate Chair House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 132)

**STATE OF MAINE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON TAXATION**

April 1, 1997

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, 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. 195 An Act to Increase the Time before Which the Statute of Limitations Bars a Person from Collecting an Overpayment of Tax
- L.D. 433 An Act to Clarify the Appointment of Deputy Excise Tax Collectors and Facilitate the Collection of Excise Tax
- L.D. 509 An Act to Allow an Income Tax Credit for School Tuition
- L.D. 704 An Act to Establish a Flat Tax Rate for the Maine Income Tax
- L.D. 715 An Act to Allow the State Tax Assessor to Waive Interest and Penalties Due to Economic Hardship and Catastrophic Health Problems
- L.D. 975 An Act to Modify the Income Tax Rates
- L.D. 987 An Act to Repeal the Tax on Mahogany Quahogs
- L.D. 1089 Resolve, to Reimburse Dyla McIntire for Taxes Collected in Error
- L.D. 1222 An Act to Provide Equity in the Laws Regarding the Excise Tax Levied on Pickup Trucks
- L.D. 1249 An Act to Assess Excise Tax on Snowmobiles and All-terrain Vehicles

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

Sincerely,

S/Sen. Richard P. Ruhlin S/Rep. Verdi L. Tripp  
Senate Chair House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 133)

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

April 1, 1997

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, 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. 448 Resolve, to Name the Entrances to the Donald V. Carter Bridge Connecting Winslow and Waterville the "Purple Heart Highway"
- L.D. 451 An Act to Expand the Number of Lights Firefighters May Use on Their Cars
- L.D. 649 An Act Regarding Registration Plates for Motorcycle Trailers
- L.D. 711 An Act to Require the Use of Headlights by Motor Vehicle Drivers at All Times

- L.D. 954 An Act to Establish a Passamaquoddy License Plate
- L.D. 1145 An Act to Amend the Maine Turnpike Authority Laws to Eliminate Conflicts of Interest

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

Sincerely,

S/Sen. William B. O'Gara S/Rep. Joseph D. Driscoll  
Senate Chair House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 134)

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON UTILITIES AND ENERGY**

April 1, 1997

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, 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. 928 An Act to Deregulate Intrastate Long-distance Calling
- L.D. 1093 An Act to Provide the Entire State with Integrated Services Digital Network Telecommunication

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

Sincerely,

S/Sen. Richard J. Carey S/Rep. Kyle W. Jones  
Senate Chair House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 135)

**STATE OF MAINE  
DEPARTMENT OF EDUCATION  
23 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0023**

**TO:** Honorable Elizabeth H. Mitchell, Speaker of the House

Honorable Mark W. Lawrence, President of the Senate

**FROM:** S/J. Duke Albanese, Commissioner

**DATE:** March 31, 1997

**SUBJECT:** *Learning Results*

In accordance with Public Law 1995, chapter 649, the State Board of Education and the Department of Education have revised and rewritten a number of the standards and student performance indicators included in Maine's *Learning Results*. The revisions have been made following input from thousands of Maine citizens and educators during 1996, and after receiving written and oral testimony at eight (8) public hearings held across Maine in January of 1997.

The enclosed draft, intended for distribution to members of the House and Senate, has been formally submitted to the Legislature, in a revised format, for final approval through Maine's rulemaking process. A public hearing on the rules will be held by the Joint Standing Committee on Education and



Cultural Affairs prior to final consideration by the Legislature later in this Legislative Session.

Was read and with accompanying report ordered placed on file.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bills 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:

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**Education and Cultural Affairs**

Bill "An Act to Amend the Formula Determining the Local Share in the School Funding Process" (H.P. 1227) (L.D. 1739) (Presented by Representative PLOWMAN of Hampden) (Cosponsored by Representatives: DRISCOLL of Calais, MURPHY of Kennebunk)

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**Health and Human Services**

Bill "An Act to Include Nontraditional Medical Alternatives under Health Maintenance Organization and Medicaid Coverage and to Allow the Patient to Choose the Method of Treatment" (H.P. 1226) (L.D. 1738) (Presented by Representative GERRY of Auburn)

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**Health and Human Services and Taxation**

Bill "An Act to Establish the Maine Single-payor Health Care Plan and to Restructure the State Tax System" (H.P. 1229) (L.D. 1741) (Presented by Representative VOLENIK of Brooklin) (Cosponsored by Representatives: BRENNAN of Portland, BROOKS of Winterport, FULLER of Manchester, HATCH of Skowhegan, JONES of Bar Harbor, SAMSON of Jay, STEVENS of Orono, Senator: RAND of Cumberland)

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**Taxation**

Bill "An Act to Create a Taxpayers' Bill of Rights" (H.P. 1228) (L.D. 1740) (Presented by Representative PLOWMAN of Hampden) (Cosponsored by Representatives: BERRY of Belmont, NASS of Acton, SPEAR of Nobleboro)

Bill "An Act to Comprehensively Realign the Tax Structure of the State" (H.P. 1230) (L.D. 1742) (Presented by Representative VIGUE of Winslow) (Cosponsored by Senator GOLDTHWAIT of Hancock)

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By unanimous consent, all reference matters requiring Senate concurrence having been acted upon were ordered sent forthwith with the exception of matters being held.

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**ORDERS**

On motion of Representative GAMACHE of Lewiston, the following Order: (H.O. 22)

ORDERED, that Representative Duane J. Belanger of Wallagrass be excused March 28 and 31 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Paul Chartrand of Rockland be excused March 31 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative David A. Lindahl of Northport be excused March 27 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Norman R. Paul of Sanford be excused March 31 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Paul L. Tessier of Fairfield be excused March 26 through 28 and 31 for personal reasons.

Was read and passed.

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**SPECIAL SENTIMENT CALENDAR**

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

Recognizing:

Presque Isle High School Girls Basketball Team, upon winning the Class A State Championship and upon being awarded the Class A Sportsmanship Award. We extend our congratulations and best wishes; (HLS 246) by Representative DONNELLY of Presque Isle. (Cosponsors: Representative WHEELER of Bridgewater, Representative DESMOND of Mapleton, Senator KIEFFER of Aroostook)

On objection of Representative DONNELLY of Presque Isle, was removed from the Special Sentiment Calendar.

On further motion of the same Representative, tabled pending passage and specially assigned for Wednesday, April 9, 1997.

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**REPORTS OF COMMITTEES**

**Refer to the Committee on Agriculture, Conservation and Forestry**

Representative PAUL from the Committee on **Inland Fisheries and Wildlife** on Bill "An Act to Regulate Camp Lot Leases" (H.P. 1046) (L.D. 1463) reporting that it be referred to the Committee on **Agriculture, Conservation and Forestry**.

Report was read and accepted and the Bill referred to the Committee on **Agriculture, Conservation and Forestry** and sent up for concurrence.

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**Divided Report**

Majority Report of the Committee on **Legal and Veterans Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-146) on Bill "An Act to Increase the Number of High-stakes Beano Games" (H.P. 426) (L.D. 576)

Signed:

Senators: FERGUSON of Oxford

CAREY of Kennebec

DAGGETT of Kennebec

Representatives: BELANGER of Wallagrass

LABRECQUE of Gorham

BIGL of Bucksport

TRUE of Fryeburg

CHIZMAR of Lisbon

FISHER of Brewer

TUTTLE of Sanford

TESSIER of Fairfield

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

Signed:

Representatives: GAMACHE of Lewiston

GAGNE of Buckfield

Was read.

Representative TUTTLE of Sanford moved that the House accept the Majority "**Ought to Pass**" as amended Report.

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

Representative GAMACHE: Madam Speaker, Colleagues of the House. I rise in opposition to the Majority Report simply on the basis that it is another wedge in the extension of gambling activities for-profit in the State of Maine. We have a beautiful state. We don't have the highest mountains. We don't have the biggest lakes and the longest and broadest rivers. There are many things that we don't have the best of and we are still a very beautiful state to which people from all over flock in the summertime to visit with us. We don't need the biggest gambling. We don't need to become the Nevada of the north here to attract people to make life livable for our people. Gambling takes advantage of the most needy and vulnerable people in our society. We have already more of it than we need. Actually, we are facing an onslaught of gambling and gaming bills in this session of the Legislature. The Legal Affairs Committee, on which I serve, has several, maybe a dozen bills that would extend gambling. The Judiciary Committee has a half a dozen more. They will come to you in a piecemeal fashion. This being the first bit that you will be seeing. The bits come together after one has examined the entire landscape. You can see it coming together. The tribe already has 27 days available for high-stakes gambling. They are using eight. They want to double the 27. The reason for that is to accommodate additional gambling casinos, bingo halls.

Actually, the second one is intended to come to Oxford County. They own the land and have been having consultations with the county commissioner's attorneys. They are poised to double gambling activities. I think it is a dreadful mistake. I oppose this. I hope you will give serious consideration to putting the brakes on this expansion of an industry that can only harm our state and bring it ultimately into disrepute. Thank you.

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. As has been mentioned, this bill allows, essentially, the Passamaquoddy and the Penobscot Indians to operate high-stakes beano to hold these games 40 weekends a year and not 52. The current law limits an organization, as it has been said, to 27 weekends a year. This bill was presented to our committee by Representative Moore of the Passamaquoddy people and explained to us that beano generates 40 percent of the revenues for the tribe. Tribal lands do not generate revenue from taxes. They need money as we do in our municipalities to offer services. They are not asking for a handout. I think they are just asking for an opportunity to make the revenues that they need to operate. This is about their ability, in my opinion, to be self-sufficient. Many of the areas, as had been expressed to the committee, completely are void of economic activity. It is my understanding that the unemployment rate is eight times higher than state average. As you have heard from the opponents, they are essentially opposed to gambling in general, but I feel that regulation works and prohibition does not.

Just to repeat what this bill does, it expands it from the present level of 27 weekends to 40. The bill also amends the law to include Friday in the definition of weekends. The majority of the committee supported both the Passamaquoddy and the Penobscot in their request to increase, in my opinion, flexibility in conducting high-stakes beano games for a number of reasons. First of all, I think the tribal lands do not generate revenues for taxes. Both the Passamaquoddy and Penobscot were simply asking for that increased flexibility so that they can maintain their

self-sufficiency. In short, they are asking our committee to help them help themselves.

In closing, I would note that the bill applies to only federally recognized Indian Tribes and does not, in any way, expand high-stakes beano for other organizations. That is the reason why I would request that you support the Majority "**Ought to Pass**" Report. I would request a roll call.

Representative TUTTLE of Sanford requested a roll call on his motion to accept the Majority "**Ought to Pass**" as amended Report.

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

On motion of Representative KONTOS of Windham, tabled pending the motion of Representative TUTTLE of Sanford to accept the Majority "**Ought to Pass**" as amended Report and specially assigned for Monday, April 7, 1997. (Roll Call Ordered)

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#### Divided Report

Majority Report of the Committee on **Natural Resources** reporting "**Ought Not to Pass**" on Bill "An Act to Clarify Sanitary District and Sewer District Authority to Adopt Impact Fees" (H.P. 576) (L.D. 767)

Signed:

Senators: TREAT of Kennebec

BUTLAND of Cumberland

Representatives: ROWE of Portland

MERES of Norridgewock

SHIAH of Bowdoinham

BULL of Freeport

McKEE of Wayne

FOSTER of Gray

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-145) on same Bill.

Signed:

Senator: NUTTING of Androscoggin

Representatives: DEXTER of Kingfield

COWGER of Hallowell

JONES of Greenville

NICKERSON of Turner

Was read.

On motion of Representative ROWE of Portland, tabled pending acceptance of either report and specially assigned Monday, April 7, 1997.

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#### CONSENT CALENDAR

##### First Day

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

(S.P. 19) (L.D. 17) Bill "An Act Regarding Funding for the Extended Responsibilities of the Department of Inland Fisheries and Wildlife" Committee on **Inland Fisheries and Wildlife** reporting "**Ought to Pass**"

(S.P. 158) (L.D. 487) Bill "An Act Concerning the Charter of the Northern Maine Development Commission, Inc." (EMERGENCY) Committee on **State and Local Government** reporting "**Ought to Pass**"

(S.P. 45) (L.D. 155) Bill "An Act to Amend the Laws Regarding Hunting from a Paved Way" Committee on **Inland Fisheries and Wildlife** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-80)

(S.P. 82) (L.D. 262) Bill "An Act to Permit the Public Utilities Commission to Exempt Certain Telephone Utilities from

Obtaining Approval to Serve" Committee on **Utilities and Energy** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-84)

(S.P. 85) (L.D. 265) Bill "An Act to Amend the Maine Apiary Laws" Committee on **Agriculture, Conservation and Forestry** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-78)

(S.P. 127) (L.D. 406) Bill "An Act to Amend the Election Laws Pertaining to Absentee Ballots" Committee on **Legal and Veterans Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-83)

(S.P. 201) (L.D. 629) Resolve, Authorizing the Conveyance of the Interest of the State in Certain Property in Augusta Committee on **State and Local Government** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-77)

(S.P. 238) (L.D. 807) Bill "An Act to Adopt a New Charter for the Winthrop Water District" Committee on **Utilities and Energy** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-85)

(S.P. 256) (L.D. 825) Bill "An Act to Clarify the Laws on Personal Information of State Employees" Committee on **State and Local Government** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-74)

(H.P. 872) (L.D. 1189) Bill "An Act to Revise the Procedure to Appeal Nonacceptance into a Self-employment Assistance Program" Committee on **Labor** reporting "**Ought to Pass**"

(H.P. 901) (L.D. 1244) Bill "An Act to Clarify Part-time School Week for the Purpose of Enforcing Child Labor Laws in the State" Committee on **Labor** reporting "**Ought to Pass**"

(H.P. 902) (L.D. 1245) Bill "An Act to Revise the Confidentiality Provisions of the Maine Revised Statutes, Title 26" Committee on **Labor** reporting "**Ought to Pass**"

(H.P. 519) (L.D. 710) Bill "An Act Amending the Maine Consumer Credit Code" Committee on **Banking and Insurance** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-147)

(H.P. 716) (L.D. 980) Bill "An Act to Amend Provisions Applicable to Property Casualty Insurers and Reporting Requirements to the Bureau of Insurance" Committee on **Banking and Insurance** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-148)

(H.P. 1092) (L.D. 1535) Bill "An Act to Fund the Collective Bargaining Agreement for the Law Enforcement Services Bargaining Unit" (EMERGENCY) (Governor's Bill) Committee on **Appropriations and Financial Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-152)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, April 7, 1997 under the listing of Second Day.

(H.P. 774) (L.D. 1051) Bill "An Act to Enhance the State's Moose Hunt" Committee on **Inland Fisheries and Wildlife** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-151)

On motion of Representative LABRECQUE of Gorham, was removed from First Day Consent Calendar.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Labrecque.

Representative LABRECQUE: Madam Speaker, Men and Women of the House. I don't expect to be able to change your mind about a unanimous "Ought to Pass" committee report. I do have to stand and offer my opposition to this. This bill increases the moose permits by 500 at a cost of \$26,000. I personally feel that we are putting our moose population in danger and we

continually increase the number of permits. I travel in Greenville and Rangeley where once it was common occurrence to see moose all the time. It is now difficult to see them at all. Madam Speaker, I would request a roll call.

The same Representative requested a roll call on acceptance of the Committee Report.

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

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

#### ROLL CALL NO. 74

YEA - Ahearn, Baker CL, Baker JL, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bumps, Bunker, Cameron, Campbell, Chartrand, Chick, Chizmar, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Goodwin, Gooley, Hatch, Honey, Jones KW, Jones SA, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Lane, LaVerdiere, Layton, Lemaire, Lemont, Lovett, MacDougall, Mack, Madore, Mailhot, McAlevey, McElroy, Meres, Mitchell JE, Murphy, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Perkins, Perry, Pieh, Pinkham RG, Plowman, Poulin, Povich, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stedman, Taylor, Thompson, Tobin, Townsend, Treadwell, True, Tuttle, Underwood, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Bagley, Buck, Bull, Carleton, Cianchette, Clukey, Fisk, Gerry, Green, Jones SL, Joy, Labrecque, Marvin, McKee, Morgan, Pendleton, Pinkham WD, Powers, Quint, Snowe-Mello, Stevens, Tessier, Tripp, Volenik, Watson.

ABSENT - Barth, Belanger DJ, Clark, Colwell, Jabar, Lemke, Lindahl, Mayo, Muse.

Yes, 117; No, 25; Absent, 9; Excused, 0.

117 having voted in the affirmative and 25 voted in the negative, with 9 being absent, the Committee Report was accepted. Bill read once. Committee Amendment "A" (H-151) was read by the Clerk and adopted. Bill assigned for second reading Monday, April 7, 1997

#### CONSENT CALENDAR

##### Second Day

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

(S.P. 266) (L.D. 874) Bill "An Act to Clarify the Public Safety Laws Concerning Visual Smoke Detectors" (C. "A" S-72)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed as Amended in concurrence.

#### BILLS IN THE SECOND READING

Bill "An Act to Amend the Maine Health Data Organization Laws" (EMERGENCY) (S.P. 560) (L.D. 1693)

##### As Amended

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of Constitutional Officers (H.P. 290) (L.D. 354) (C. "A" H-137)

Bill "An Act to Increase the Certification Fee Cap for the Board of Geologists and Soil Scientists" (H.P. 363) (L.D. 508) (C. "A" H-130)

Bill "An Act Concerning the Fees Charged by the Secretary of State for Copies" (H.P. 410) (L.D. 555) (C. "A" H-138)

Bill "An Act Concerning Regulatory Authority to Protect Certain Marine Organisms" (EMERGENCY) (H.P. 573) (L.D. 764) (C. "A" H-136)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify Voting Rights (H.P. 639) (L.D. 864) (C. "A" H-129)

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

#### 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 House Rule 502.

SENATE DIVIDED REPORT - Majority (8) "**Ought Not to Pass**" - Minority (5) "**Ought to Pass**" as amended by Committee Amendment "A" (S-79) - Committee on **Agriculture, Conservation and Forestry** on Bill "An Act to Authorize the Maine Land Use Regulation Commission to Regulate the Location and Use of Roads in the Unorganized and Deorganized Areas" (S.P. 200) (L.D. 628)

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

TABLED - April 2, 1997 (Till Later Today) by Representative BUNKER of Kossuth Township.

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

The SPEAKER: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative VOLENIK: Madam Speaker, Men and Women of the House. Currently, LURC has responsibility for regulating development in the unorganized territories, yet LURC only has the ability to regulate roads that are located in the protection zones and development zones, which make up about 20 percent of that jurisdiction. Except for minimum erosion control standards, LURC has no ability to regulate roads in the other 80 percent of the territories because of an exemption in the statute currently. This bill would remove that exemption so that all roads in the area of jurisdiction would be regulated by LURC. This bill doesn't establish new regulations. It gives LURC the authority to do so. LURC will still need to hold public hearings in the normal rulemaking process before any new regulations are passed. Development is beginning to surpass LURC's ability to deal with it.

Twenty-five years ago, there were about 10,000 miles of road in LURC territory. Today that has increased to 25,000 miles of roads. The net increase in roads, per year, is about 1,000 miles per year. The increase in roads is accelerating development and that is causing fragmentation of the forest ecosystem, especially by encouraging subdivisions and second home development. Roads that are built as logging roads, often become subdivision roads. For example, at the Grace Pond subdivision in upper Enchanted Township, the road that was put in for timber logging purposes was then used for access to 180 new house lots. The other night the Agriculture, Conservation and Forestry Committee heard testimony from fire wardens who painted a picture of two rapid development in the unorganized territories, of growing crime rates, which make their jobs ever more difficult

and dangerous. I suspect game wardens would tell a similar tale.

Roads can be a major factor in the sedimentation of streams, particularly when the roads are poorly constructed or when they fail, such as when the culverts get blocked or washed out or when the banks cave in. Sediments from roads can smother fish spawning beds and can cut reproduction rates by up to 100 percent. Add to this lakes and ponds being overfished due to easier access for fishermen caused by too many roads and you have a fish population under stress. If LURC regulated the location, use and construction of all roads in their jurisdiction, they could reduce damage to the forests, fish, water quality and to recreation while still facilitating timber harvesting. Roads could be built to minimize adverse impact. For instance, roads could be closed after a major timber harvest in areas where there would no need to return until the next wood harvesting cycle. This could be 20 years or more. Twenty-five years ago development pressures were considerably less. Perhaps LURC was justified in concentrating on the most fragile 20 percent of its jurisdiction. We can't turn the clock back. The world is changing and we, as a Legislature, must deal with those changes. Please give LURC the tools to carry out the task we have given them, which is to be and here I quote from LURC's Director, John William, "The planning, zoning and permitting agency for Maine's 10.5 million acres of Maine's unorganized territories."

Twenty percent of the tools are not enough. I ask you to give LURC the legislative direction that it needs to develop its rulemaking and to carry out its duties. I urge you to defeat the pending "Ought Not to Pass" motion and move on to accept the "Ought to Pass" report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. As probably most of you are aware, I have kind of been instrumental in bringing forth the problems that exist between southern Maine telling northern Maine what to do. This is a very flagrant example. I happened to be at the hearing when this bill was being presented and Mr. William indicated that they did not have the resources to do this type of work. I am certain that with the budget constraints that we have already, that we shouldn't be undertaking something else. It is true. They do have jurisdiction over the land in the unorganized territory and also the land in plantations. It is true it is about 10.5 million acres. It is also true that the number of roads have increased. I would like to ask the question, who owns the land? This land is privately owned. Once the roads are constructed and put in place there are many things that already come under the jurisdiction of LURC. We don't have to extend the jurisdiction to tell somebody where they can put the road. This sounds like there is all kinds of development going on in northern Maine. It may be roads that are being built, but the last three or four projects that have come to LURC that have approval for development in these areas have been denied. I urge you to go with the Majority "Ought Not to Pass" Report. Thank you very much.

Representative CROSS of Dover-Foxcroft requested a roll call on the motion of to accept the Majority "**Ought Not to Pass**" Report.

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

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative FULLER: Madam Speaker, Ladies and Gentlemen of the House. I rise to support the Minority "Ought to Pass" Report of this committee. We would need to protect our natural resources in this state and the Land Use Regulation

Commission does need authority to do that when it is needed to assure that there is not overbuilding, overroad development and damage to our natural environment. I urge that the Minority "Ought to Pass" Report be accepted.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Madam Speaker, Ladies and Gentlemen of the House. I am on the Majority "Ought Not to Pass" and I would ask for the people in this body to support me on that motion. LURC came in before our committee on this bill and testified that they have just gone through a comprehensive review of their process. They have gone through an extensive amount of public hearings and are awaiting the Governor's signature on their new revision of their commission. During that extensive review, the subject of these rules for roads in the unorganized territories were addressed. In the opinion of the LURC Commission, they did not want to place rules into place to control all the roadways in the unorganized territories.

Just to be clear, under existing rules, LURC has the authority and in statute are very, very concerned with the existence of roadways and where they are established when they get close to a water body, a stream or some kind of lowland. Don't get the impression here that the roads that are being built out there aren't being built according to some restrictive requirements when it gets anywhere near one of our natural resources. I would be the first one to jump up here and oppose this motion if that was the case. I just want you to know that at this time they are not looking for this added authority and also at this time that the roads that are being built out there are being built primarily for timber harvesting. Under this statute, it is very clear that timber harvesting is a state issue and to require that each and every road, whether it is near a protected habitat require a permitting process, you can just imagine what kind of handcuffs we are going to place on timber harvesting in the State of Maine. I am very concerned that we keep a very delicate balance here.

For those people that are concerned about developments, we have other bills, the 40 lot exemption and there are a lot of other bills that deal with development within the unorganized territory that we are going to be addressing. Also, LURC has the authority under developing. This new plan does address development. This road bill really has nothing to do with overdevelopment in the unorganized territory other than if somebody does get away with doing it, it provides an entry into that area. Most of the testimony that heard in front of committee from anybody, whether it was from Mr. William, LURC, the enforcement people from the department and even from people I asked on the other side. Are there a substantial number of violations out there currently where roads are causing adverse environmental issues? The bottom line was there were only a handful reported. Only a very, very small handful of violations were reported to LURC that addressed any kind of road issue that had an adverse impact on the environment. With that being the case, they do not see, at this time, a need for this rule. Thank you.

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

Representative McKEE: Madam Speaker, Men and Women of the House. I do rise because of my concern about the natural resources of the State of Maine. I do live in central Maine. I do care about all of Maine. I am a former member of the State League of Women Voters and I have served on the advisory group, for not only shoreland zoning, but also for the establishment of LURC. It was at that time we said that LURC would have the responsibility for the planning, zoning and the regulating of the 10.5 million acres. Currently, they have the authority over 20 percent of that acreage. The 80 percent that

remains, they have the authority over regulating the standards by which those roads are built and also for erosion control. I believe that LURC also has not just the authority, it has the responsibility, to oversee not only that forest for timber management, but also for the natural resources of the State of Maine and for the ecological and natural character of the State of Maine. I believe that the large number of roads, we have gone from 10,000 roads to 25,000 roads. We are building 1,000 roads a year. How is this affecting the watersheds of the area? I think there are many, many things that we can learn from having a permitting process over that other 80 percent, also. The fiscal note is small considering the revenues.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Madam Speaker, Men and Women of the House. I am one of those strange people that live in the north woods. I am the true environmentalist. I love my woods. My husband and I camp in our woods. We take trips on old roads. I will tell you what is going on there. There are old roads that are being receded to clover as partridge reserves. There are some really great things happening in our north woods. There are some very good proenvironmental moves being made by the paper industry in our north woods. This bill is unnecessary and I think we need to take a breath and really find the facts out. I wish I had brought my 5 x 7 photo of the ex road that is now a partridge reserve seeded to clover. I really wish, ladies and gentlemen, that you would understand above all, that this 10.5 million acres of land is privately owned. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Madam Speaker, Men and Women of the House. I rise to address this issue. It has been said that there is a massive erosion problem and sedimentation problem in the unorganized townships. I have traveled the unorganized townships all 10 million acres of it over the years. I really find that erosion and sedimentation is very minimal. I think a forestry issue presented last year, 2A, tried to show that there is a massive erosion problem, but there really isn't. Roads in the unorganized townships are located in a professional manner using engineers and foresters and abiding by LURC rules. Landowners do have rights and responsibilities, but I find that current regulations under LURC are quite adequate. As was mentioned before by Representative Bunker violations are very minimal. I find that this would be kind of like overkill in trying to regulate an industry. I urge you to accept the "Ought Not to Pass" report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Shiah.

Representative SHIAH: Madam Speaker, Ladies and Gentlemen of the House. We have an agency. It is called the Land Use Regulation Commission. As long as we have this agency, that I think is understaffed and underfunded, why don't we give it the tools to do its job? I think that anybody would realize that 1,000 miles a year of new roads being put in is quite an amount of roads. A lot of them are in the one to two mile distance. That is what the length of them are. I think it is important to realize that the Maine Environmental Priorities Project highlighted one of the issues that are facing it for the next century. It is called cumulative impact. It is a small impact of a lot of little things as they add up on our land, water and air. When you are putting in this amount of roads each year, you see one or two going in here and a few going in there. That is not too bad, but 10, 15, or 20 about 50 years down the road, the citizens that follow us in this state are going to say, why wasn't people looking at the roads in the unorganized territories. There are 10.4 million acres. That is what we are talking about under

LURC jurisdiction. As was mentioned, about 20 percent of it is in sort of a natural protection zone. There are more regulations for roads in those zones. It is true. The other 80 percent, there is only a minimal erosion standard that LURC uses right now.

I think by letting them go to rulemaking and have public hearings done on this issue, we can get a good sense from the public about what really we need. Just to address the comments about the comprehensive plan that they have gone through recently. I have talked to some people who have attended the hearings, road construction and sites and other issues dealing with roads was only minimally touched on in the hearings. I think although LURC is understaffed there is a fiscal note to this bill, which is a little inflated. That is presuming, on behalf of LURC, that certain permitting and other regulations will be needed. That is unclear at this time. I would caution you not to take the fiscal note at full face value. I would urge you to vote against the pending motion of "Ought Not to Pass" on this LD and urge you to vote to pass it. Thank you.

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

Representative DEXTER: Madam Speaker, Men and Women of the House. I am sitting here trying to stay cool, calm and collected. I tell you, it is difficult. Looking around this House I probably have built more miles of road in the unorganized territories than anyone here. If you think that I am not regulated when I build a mile of road in the unorganized, I invite any one of you to come up with me and share the work involved. I was here in the Legislature during the great April fools flood. I was operating, at that time, until I turned the business over to my son, in mountainous areas. I lost two loads of gravel, remember I built these roads according to standards by the LURC commission, I lost two loads of gravel. All the way down here I saw erosion here in the organized. Roads that were built by the best minds in the state, engineers. I am just an uneducated woodsman. I lost two loads of gravel. Those of you who remember the flood know what I am talking about. Once again, just follow me sometime and spend a few days with me in the woods. I am still calm. I hope you will support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Madam Speaker, Men and Women of the House. I urge an environmental vote, a true environmental vote. Push the green button.

The SPEAKER: A roll call has been 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. 75

YEA - Ahearn, Bagley, Baker JL, Belanger IG, Berry DP, Bigl, Bodwell, Bouffard, Bragdon, Brooks, Bruno, Buck, Bumps, Bunker, Campbell, Carleton, Chick, Chizmar, Cianchette, Clukey, Cross, Desmond, Dexter, Driscoll, Dutremble, Fisher, Foster, Frechette, Gagne, Gamache, Gerry, Gieringer, Goodwin, Gooley, Hatch, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Labrecque, Lane, LaVerdiere, Layton, Lemke, Lemont, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, McAlevy, McElroy, Meres, Morgan, Murphy, Nass, O'Brien, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pieh, Pinkham RG, Pinkham WD, Plowman, Poulin, Richard, Rines, Sanborn, Savage, Shannon, Sirois, Snowe-Mello, Stanley, Stedman, Stevens, Taylor, Tessier, Thompson, Tobin, Treadwell, Tripp, True, Tuttle, Underwood, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright.

NAY - Baker CL, Berry RL, Bolduc, Brennan, Bull, Chartrand, Cowger, Davidson, Dunlap, Etnier, Farnsworth, Fisk, Fuller, Gagnon, Green, Jones KW, Kontos, Lemaire, McKee, Mitchell JE, Muse, O'Neil, Povich, Powers, Quint, Rowe, Samson, Saxl JW, Saxl MV, Shiah, Skoglund, Townsend, Volenik, Watson, Winn.

ABSENT - Barth, Belanger DJ, Cameron, Clark, Colwell, Donnelly, Jabar, Lindahl, Mayo, Nickerson, Perry, Spear, Madam Speaker.

Yes, 103; No, 35; Absent, 13; Excused, 0.

103 having voted in the affirmative and 35 voted in the negative, with 13 being absent, the motion to accept the Majority "Ought Not to Pass" Report was accepted.

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

#### SENATE PAPERS

The following Joint Order: (S.P. 577)

**ORDERED**, the House concurring, that when the House stands Adjourned it does so until Monday, April 7, 1997 at 9:00 o'clock in the morning and when the Senate stands Adjourned it does so until Monday, April 7, 1997 at 10:00 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

#### SENATE PAPERS

Bill "An Act to Establish Acute Crisis Stabilization Beds for Children in this State" (S.P. 579) (L.D. 1744)

Resolve, Regarding Consumer-directed Personal Assistance Services and Respite Services (S.P. 578) (L.D. 1743)

Came from the Senate, referred to the Committee on **Health and Human Services** and Ordered Printed.

Were referred to the Committee on **Health and Human Services** in concurrence.

Resolve, to Direct the Land and Water Resources Council to Develop a Report and Proposed Actions to Control Mercury Emissions and Discharges (EMERGENCY) (S.P. 580) (L.D. 1745)

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

Was referred to the Committee on **Natural Resources** in concurrence.

On motion of Representative KONTOS of Windham, the House reconsidered its action whereby Bill "An Act to Establish the Maine Single-payor Health Care Plan and to Restructure the State Tax System" (H.P. 1229) (L.D. 1741) was referred to the Committee on **Health and Human Services** and the Committee on **Taxation**.

On further motion of the same Representative, the Bill was referred to the Committee on **Banking and Insurance** and the Committee on **Taxation**, ordered printed and sent up for concurrence.

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

LEGISLATIVE RECORD- HOUSE, April 3, 1997

On motion of Representative CIANCHETTE of South Portland, the House adjourned at 12:30 p.m., until 9:00 a.m., Monday, April 7, 1997 pursuant to Joint Order (S.P. 577).