

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
19th Legislative Day
Monday, May 5, 1997

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

Pledge of Allegiance.
Doctor of the day, Judy Chamberlain, M.D., Brunswick.
The Journal of Friday, May 2, 1997 was read and approved.

SENATE PAPERS

The following Communication: (H.C. 212)

MAINE STATE SENATE
State House Station 3
Augusta, Maine 04333
May 1, 1997

The Honorable Elizabeth H. Mitchell
Speaker of the House
118th Maine Legislature
2 State House Station
Augusta, Maine 04333
Dear Speaker Mitchell:

In accordance with Joint Rule 506, please be advised the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Education and Cultural Affairs, the nominations of Ward I. Graffam of Portland for appointment to the Maine Maritime Academy Board of Trustees, Edward Gorham of Randolph and Denison Gallaudet of Cumberland for reappointment to the Maine Technical College System Board of Trustees, John C. Turner of Auburn, Joanna M. Jones of Waldoboro and Diane P. Caddigan of Saco for appointment to the Maine Technical College System Board of Trustees, and Judith W. Andruki of Lewiston and Gregory G. Cyr of Portage for appointment to the University of Maine System Board of Trustees.

Thank you for your attention to this matter.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Fund the Collective Bargaining Agreement for the Maine State Police Bargaining Unit" (EMERGENCY) (S.P. 640) (L.D. 1862) (Governor's Bill)

Came from the Senate, referred to the Committee on **Appropriations and Financial Affairs** and Ordered Printed.

Was referred to the Committee on **Appropriations and Financial Affairs** in concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Equal Educational Funding (S.P. 639) (L.D. 1861)

Came from the Senate, referred to the Committee on **Education and Cultural Affairs** and Ordered Printed.

Was referred to the Committee on **Education and Cultural Affairs** in concurrence.

Bill "An Act to Encourage Major Investments in Shipbuilding Facilities and to Encourage the Preservation of Jobs" (S.P. 641) (L.D. 1863)

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

Was referred to the Committee on **Taxation** in concurrence.

Divided Report

Majority Report of the Committee on **Health and Human Services** reporting "**Ought Not to Pass**" on Bill "An Act Concerning the Outdoor Gathering Laws" (S.P. 371) (L.D. 1230)

Signed:

Senators: PARADIS of Aroostook

LONGLEY of Waldo

MITCHELL of Penobscot

Representatives: MITCHELL of Portland

BROOKS of Winterport

FULLER of Manchester

KANE of Saco

PIEH of Bremen

QUINT of Portland

JOYNER of Hollis

BRAGDON of Bangor

SNOWE-MELLO of Poland

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

Signed:

Representative: LOVETT of Scarborough

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

Was read.

On motion of Representative SAXL of Portland, tabled pending acceptance of either Report and later today assigned.

Divided Report

Eleven Members of the Committee on **State and Local Government** on Bill "An Act to Impose a Surcharge on Documents Recorded in a Registry of Deeds to Fund Preservation of Registry Documents" (S.P. 47) (L.D. 157) report in Report "A" that the same "**Ought to Pass**" as amended by Committee Amendment "A" (S-93)

Signed:

Senators: NUTTING of Androscoggin

LIBBY of York

Representatives: AHEARNE of Madawaska

FISK of Falmouth

BAGLEY of Machias

LEMKE of Westbrook

BUMPS of China

GIERINGER of Portland

KASPRZAK of Newport

SANBORN of Alton

DUTREMBLE of Biddeford

One Member of the same Committee on same Bill reports in Report "B" that the same "**Ought to Pass**" as amended by Committee Amendment "B" (S-94)

Signed:

Senator: GOLDTHWAIT of Hancock

One Member of the same Committee on same Bill reports in Report "C" that the same "**Ought Not to Pass**"

Signed:

Representative: GERRY of Auburn

Came from the Senate with Report "B" "**Ought to Pass**" as amended read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (S-94).

Was read.

On motion of Representative AHEARNE of Madawaska Report "B" "**Ought to Pass**" as amended was accepted.

The Bill was read once. Committee Amendment "B" (S-94) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 6, 1997.

Divided Report

Majority Report of the Committee on **State and Local Government** reporting "**Ought Not to Pass**" on Bill "An Act to Amend Certain Benefits Offered Legislators" (S.P. 139) (L.D. 418)

Signed:

Senators: NUTTING of Androscoggin
LIBBY of York

Representatives: AHEARNE of Madawaska
BAGLEY of Machias
GERRY of Auburn
LEMKE of Westbrook
GIERINGER of Portland
KASPRZAK of Newport
SANBORN of Alton
DUTREMBLE of Biddeford
FISK of Falmouth

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

Signed:

Senator: GOLDTHWAIT of Hancock
Representative: BUMPS of China

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

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.

COMMUNICATIONS

The following Communication: (H.C. 213)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 30, 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. 186 An Act to Limit Reimbursement for Public School Construction and Renovation to \$80 per Square Foot
- L.D. 320 An Act to Set the Amount of State Funding for School Building Projects at \$75 a Foot

- L.D. 801 An Act to Strengthen the Complaint Investigation Process Regarding Students with Disabilities
- L.D. 856 Resolve, to Review Special Education Laws to Determine if They Exceed Federal Requirements
- L.D. 872 An Act to Clarify Certain Provisions of Law Relating to the Method of Sharing of School Costs in the Wells-Ogunquit Community School District
- L.D. 929 An Act to Amend the School Construction Laws to Allow School Construction Projects That Expand Existing School Facilities beyond 8,000 Square Feet to Be Eligible for State School Construction Subsidies
- L.D. 1085 An Act to Give Authority to Set Acreage Necessary for Building or Reconstruction of Schools Solely to the Local Authorities
- L.D. 1141 Resolve, Regarding School Construction and Renovation Projects
- L.D. 1341 An Act to Improve Maine's School Construction Laws
- L.D. 1415 Resolve, Directing the Department of Education to Review Certain Procedures Regarding Special Education
- L.D. 1495 An Act to Repeal the Special Education Laws
- L.D. 1643 Resolve, Directing the State Board of Education to Add Consolidation to the School Construction Rating System

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. 214)

STATE OF MAINE

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

April 30, 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 bills out "Ought Not to Pass":

- L.D. 572 An Act to Implement Recommendations of the Commission to Study Poverty Among Working Parents Concerning Medicaid Eligibility
- L.D. 1576 An Act to Require that Life-support Systems in Medical Facilities Have Back-up Generators

We have also notified the sponsors and cosponsors of each bill listed 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. 215)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE

April 30, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 369 An Act to Limit the Landowner Deer Permit System to One Application per Household
- L.D. 377 An Act to Improve Wildlife Habitat
- L.D. 378 An Act to Amend the Hunting Laws as They Pertain to Hunting from a Vehicle
- L.D. 952 An Act to Promote Commercial Aquaculture
- L.D. 959 An Act to Allow Handicapped Hunters to Hunt Does without a Permit
- L.D. 1102 An Act to Provide Funding for the Enforcement of Snowmobile Laws
- L.D. 1129 An Act to Allow Hunting License Vendors a 3% Fee for Nonresident Hunting Licenses Purchased with Credit Cards
- L.D. 1262 An Act to Require Game Wardens, Biologists and State Officials to Wear Blaze Orange during Deer Hunting Season
- L.D. 1464 An Act Relating to Whitewater Rafting Allocations
- L.D. 1469 An Act to Increase the Number of Allocated Commercial Whitewater Rafting Trips on the Kennebec River
- L.D. 1564 An Act Allowing People with Disabilities to Use Open-face Fishing Rods in Fly-fishing Only Waters

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

Sincerely,

S/Sen. Marge L. Kilkelly S/Rep. Norman R. Paul
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 216)

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

April 30, 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 Legal and Veterans Affairs has

voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 205 An Act to Exempt Family Entertainment Centers from Gambling Prohibitions
- L.D. 250 An Act Relating to the Collection of Initiative Petition Signatures at Polling Places
- L.D. 719 An Act to Provide Certain Renters with the Status of Tenant at Will
- L.D. 817 An Act Relating to the Use of Public Offices or Agency Facilities in Campaigns and Ballot Questions
- L.D. 881 An Act to Impose Liability Upon Persons Who Entrust Motor Vehicles to Unsafe Drivers
- L.D. 924 An Act to Clarify the Responsibilities of Directors of Nonprofit Corporations
- L.D. 949 An Act Regarding the Wording of Ballot Questions
- L.D. 1075 An Act to Protect the Reputation of Candidates for Public Office
- L.D. 1306 An Act to Place Certain Restrictions on Persons Collecting Signatures on Election Day
- L.D. 1342 An Act to Improve Procedures for Citizen Referenda and Initiatives
- L.D. 1446 An Act to Require That Campaign Finance Reports Be Considered Filed on the Date They Are Postmarked
- L.D. 1532 An Act to Amend the Maine Liquor Liability Act

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

Sincerely,

S/Sen. Beverly C. Daggett S/Rep. John L. Tuttle, Jr.
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 217)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES

April 30, 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 Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1752 An Act to Amend the Laws Governing the Shrimp Harvesting Season

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

Sincerely,

S/Sen. Jill M. Goldthwait S/Rep. David Etnier
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 218)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE

COMMITTEE ON NATURAL RESOURCES

April 30, 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. 1095 An Act Concerning State Mandated
Municipal Landfill Remediation

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. 219)

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

April 30, 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. 665 An Act to Broaden the Sales Tax
Exemption to Include Durable Medical
Equipment

L.D. 905 An Act to Amend the State's Tax
Treatment of Sale or Leaseback Financing

L.D. 1090 An Act to Change Income Guidelines
Dealing with the Elderly Low-cost Drug
Program

L.D. 1126 An Act Concerning Payment of Interest on
State Income Tax Overpayments

L.D. 1631 An Act to Reduce the Property Tax Burden
for Maine Families

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. 220)

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

April 30, 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. 431 An Act to Improve the Rail Lines in
Washington County and Establish an
Intermodal Railroad Facility

L.D. 1401 An Act to Impose Penalties on Adult
Passengers in Motor Vehicles Who Fail to
Use Seat Belts

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.

**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 Committee, Ordered Printed and Sent up for Concurrence:

Legal and Veterans Affairs

Bill "An Act to Implement the Majority Recommendation of the Harness Racing Task Force" (H.P. 1313) (L.D. 1864) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Representative: CHIZMAR of Lisbon) (Governor's Bill)

Bill "An Act to Implement the Recommendation of the Harness Racing Task Force Requiring an Executive Director of the State Harness Racing Commission" (EMERGENCY) (H.P. 1314) (L.D. 1865) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Representative: CHIZMAR of Lisbon) (Governor's Bill)

Bill "An Act to Allow the Maine Harness Racing Commission to Issue Conditional Licenses" (H.P. 1315) (L.D. 1866) (Presented by Representative CHIZMAR of Lisbon) (Cosponsored by Representatives: BUCK of Yarmouth, SPEAR of Nobleboro, TRUE of Fryeburg, Senator: FERGUSON of Oxford) (Governor's Bill)

By unanimous consent, all reference matters requiring Senate concurrence having been acted upon were ordered sent forthwith.

ORDERS

On motion of Representative VIGUE of Winslow, the following Joint Order: (H.P. 1316)

ORDERED, the Senate concurring, that the Joint Standing Committee on Business and Economic Development report out legislation regarding payroll processing companies to the House.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. What we have here is two differing LDs that are dealing with payroll processing. They were combined by the committee and will be introduced as one committee bill.

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

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

Prayer by Reverend Richard A. Mowery, Bethel Alliance Church.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **Legal and Veterans Affairs** reporting "**Ought Not to Pass**" on Bill "An Act to Allow Partially Consumed Bottles of Wine to be Taken from Restaurants" (H.P. 997) (L.D. 1389)

Signed:

Senators: FERGUSON of Oxford
CAREY of Kennebec

Representatives: BIGL of Bucksport
TESSIER of Fairfield
GAMACHE of Lewiston
CHIZMAR of Lisbon
GAGNE of Buckfield

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-308) on same Bill.

Signed:

Senator: DAGGETT of Kennebec
Representatives: TRUE of Fryeburg
FISHER of Brewer
LABRECQUE of Gorham
BELANGER of Wallagrass
TUTTLE of Sanford

Was read.

On motion of Representative TUTTLE of Sanford the Minority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-308) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 6, 1997.

Divided Report

Majority Report of the Committee on **Marine Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-307) on Bill "An Act to Amend the Lobster Laws and to Study the Feasibility of Basing Categories of Lobster and Crab Fishing Licenses on the Percentage of Income Derived from Commercial Lobster Fishing" (H.P. 1063) (L.D. 1501)

Signed:

Senators: GOLDTHWAIT of Hancock
PENDLETON of Cumberland
MackINNON of York

Representatives: ETNIER of Harpswell
GOODWIN of Pembroke
BAGLEY of Machias
PIEH of Bremen
PINKHAM of Lamoine
VOLENIK of Brooklin
LAYTON of Cherryfield
PINKHAM of Brunswick
HONEY of Boothbay

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

Signed:

Representative: PERKINS of Penobscot

Was read.

Representative ETNIER of Harpswell 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.

CONSENT CALENDAR

First Day

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

(S.P. 128) (L.D. 407) Bill "An Act to Revise Judicial Separation" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-171)

(S.P. 257) (L.D. 826) Bill "An Act to Amend the Adoption Laws Relating to Consent and Forms for Surrender and Release" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-170)

(S.P. 287) (L.D. 938) Bill "An Act to Include Incorporated Fire Departments Recognized by Any Authority Created by Statute within the Protection of the Maine Tort Claims Act" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-172)

(S.P. 348) (L.D. 1167) Bill "An Act to Clarify the Timber Trespass Laws" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-173)

(H.P. 1197) (L.D. 1697) Bill "An Act to Encourage Employee Stock Ownership" Committee on **Business and Economic Development** reporting "**Ought to Pass**"

(H.P. 1210) (L.D. 1710) Bill "An Act to Provide for the 1997 and 1998 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) Committee on **Business and Economic Development** reporting "**Ought to Pass**"

(H.P. 28) (L.D. 53) Bill "An Act to Allow Bow Hunters to Take a Deer during Bow Hunting Season in Addition to the Deer Allowed during Firearm Season" Committee on **Inland Fisheries and Wildlife** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-318)

(H.P. 144) (L.D. 187) Bill "An Act to Provide That Students Receiving Any Services from a School Be Counted as Full-time Students for Purposes of State Aid" Committee on **Education and Cultural Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-321)

(H.P. 199) (L.D. 252) Bill "An Act Regarding Destruction of Fish Populations" Committee on **Inland Fisheries and Wildlife** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-314)

(H.P. 242) (L.D. 306) Bill "An Act to Guarantee That Real Estate Taxes Are Paid" Committee on **Taxation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-311)

(H.P. 274) (L.D. 338) Bill "An Act Regarding the Funding of Search and Rescues by the Department of Inland Fisheries and Wildlife" Committee on **Inland Fisheries and Wildlife** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-315)

(H.P. 686) (L.D. 950) Bill "An Act to Amend the Hunting Laws As They Pertain to Antlerless Deer" Committee on **Inland**

Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-317)

(H.P. 729) (L.D. 993) Bill "An Act to Prohibit the Stocking of Alewives in Trip Lake" (EMERGENCY) Committee on **Inland Fisheries and Wildlife** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-316)

(H.P. 771) (L.D. 1048) Resolve, to Establish a Task Force to Review the Regional Applied Technology Centers Committee on **Education and Cultural Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-320)

(H.P. 999) (L.D. 1391) Bill "An Act to Reestablish the State Compensation Commission" Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-309)

(H.P. 1051) (L.D. 1468) Bill "An Act to Amend the Maine Veterinary Practice Act of 1975" Committee on **Business and Economic Development** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-322)

(H.P. 1193) (L.D. 1692) Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1997-98" (EMERGENCY) Committee on **Taxation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-312)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, May 6, 1997 under the listing of Second Day.

CONSENT CALENDAR
Second Day

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

(S.P. 173) (L.D. 502) Bill "An Act to Require Fair Compensation for Ratepayer Assets Used by a Subsidiary or an Affiliate of a Utility" (C. "A" S-161)

(S.P. 208) (L.D. 667) Bill "An Act to Create and Incorporate the Jackman Utility District by Merger of the Jackman Water District and the Jackman Sewer District" (EMERGENCY) (C. "A" S-165)

(S.P. 243) (L.D. 812) Bill "An Act to Require the Public Utilities Commission to Align Telecommunications Carrier Access Rates with Costs to Foster Economic Development and Competition throughout the State" (C. "A" S-162)

(S.P. 352) (L.D. 1171) Bill "An Act to Better Inform Car Repair Customers" (C. "A" S-160)

(S.P. 409) (L.D. 1330) Bill "An Act to Ensure Adequate Review of Maintenance Dredging" (C. "A" S-155)

(S.P. 423) (L.D. 1344) Bill "An Act to Create the Mt. Blue Standard Water District" (EMERGENCY) (C. "A" S-164)

(S.P. 435) (L.D. 1381) Bill "An Act to Provide Training in Sudden Infant Death Syndrome to Emergency Response Personnel" (C. "A" S-154)

(S.P. 465) (L.D. 1437) Resolve, to Establish Regional Service Centers (C. "A" S-159)

(S.P. 500) (L.D. 1562) Bill "An Act to Amend Professional Licensing Boards Laws" (C. "A" S-158)

(S.P. 514) (L.D. 1598) Bill "An Act to Provide for Enforcement of the Laws Regarding the Protection of Underground Utility Facilities" (C. "A" S-163)

(H.P. 388) (L.D. 533) Bill "An Act to Ensure Public Safety and Proper Allocation of Liability for Gas Pipelines" (C. "A" H-298)

(H.P. 439) (L.D. 589) Bill "An Act to Amend the Mobile Home Park Laws Regarding Sales of Homes" (C. "A" H-299)

(H.P. 486) (L.D. 657) Resolve, to Establish the Commission to Examine Rate Setting and the Financing of Long-term Care Facilities (EMERGENCY) (C. "A" H-301)

(H.P. 508) (L.D. 699) Bill "An Act to Clarify the General Powers of Attorney" (C. "A" H-297)

(H.P. 602) (L.D. 827) Bill "An Act to Authorize Corporate Officers to Represent Their Corporation in Certain Civil Actions in District Court" (C. "A" H-296)

(H.P. 629) (L.D. 854) Bill "An Act Regarding the Obligation of the State to Fund Adult Education" (C. "A" H-306)

(H.P. 632) (L.D. 857) Resolve, to Determine the Appropriate Tuition Rate for Public High School Students Who Live in a Municipality without a High School (C. "A" H-305)

(H.P. 738) (L.D. 1002) Bill "An Act Requiring the Department of Human Services to Provide Custodial History of Children in the Care of the Department" (C. "A" H-303)

(H.P. 767) (L.D. 1044) Bill "An Act to Clarify Requirements Pertaining to the Maine Certificate of Need Act" (C. "A" H-302)

(H.P. 828) (L.D. 1133) Resolve, to Ensure Quality Care to Residents of Nursing Facilities through the Establishment of a Task Force on Minimum Staffing (EMERGENCY) (C. "A" H-304)

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

BILLS IN THE SECOND READING

Bill "An Act Pertaining to Free Meals for Legislators during a Prayer Breakfast" (S.P. 402) (L.D. 1297)

As Amended

Bill "An Act to Allow County Commissioners to Serve on the Maine Land Use Regulation Commission" (EMERGENCY) (H.P. 9) (L.D. 6) (C. "A" H-293)

Bill "An Act to Repeal the Requirement That All-terrain Vehicles Be Equipped with Brake Lights" (S.P. 101) (L.D. 380) (C. "A" S-166)

Bill "An Act to Amend the Laws Pertaining to Wine Tasting" (S.P. 108) (L.D. 387) (C. "B" S-122)

Bill "An Act to Amend the Maine Civil Legal Services Fund" (H.P. 739) (L.D. 1003) (C. "A" H-295)

Bill "An Act to Require Economic Impact Criteria on State Procurement Procedures" (S.P. 361) (L.D. 1220) (C. "A" S-147)

Bill "An Act Requiring Progress Reports for Mapping Significant Wildlife Habitat" (H.P. 1088) (L.D. 1531) (C. "A" H-275)

Were reported by the Committee on **Bills in the Second Reading**, read the second time, 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 as Amended and sent up for concurrence.

ENACTORS

Emergency Measure

An Act to Clarify the Parity Provision in Maine Banking Law (S.P. 49) (L.D. 159) (C. "A" S-116)

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

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

Resolve, Recognizing the Theta Chi Building Association as a Nonprofit Corporation (S.P. 145) (L.D. 424) (C. "A" S-28)

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (S.P. 223) (L.D. 682) (C. "A" S-118)

Resolve, to Establish the Sister State Program (S.P. 459) (L.D. 1431)

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

An Act to Provide for International Banking in the State and Enhanced Enforcement Authority over Financial Institution Holding Companies (S.P. 341) (L.D. 1119) (C. "A" S-120; S. "A" S-143)

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

On motion of Representative KONTOS of Windham, was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

Resolve, Establishing a Task Force to Examine the Desirability of a Model Municipal Building Code (H.P. 775) (L.D. 1052) (C. "A" H-91; S. "A" S-153)

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

On motion of Representative KONTOS of Windham, was set aside.

On further motion of the same Representative, tabled pending final passage and later today assigned.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, May 2, 1997, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

An Act to Regulate Body Piercing (H.P. 358) (L.D. 481) (C. "A" H-215)

TABLED - May 2, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Passage to be Enacted.

Subsequently, the Bill was passed to be enacted.

HOUSE DIVIDED REPORT - Majority (7) "**Ought to Pass**" as amended by Committee Amendment "A" (H-264) - Minority (6) "**Ought Not to Pass**" - Committee on **Agriculture, Conservation and Forestry** on Bill "An Act to Label All Eggs Produced in the State by Source" (H.P. 425) (L.D. 575)

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

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

Representative JOYCE of Biddeford 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: A roll call has been ordered. The pending question before the House is acceptance of the Majority "Ought

to Pass" as amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 132

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Bull, Bunker, Chizmar, Clark, Cowger, Desmond, Driscoll, Dunlap, Fisher, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, LaVerdiere, Lemaire, McKee, Meres, Mitchell JE, Morgan, Muse, O'Neal, Paul, Perry, Pieh, Povich, Powers, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Stanley, Tessier, Thompson, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bragdon, Bruno, Buck, Bumps, Cameron, Carleton, Chick, Cianchette, Clukey, Cross, Davidson, Dexter, Donnelly, Dutremble, Etnier, Fisk, Foster, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Kontos, Labrecque, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, McElroy, Murphy, Nickerson, O'Brien, Peavey, Pendleton, Perkins, Pinkham RG, Poulin, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Vigue, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Bodwell, Brennan, Brooks, Campbell, Chartrand, Colwell, Farnsworth, Frechette, Lemke, Lemont, Madore, Mailhot, Nass, O'Neil, Ott, Pinkham WD, Plowman, Quint, Richard, Skoglund, Stevens, Townsend, Tripp.

Yes, 61; No, 67; Absent, 23; Excused, 0.

61 having voted in the affirmative and 67 voted in the negative, with 23 being absent, the Majority "**Ought to Pass**" as amended Report was not accepted.

Representative KONTOS of Windham moved that the House reconsider its action whereby the Majority "**Ought to Pass**" as amended Report was not accepted.

On further motion of the same Representative, tabled pending her motion to reconsider whereby the Majority "**Ought to Pass**" as amended Report was not accepted and later today assigned.

Bill "An Act Concerning Submission of the Legislative Budget within the Unified Budget Document" (H.P. 48) (L.D. 73)

- In House, Bill and accompanying papers recommitted to the Committee on **Appropriations and Financial Affairs** on April 15, 1997.

- In Senate, Majority "**Ought Not to Pass**" Report of the Committee on **Appropriations and Financial Affairs** read and accepted in non-concurrence.

TABLED - May 2, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Further Consideration.

On motion of Representative KONTOS of Windham, tabled pending further consideration and later today assigned.

HOUSE DIVIDED REPORT - Majority (8) "**Ought to Pass**" as amended by Committee Amendment "A" (H-210) - Minority (5) "**Ought to Pass**" as amended by Committee Amendment "B" (H-211) - Committee on **Marine Resources** on Bill "An Act to Amend the Laws Regarding Scallop Harvesting" (EMERGENCY) (H.P. 531) (L.D. 722)

TABLED - May 2, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Motion of Representative ETNIER of Harpswell to accept the Majority "**Ought to Pass**" as amended by Committee Amendment "A" (H-210) Report.

The SPEAKER: The Chair recognizes the Representative from Pembroke, Representative Goodwin.

Representative GOODWIN: Madam Speaker, Men and Women of the House. I rise today to oppose the motion to accept the Majority "Ought to Pass" Report with Committee Amendment "A" and wish to speak to the report. I ask the men and woman of the House today to vote for the fishermen of the state today. There are 7,400 lobstermen, 600 licensed scallopers and 600 licensed urchin draggers. The majority of which support a December 1st statewide opening of scallop dragging. The only difference between Amendment "A" and Amendment "B" is the opening date. Amendment "A" wants November 16th and Amendment "B" wants December 1st. Why do we need a December 1st opening? The Minority Report, December 1st opening, was proposed and is supported by all bay scallopers who care about the long-term sustainability of the resource. The Minority Report, December 1st opening, is supported by the Department of Marine Resources following strong public support expressed at three public meetings attended by approximately 200 scallopers and harvesters. The Minority Report, December 1st opening, is supported by the lobster industry.

Why does the December 1st opening make sense? Under current law, the season opens statewide on November 1st, but DMR regulations, for gear conflict regulations, close most of the Down East coast to scalloping drags because of potential damage to lobster gear still in the water. These regulations force all scallop draggers into three or four small areas during November. In Cobscook Bay, for example, in 1995, there were 200 boats fishing in a two to three square mile area. Some were from as far away as Massachusetts and as large as 100 feet long. The scallop resource in these areas is being overdragged. The December 1st opening will disperse the fishing efforts and create a true statewide opening and conserve a valuable resource. Changing the date to November 15th accomplishes nothing. It is an empty compromise between November 1st and December 1st. Most of the Down East coast will still be closed on November 16th by DMR's gear conflict regulation. Boats from up and down the coast will still congregate in a few small areas open, which will deplete the scallop resources in those areas.

It is imperative, Madam Speaker, that we establish a statewide opening with no gear conflict. I ask the House to vote red on the Majority Report, Committee Amendment "A" and pass the Minority Report with Committee Amendment "B." When the vote is taken, I would like the yeas and nays.

Representative GOODWIN of Pembroke 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 Harpswell, Representative Etnier.

Representative ETNIER: Madam Speaker, Ladies and Gentlemen of the House. I rise as I did before in support of the Majority Report from this committee which, as the good Representative from Pembroke, Representative Goodwin stated, moves for a November 15th opening for the scallop date. The scallop date now for opening is November 1st, as he also stated. The reason why I, and the majority of the committee felt that November 15th was an adequate change and not going all the way to December 1st was that we felt there was significant confusion and lack of consensus among the industry, the scallop industry, on any change in the scallop season. Some supported

the existing season and some supported going to November 15th. Some supported going to December 1st. Pick a date. There are some that support it. We had two public hearings on this because of yet another blizzard that seems to always accompany our major hearings. The discussion was all over the place. I also attended, as did a couple other members of the committee, a fisherman's forum in Rockland where there were about 40 or 50 scallop fishermen there and there was no consensus among the industry, at that point, in terms of changing their season.

One other thing that I wanted to address in terms of the good Representative's testimony comes with the Department of Marine Resources' position on this particular issue on LD 722, which had a December 1st opening in it. They said to us on March 6th that they were in opposition to LD 722. They said that while they were not supporting this proposal we certainly understand the circumstances, which foster its presentation to the Legislature. To correct that point, the department was not in support of LD 722 and not in support of going to a statewide opening of December 1st. There was a lieutenant who did say that he supported that, but it was not the official department position as presented by the commissioner.

This was a very difficult and confusing issue for the committee. In fact, I am going to when one of these reports is accepted, I also ask you to support an amendment that Representative Skoglund has put before us that showed up last week that actually moves the date back to the original date of November 1st. The reason for that is that there was so much confusion amongst the industries and so much lack of consensus amongst the industry. I have here a letter from the Down East Driggers Association, which was in opposition and they are predominately scallopers. They were in opposition to any change in the season. The other major scalloping group, the Down East Scallopers Association, was split 50/50 on any change to the season. As I told all of them at the beginning, personally, I needed to hear a fairly clear message from the industry as to what they wanted for a change. We certainly did not hear that and our committee, I think, you may hear from others as well, was confused on this issue as to what to do in any circumstance like this. My gut reaction is that if there isn't any consensus and there is confusion on the issue and we are talking about taking away a month or even two weeks of someone's fishing and the ability to make a living in a particular fishing industry, then let's back off from it. Let's leave it alone and not go along with it.

I will be supporting Representative Skoglund's amendment, which moves the date back to November 1st. There is other language in both Representative Goodwin's report and the Majority Report that is before you now. The amendment that I mentioned that is good language that does involve some gear modifications that we all agree on and are very important and should go forward, but as to the date, I urge you to support the Majority "Ought to Pass" as amended Report. Thank you very much. Sorry for the confusion.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Honey.

Representative HONEY: Madam Speaker, Men and Women of the House. I support the Majority "Ought to Pass" as amended Report. Most of you may not know that in my prior life before joining this department, I conducted all of the hearings at the Department of Marine Resources on this very issue. My concern about changing the season is the federal regulations regarding ground fishing has the scallop dragger and the rest of the dragger fleet, some of these people are down to 88 days a years they can fish for anything off the coast of Maine. To take away any days from these people's ability to earn a living would

probably put many of these druggers out of business. They just cannot stand to lose any more days of fishing. The Minority Report would take 30 more days away from these individuals with their ability to make a living. I also will be supporting Representative Skoglund's bill to push the season back to where it has been for 100 years back to November 1st. Thank you.

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

ROLL CALL NO. 133

YEA - Ahearne, Bagley, Baker CL, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bouffard, Bragdon, Bruno, Buck, Bull, Bumps, Cameron, Carleton, Chick, Cianchette, Clukey, Cowger, Cross, Davidson, Dutremble, Etnier, Fisher, Fisk, Foster, Fuller, Gagnon, Gamache, Gerry, Gieringer, Gooley, Green, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joyce, Joyner, Kane, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lindahl, Lovett, MacDougall, Madore, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Murphy, Muse, O'Brien, O'Neal, Peavey, Pendleton, Perkins, Pieh, Pinkham RG, Pinkham WD, Poulin, Povich, Powers, Richard, Rines, Rowe, Sanborn, Savage, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stedman, Taylor, Tessier, Thompson, Tobin, Treadwell, True, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Bolduc, Bunker, Chizmar, Clark, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Gagne, Goodwin, Hatch, Joy, Kasprzak, Kerr, Lane, Layton, Mack, Morgan, Nass, Nickerson, Paul, Perry, Samson, Shannon, Stanley, Tuttle, Usher.

ABSENT - Bodwell, Brennan, Brooks, Campbell, Chartrand, Colwell, Farnsworth, Frechette, Lemke, Lemont, Mailhot, O'Neil, Ott, Plowman, Quint, Stevens, Townsend, Tripp, Underwood.

Yes, 104; No, 28; Absent, 19; Excused, 0.

104 having voted in the affirmative and 28 voted in the negative, with 19 being absent, the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-210) was read by the Clerk.

Representative SKOGLUND of St. George presented House Amendment "A" (H-257) to Committee Amendment "A" (H-210), which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Madam Speaker, Ladies and Gentlemen of the House. This amendment that I am offering retains the conservation measures that were put into this original bill, which the scallop industry supports and, of course, the Marine Resources Committee supports. It leaves the opening date of the scallop season where it is now. By supporting my amendment, you do retain the conservation aspects of the bill and leave alone the controversial change in opening date. Over the years, several attempts have been made to change this opening date to give less time to the scallop fishermen and each time it has been defeated. I hope that we can leave alone the opening date of the scallop season. I urge you to support my motion. Thank you.

House Amendment "A" (H-257) to Committee Amendment "A" (H-210) was adopted.

Committee Amendment "A" (H-210) as amended by House Amendment "A" (H-257) thereto was adopted.

The Bill was assigned for second reading Tuesday, May 6, 1997.

SENATE DIVIDED REPORT - Majority (11) "**Ought to Pass**" as amended by Committee Amendment "A" (S-98) - Minority (2) "**Ought Not to Pass**" - Committee on **State and Local Government** on Bill "An Act to Establish Basic Standards and Procedures for Personal Services Contracting by the State" (S.P. 294) (L.D. 945)

- In Senate, Majority "**Ought to Pass**" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-98).

TABLED - May 2, 1997 (Till Later Today) by Representative AHEARNE of Madawaska.

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

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

ROLL CALL NO. 134

YEA - Ahearne, Bagley, Baker CL, Baker JL, Belanger DJ, Berry RL, Bolduc, Bouffard, Bruno, Bull, Bumps, Bunker, Cameron, Chizmar, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Green, Honey, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Madore, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, Paul, Pendleton, Perry, Pieh, Poulin, Povich, Powers, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Tessier, Thompson, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger IG, Berry DP, Bigl, Bragdon, Buck, Carleton, Chick, Cianchette, Clukey, Dexter, Donnelly, Fisk, Foster, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Marvin, McElroy, Murphy, Nass, Nickerson, Peavey, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winsor.

ABSENT - Bodwell, Brennan, Brooks, Campbell, Chartrand, Frechette, Hatch, Lemke, Lemont, Mailhot, O'Neil, Ott, Quint, Stevens, Townsend, Tripp, Vigue.

Yes, 85; No, 49; Absent, 17; Excused, 0.

85 having voted in the affirmative and 49 voted in the negative, with 17 being absent, the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (S-98) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 6, 1997.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following items which were tabled and today assigned:

HOUSE DIVIDED REPORT - Majority (9) "**Ought Not to Pass**" - Minority (4) "**Ought to Pass**" as amended by Committee Amendment "A" (H-272) - Committee on **Banking and Insurance** on Bill "An Act to Require Public Insurers to Supply Insurance Data to Schools and Municipalities" (H.P. 603) (L.D. 828)

TABLED - May 1, 1997 by Representative DAVIDSON of Brunswick.

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

On motion of Representative DONNELLY of Presque Isle, tabled pending the motion of Representative DAVIDSON of Brunswick to accept the Majority "**Ought Not to Pass**" Report and specially assigned for Tuesday, May 6, 1997.

HOUSE REPORT - "**Ought to Pass**" as amended by Committee Amendment "A" (H-261) - Committee on **Transportation** on Bill "An Act to Make Allocation for Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 1998" (H.P. 744) (L.D. 1008)

TABLED - May 1, 1997 by Representative MURPHY of Kennebunk.

PENDING - Acceptance of Committee Report.

Subsequently, the Committee Report was accepted.

The Bill was read once. Committee Amendment "A" (H-261) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 6, 1997.

HOUSE DIVIDED REPORT - Majority (9) "**Ought to Pass**" as amended by Committee Amendment "A" (H-276) - Minority (4) "**Ought Not to Pass**" - Committee on **Natural Resources** on Bill "An Act to Waive the Fees for the Removal and Transportation of Certain Hazardous Waste" (H.P. 465) (L.D. 636)

TABLED - May 2, 1997 by Representative ROWE of Portland.

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

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

Representative ROWE: Madam Speaker, Men and Women of the House. I rise because I know this bill is going to be debated and I wanted to take this opportunity to explain the bill. What you have before you, the pending motion, is the Majority Report of nine members of the Committee on Natural Resources and it completely replaces the original bill. The report deals with the transportation of hazardous waste in the State of Maine. I would like to give a little background on the bill. In 1981, the state established the Hazardous Waste Management Fund. The fund ensures that any hazardous waste spills, which occur during transportation can be cleaned up and paid for in the event that the transporter or the generator of the waste does not have the financial ability to reimburse the clean-up costs incurred by the state. The fund also supports the Department of Environmental Protection's Pollution Prevention Program and it helps to support licensing in review of facilities that store, treat and transport hazardous waste.

The Hazardous Waste Management Fund is funded and supported by various fees, penalties and interest in other charges that are set forth in statute. One of the funding mechanisms for the Hazardous Waste Management Fund is a fee on the transportation of hazardous waste. That is what this bill is about. The fee, in statute, is 2 cents per pound if the waste is transported for disposal or 1.5 cents per pound if the waste is transported for treating or handling, such as beneficial reuse or recycling. The original bill that the committee saw sought to waive the fee when the waste is being transported as a result of remedial or corrective actions or as a result of facility closures. Many of us on the committee, including myself, could not support the original bill. We were concerned that waiving the fees altogether could have severe adverse affects on the Hazardous Waste Management Fund. We completely replaced the bill by the amended report that is pending. The amended report caps at \$200,000 per year the total fees per site for waste that is transported off the site and to qualify for this cap the site had to

be one that was officially designated as a superfund site on or before January 1, 1997. The amendment has a filing number of (H-276). You may want to take a look at that. We limited the fee cap to superfund sites that had been designated as superfund sites on or before January 1, 1997 to ensure that the limitation would apply to only one hazardous waste site in the State of Maine, that being the O'Connor site here in Augusta.

The O'Connor site is a former cite of the F. O. O'Connor Junk Yard where old Central Maine Power transformers were junked for scrap metal. CMP contracted with O'Connor to discard these transformers. The O'Connor site was designated by the Federal Environmental Agency as a superfund site in 1983 because the land and groundwater were discovered to have unacceptable levels of PCB. After years of study and investigation in 1995, an agreement was reached to have the contaminated soil removed from the O'Connor site. Central Maine Power was designated by the EPA as the responsible party because it had generated the waste. CMP is paying for the cost of clean up and transportation. Actually CMP paid \$75,000 in 1996 into the Hazardous Waste Management Fund at 2 cents per pound, but because the amount of soil to be removed may be as much as 10,000 tons, the cost at 2 cents a pound could be as high as \$400,000. This bill was put in by CMP in an effort to cap that.

As I said, the amended bill would cap the fees at \$200,000 per year. The clean up and removal are scheduled to be completed this year in 1997, thus the effect of the bill would be, if indeed there is going to about 10,000 tons of soil removed then the effect of the bill would be to reduce CMPs payment in 1997 by about \$140,000. In other words, if we enact this, they would pay \$200,000 and without this they would pay about \$340,000. You should note that several members of committee, when we got the original bill, many of us didn't like the bill. We thought, as I said, would have an adverse impact on the fund. DEP opposed it. We asked the department and CMP to go and work out a compromise. They came back with a compromise. That was still unacceptable to a majority of the members. It was unacceptable to me. The bill that you have before you, the amended report is a result of the majority of the committee believing that that compromise gave too much to CMP. We crafted this amendment that is before you. Again, the practical effect of this is to apply to a single superfund site. It will reduce the amount of money that CMP will have to pay into the Hazardous Waste Management Fund by about \$140,000 in 1997. I request your support for the bill. Thank you.

Representative BULL of Freeport moved that the Bill and all accompanying papers be indefinitely postponed.

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

Representative BULL: Madam Speaker, Men and Women of the House. As the good Representative from Portland just spoke, it is very true. There is some dissension in this committee. I am very much opposed to this bill in any form. I am opposed to the idea that we should be exempting one company from having to pay into this hazardous waste fund. As the previous speaker did say, we did have a lot of discussion on this and the amendment that you have before you is, in fact, the third version of the bill. Still, in this form, there are still many faults with this bill. The biggest issue taking affect here and this is why I disagree with my chair, the Representative from Portland, is that this is not necessarily just a one time loss of revenue from this fund. This is a bill that was put in by CMP, but it is undetermined whether or not there could be further instances where this fund or this \$200,000 cap could come into affect. The reason this is the case is that even though, as you see in the amendment, there is a deadline of January 1, 1997 that cuts this off. The problem is that there are sites that have

been declared superfund sites in the State of Maine that they have not started doing too much work on, therefore, are not aware of the extent of contamination in what may be required to clean up the site.

It is conceivable that there could be future instances where a site needs to be cleaned up and that the waste is being hauled off that is going to exceed this \$200,000 cap that is being put in place by this bill. If this happens, it will mean a loss of funds to this Maine Hazardous Waste Fund. This fund, as the Representative from Portland stated, is an emergency clean up. We never know how much money is necessary to keep this fund appropriately funded to respond adequately to emergencies as they may arise. It is conceivable that an emergency could arise that could greatly deplete this fund. This bill would restrict further funds from coming into this fund. Madam Speaker, men and women of the House, I think it is very important that we reject this bill because if those funds are not coming from this fee put on transportation, where is the money going to come from? If it is found in future years that there is, in fact, a need to be putting more money into this fund, if it is not coming from this fee on the transportation of waste from this site, the money may have to come from emergency appropriations from the General Fund. That would mean a loss of money for other programs such as education, services for the elderly and various other programs. I really do not see this cap as being good fiscal policy. I think it is putting its arbitrary limit without a good understanding of the future implications of this bill. For that reason, I urge you men and women of the House, to please support this motion to Indefinitely Postpone the bill and all its papers. Madam Speaker, I request a roll call.

The same Representative requested a roll call on his motion to indefinitely postpone the Bill and all accompanying papers.

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 Hallowell, Representative Cowger.

Representative COWGER: Madam Speaker, Men and Women of the House. This is really a very unusual bill. I am on the Majority Report and I would like to speak to that. I do see the amendment that we were discussing, which has the filing number of (H-276) as a result of something our country is really based on and that is the art of compromise. I initially voted on the prevailing side along with my good friend and colleague, Representative Bull, and others on the committee on the "Ought Not to Pass" report to eliminate entirely the Hazardous Waste Transportation Fee, which was put in place as a result of remedial or corrective actions or facility closures. The Minority Report of the committee, at that time, which I was not on, was to put a cap of \$15,000 on the removal of hazardous waste. I felt quite strongly that that low cap of \$15,000 were it to pass the House, it would eliminate positions at DEP, valuable positions and valuable programs that we need to keep intact. I also felt that no cap, which was the alternative at that time, would have created an unusually high fee to CMP on this particular site, which they were, in fact, cleaning up. It is a superfund site in Augusta.

I encouraged the parties to speak together and I worked with them to carefully draft this compromise, which is before you today as the Majority "Ought to Pass" Report. I think it is important to note that neither the Department of Environmental Protection nor Central Maine Power were particularly pleased with the result of this compromise, but both could live with it. In my mind, that is a good sign of a compromise when neither side is particularly pleased with it. I urge you to vote against the prevailing motion and adopt the Majority "Ought to Pass" Report.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone the bill and accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 135

YEA - Baker CL, Bolduc, Bull, Fisk, Gagne, Meres, Rines, Shiah, Volenik, Wright.

NAY - Ahearne, Bagley, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bouffard, Bragdon, Brennan, Bruno, Buck, Bumps, Bunker, Cameron, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Foster, Frechette, Fuller, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jones KW, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neil, O'Neil, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Poulin, Povich, Powers, Richard, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Taylor, Tessier, Thompson, Tobin, Treadwell, True, Tuttle, Underwood, Usher, Vedral, Vigue, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Madam Speaker.

ABSENT - Brooks, Campbell, Jabar, Lemke, Lemont, Ott, Quint, Townsend, Tripp.

Yes, 10; No, 132; Absent, 9; Excused, 0.

10 having voted in the affirmative and 132 voted in the negative, with 9 being absent, the Bill and all accompanying papers was not indefinitely postponed.

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

The Bill was read once. Committee Amendment "A" (H-276) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 6, 1997.

HOUSE DIVIDED REPORT - Majority (10) "**Ought to Pass**" as amended by Committee Amendment "A" (H-291) - Minority (3) "**Ought to Pass**" as amended by Committee Amendment "B" (H-292) - Committee on **Utilities and Energy** on Bill "An Act to Permit the Public Utilities Commission to Suspend Rate Regulation of Certain Telephone Utilities" (H.P. 544) (L.D. 735) TABLED - May 2, 1997 by Representative JONES of Bar Harbor. PENDING - Motion of same Representative to accept the Majority "**Ought to Pass**" as amended by Committee Amendment "A" (H-291) Report.

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

The Bill was read once. Committee Amendment "A" (H-291) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 6, 1997.

An Act to Prohibit the Employment of Professional Strikebreakers (H.P. 88) (L.D. 113) TABLED - May 2, 1997 by Representative SAXL of Portland. PENDING - Passage to be Enacted.

Representative JOYCE of Biddeford requested a roll call on passage to be enacted.

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

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

ROLL CALL NO. 136

YEA - Ahearn, Bagley, Baker CL, Baker JL, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Brennan, Bruno, Bull, Bunker, Cameron, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etner, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Jones KW, Jones SL, Kane, Kasprzak, Kerr, Kontos, Lane, LaVerdiere, Lemaire, Madore, Mailhot, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, O'Neal, O'Neil, Paul, Perkins, Perry, Pieh, Pinkham RG, Poulin, Povich, Powers, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bragdon, Buck, Bumps, Carleton, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kneeland, Labrecque, Layton, Lindahl, Lovett, MacDougall, Mack, Marvin, McElroy, Murphy, Nass, Nickerson, O'Brien, Peavey, Pendleton, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Brooks, Campbell, Jabar, Lemke, Lemont, Muse, Ott, Quint, Townsend, Tripp.

Yes, 88; No, 53; Absent, 10; Excused, 0.

88 having voted in the affirmative and 53 voted in the negative, with 10 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

SENATE REPORT - "**Ought to Pass**" as amended by Committee Amendment "A" (S-127) - Committee on **Education and Cultural Affairs** on Bill "An Act to Provide for State and Federal Criminal Record Checks on Educational Personnel in the State" (S.P. 174) (L.D. 503)

- In Senate, Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-127) as amended by Senate Amendment "A" (S-169) thereto.

TABLED - May 2, 1997 by Representative RICHARD of Madison.
PENDING - Acceptance of Committee Report.

On motion of Representative RICHARD of Madison, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, May 6, 1997.

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

HOUSE DIVIDED REPORT - Majority (11) "**Ought to Pass**" as amended by Committee Amendment "A" (H-270) - Minority (2) "**Ought Not to Pass**" - Committee on **Legal and Veterans Affairs** on Bill "An Act to Remove Restrictions on Items that May Be Auctioned by Public Broadcasting Stations" (EMERGENCY) (H.P. 953) (L.D. 1316)

TABLED - May 2, 1997 by Representative TUTTLE of Sanford.
PENDING - Motion of same Representative to accept the Majority "**Ought to Pass**" as amended Report.

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

Representative CHARTRAND: Madam Speaker, Men and Women of the House. I had thought this bill was fairly innocuous until I read it further. I question why, in this bill, we are giving one nonprofit organization a fairly strong advantage by allowing them to auction liquor at their fundraising events, yet we are not doing this in a blanket way for all types of nonprofit organizations. Although I have nothing against Maine Public Broadcasting, I question why they are in the position to receive a special favor with this bill. I would recommend that if we are changing the policies of auctioning liquors in the state at public auction, it should be done for any group that are nonprofit or for any groups at all, for that matter. The matter that this is an emergency bill, too, really makes me question what is going on that we are doing so much for one nonprofit organization and this one, in fact, has some state subsidies also in its operations. I think they receive enough, I guess I would say. I would urge you to vote against passage of this bill and I would request a division. Thank you.

Representative CHARTRAND of Rockland requested a division on the motion to accept the Majority "**Ought to Pass**" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative O'BRIEN: Madam Speaker, Men and Women of the House. For anyone who may know, there are two questions when I saw this and heard that we were talking about liquor. Two questions, do we need to be at all involved with the liquor licensing? How do we preclude the sale and ultimately a sale to minors? Is there anyone who could answer that question?

The SPEAKER: The Representative from Augusta, Representative O'Brien has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Madam Speaker, Men and Women of the House. I would like to try to answer these questions as well as the concern that the former speaker had relative to the legality. Actually, I, too, had the same problem with this. This is why I asked it to be tabled until today. We have looked it over and these types, there are exceptions to every rule if it is so noted in the statutes. Statute 28 does allow this type of a group to do this. I believe that answers one of the questions. The question relative to keeping this out of the hands of minors, again, I think it is taken up in Statute 28.

The Chair ordered a division on the motion to accept the Majority "**Ought to Pass**" as amended Report.

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

Representative CAMERON: Madam Speaker, Men and Women of the House. Briefly, the question that the good Representative from Augusta raises, I think, is a very valid question. The second one, the potential of this sale being made to minors, I have very grave concerns about this. While the purpose to raise money for Maine Public Broadcasting is an admirable purpose and it probably does a lot of good in our state, I think there is a higher purpose from preventing young people from having access to liquor. The good Representative from Fryeburg said that is included in the statute. We also know that the statute calls for prevention of drinking under 21 years old and we know that continues to happen and they are continually able to buy it. Creating another potential avenue for access to this type of beverage, I think, it would be a grave error for the Legislature to participate in when we are trying other avenues to

prevent children from drinking. It makes sense to me that we continue to do what we have been in the past in disallowing this type of activity. Thank you.

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

Representative TUTTLE: Madam Speaker, Ladies and Gentlemen of the House. I think the answer pertaining to minors is that this bill would allow a gift certificate to be given. A gift certificate would be verification before any transaction was done. As Representative True said, this is already clearly defined in the law. Maine Public Broadcasting system has seen significant declines, as most of us know, in revenues, both from the federal and state government. Maine is one of the few states that has this prohibition. Other states such as New Hampshire and most of the New England states already allow their public broadcasting stations to do this. Also, with the growth of Maine Farm Wineries and microbreweries in Maine, it could be a win-win situation for both Maine Public Broadcasting, microbreweries and our wineries in the state. This is a potential source of revenue in difficult financial times for Maine Public Broadcasting and at the hearing Maine Public Broadcasting is very committed to closely monitoring this process as will be the committee on Legal and Veterans Affairs. I would ask that you vote your conscience on this issue. This is not a partisan issue. I think that Maine Public Broadcasting provides a vital function for the state. I feel that helping them in this way is appropriate and I would encourage you to support the 11-to-2 Majority "Ought to Pass" Report. Madam Speaker, I 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.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. I didn't intend to speak, but now that I have my questions answered, I still am not really comfortable with it. To me, I am a supporter also of Maine Public Broadcasting, I sat glued to the auction yesterday and made bids on many things. As far as I know, I didn't win anything. I was amazed at how many items that they did get. It was a constant barrage of new items. I was very, very impressed. As much as I support public broadcasting, I am afraid that we are sliding down a slippery slope if we open this up. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I, too, enjoy public radio and I listen to the classical music and I used to drive my fellow workers crazy doing that. I do support it, but I would hope that the public broadcasting could support itself without auctioning off alcohol. I think it sends the wrong message and I urge you to vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. I certainly had the same concerns that many of you are bringing forth. However, being on this committee for the last couple of terms, and many such things have come before us, primarily we ask for support or denial of that support from the person who has charge of the liquor laws. I believe I am correct to say that it is in statute and it can be controlled. I certainly would feel that it could be controlled much more readily than what we do now when we sell whole barrels and so forth and they go out the door with it and load it on the

truck and 18 underage people are down the beach waiting for it. How do we do anything about that? We haven't done anything about that. I would say that this certainly can be controlled much, much better. That is one law that I can recite that perhaps we ought to look into. Thank you.

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. I apologize. A point of clarification. This bill also requires that the Bureau of Alcohol be notified in writing by any winery or brewery that makes a donation to Maine Public Broadcasting. It also much ensures that the recipient of the gift certificate is 21. This is a double check as the individual will also have their ID checked when they redeem the certificate.

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

ROLL CALL NO. 137

YEA - Bagley, Baker JL, Barth, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Brennan, Bruno, Bull, Bunker, Carleton, Chizmar, Cianchette, Clark, Colwell, Cowger, Cross, Davidson, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagnon, Gamache, Gieringer, Goodwin, Green, Hatch, Jabar, Jones KW, Kane, Kerr, Kontos, Labrecque, LaVerdiere, Lemaire, Lemont, Lindahl, Madore, Mailhot, Marvin, Mitchell JE, Morgan, Murphy, Muse, O'Neal, O'Neil, Paul, Peavey, Pendleton, Perry, Pieh, Pinkham RG, Poulin, Povich, Richard, Rowe, Sanborn, Saxl JW, Saxl MV, Shannon, Stanley, Stevens, Taylor, Tessier, Thompson, True, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Ahearn, Baker CL, Belanger DJ, Belanger IG, Bragdon, Buck, Bumps, Cameron, Campbell, Chartrand, Chick, Clukey, Desmond, Dexter, Foster, Gagne, Gerry, Gooley, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Lane, Layton, Lovett, MacDougall, Mack, Mayo, McAlevey, McElroy, McKee, Meres, Nass, Nickerson, O'Brien, Perkins, Pinkham WD, Plowman, Powers, Rines, Samson, Savage, Shiah, Sirois, Snowe-Mello, Spear, Stedman, Tobin, Treadwell, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Brooks, Lemke, Ott, Quint, Skoglund, Townsend, Tripp, Vigue.

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

84 having voted in the affirmative and 59 voted in the negative, with 8 being absent, the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-270) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 6, 1997.

SENATE DIVIDED REPORT - Majority (8) "**Ought Not to Pass**" - Minority (5) "**Ought to Pass**" as amended by Committee Amendment "A" (S-135) - Committee on **Appropriations and Financial Affairs** on Bill "An Act to Flat Fund the Legislative Budget" (EMERGENCY) (S.P. 329) (L.D. 1107)

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

TABLED - May 2, 1997 by Representative SAXL of Portland.

PENDING - Motion of Representative KERR of Old Orchard Beach to accept the Majority "**Ought Not to Pass**" Report.

Representative CAMPBELL of Holden requested a roll call on the motion 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: 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. 138

YEA - Ahearn, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass.

ABSENT - Bigl, Brooks, Lemke, Mack, Ott, Spear, Townsend, Tripp, Vigue, Winsor.

Yes, 76; No, 65; Absent, 10; Excused, 0.

76 having voted in the affirmative and 65 voted in the negative, with 10 being absent, the Majority "**Ought Not to Pass**" Report was accepted in concurrence.

HOUSE DIVIDED REPORT - Majority (8) "**Ought to Pass**" as amended by Committee Amendment "A" (H-252) - Minority (5) "**Ought Not to Pass**" - Committee on **Marine Resources** on Bill "An Act Regarding the Harvesting of Periwinkles in the Unorganized Townships" (H.P. 359) (L.D. 482)

TABLED - May 2, 1997 by Representative SAXL of Portland.

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

The SPEAKER: The Chair recognizes the Representative from Pembroke, Representative Goodwin.

Representative GOODWIN: Madam Speaker, Men and Women of the House. I rise today to oppose the motion to accept the Minority "Ought Not to Pass" Report and wish to speak to the report. LD 482 will allow any municipality with a shellfish ordinance to add periwinkles to their ordinance. This is not a mandate. Any change in an ordinance, whether it is a city, town or county commissioners must start with notice of public hearings including the change contemplated in the ordinance. After public hearing and acceptance locally, the ordinance is then reviewed by the DMR and returned locally. There is no protection of any kind from Kittery to Calais for periwinkles. This is an effort to conserve and protect a valuable resource. I ask you to support the effort to put periwinkles in the various state ordinances. Please vote no and accept the Majority Report "A." Thank you Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative ETNIER: Madam Speaker, Ladies and Gentlemen of the House. I rise to ask you to support the pending motion, which is the Minority Report on this bill. It is "Ought Not to Pass" on this bill. Although this was one of my favorite titles for any bill to come before us on the Marine Resources Committee this year, I still have had some problems with it right from the beginning as I have shared with Representative Goodwin. Part of the problem was the title itself refers only to the Unorganized Townships when the bill would have an effect if anyone was interested in adopting this on the entire state. It is not just related to the Unorganized Townships. I have always thought that the title is somewhat misleading. I am sure that is unintentional, but that certainly is how it came out.

In another sense, the amendment that is on the Majority Report of this bill that I am opposing violates one of my basic rules that I just made up regarding voting on bills insofar as the amendment has seven pages, which is more pages than those who spoke in favor of this bill. I am always opposed to bills that have more pages than those who happen to speak in favor of it. This meets one of those criteria. In terms of how I view this bill, I think it is putting the cart before the horse. The Minority Report, which I am asking you to support here, which is the "Ought Not to Pass" does consist of something and it does consist of a letter that the five of us on the Minority Report wish and will send to the commissioner of Marine Resources, basically telling them to look into this issue of periwinkle harvesting to discuss and look into the issues of conservation, harvesting, hand harvesting, dragging, as well as getting her insights regarding the local regulation of periwinkles, in a manner similar to existing local regulation of clams. I am 100 percent supportive of municipal shellfish ordinances, shellfish ordinances as they exist now and have existed for about 30 years. They came about for a reason based on conservation and the lack of the ability of the state to do proper enforcement and conservation of shellfish on the local level.

The Majority Report on this bill, I feel, only has the bad aspects of municipal shellfish ordinances in them, which is one of the main reasons why I can't support it. I am asking you to do the Minority Report and that is the exclusionary aspect of the municipal shellfish ordinance that the Majority Report is modeled after. If you vote against the pending motion, you could well find yourself getting some calls down the road from constituents who find they are excluded from going into an area where they used to harvest periwinkles and, believe it or not folks, there is anywhere between 40,000 and 300,000 pounds of periwinkles harvested a year. It is not a small issue. The reason why they may be excluded is that the ordinance that the Majority Report asks for would allow only 10 percent of nonresidents of a municipality to harvest periwinkles. That is a bad aspect about this. I don't mind that in the municipal shellfish ordinance, which is what this is modeled on because there is significant conservation work done by the local municipality, hundreds of hours of conservation work done to ensure the health of the shellfish industry. There is none of that in what is proposed in the Majority Report. It is purely a means of excluding or limiting nonresidents and keeping it for the locals to the best extent possible. That is why I am in opposition to it. I think that is about it. I certainly would appreciate your support for the Minority "Ought Not to Pass" Report.

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

Representative PIEH: Madam Speaker, Men and Women of the House. I rise in support of the Majority "Ought to Pass" Report for just a few reasons. One is that the harvesting of 'winkles down east was so extensive that the resource is being wiped out. The DMR doesn't have the time right now to put in

any kind of laws. There are different ways that 'winkles are taken. One is by hand and another is by something like a vacuum cleaner and another by actually dragging them. There is concern by the local people that before the DMR has time to study it and take care of it, that the resource will be gone and they want to begin managing it now. That is the reason I supported this bill. One point to notice is that the DMR didn't have accurate information even what the landing of 'winkles are. They are becoming a growing industry and they need some kind of control on them quickly. Thank you.

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

A vote of the House was taken. 43 voted in favor of the same and 69 against, the Minority "**Ought Not to Pass**" Report was not accepted.

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

The Bill was read once. Committee Amendment "A" (H-252) was read by the Clerk.

Representative GOODWIN of Pembroke presented House Amendment "A" (H-319) to Committee Amendment "A" (H-252), which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Pembroke, Representative Goodwin.

Representative GOODWIN: Madam Speaker, Men and Women of the House. This amendment is a technical change by the Reviser's Office. It recognizes that the county commissioners shall act as the legislative body of an unorganized township. That is the only thing to it. Thank you Madam Speaker.

House Amendment "A" (H-319) to Committee Amendment "A" (H-252) was adopted.

Committee Amendment "A" (H-252) as amended by House Amendment "A" (H-319) thereto was adopted.

The Bill was assigned for second reading Tuesday, May 6, 1997.

Bill "An Act to Allow a Greater Share of the Transfer Tax to Remain in the Counties Where it is Collected" (S.P. 91) (L.D. 271) (C. "A" S-126)

TABLED - May 2, 1997 by Representative SAXL of Portland.

PENDING - Passage to be Engrossed.

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

Resolve, to Establish Qualifications for Constitutional Officers and the State Auditor (EMERGENCY) (S.P. 80) (L.D. 219) (C. "A" S-99)

TABLED - May 2, 1997 by Representative AHEARNE of Madawaska.

PENDING - Final Passage.

On motion of Representative AHEARNE of Madawaska, tabled pending final passage and specially assigned for Tuesday, May 6, 1997.

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

Senate Divided Report - Committee on **Health and Human Services** - (12) members "**Ought Not to Pass**" - (1) member "**Ought to Pass**" on Bill "An Act Concerning the Outdoor Gathering Laws" (S.P. 371) (L.D. 1230) which was tabled by Representative SAXL of Portland pending acceptance of either Report.

On motion of Representative MITCHELL of Portland the Majority "**Ought Not to Pass**" Report was accepted in concurrence.

House Divided Report - Committee on **Agriculture, Conservation and Forestry** - (7) members "**Ought to Pass**" as amended by Committee Amendment "A" (H-264) - (6) members "**Ought Not to Pass**" on Bill "An Act to Label All Eggs Produced in the State by Source" (H.P. 425) (L.D. 575) which was tabled by Representative KONTOS of Windham pending her motion to reconsider whereby the Majority "**Ought to Pass**" as amended Report was not accepted.

Subsequently, the House voted to reconsider its action whereby the Majority "**Ought to Pass**" as amended Report was not accepted.

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

Representative BERRY: Madam Speaker, Men and Women of the House. I apologize to the House for not being here this morning when it was on the counter. I was in committee doing other work and I apologize for not being here. However, I do appreciate this opportunity to present debate. If you will notice on the Committee Amendment, the title of the bill doesn't change, but the resulting committee amendment will change the bill. It no longer requires to be labeled by the source, but it requires that it be labeled by the name of the company that packed the eggs. The benefit of this is that consumers buying products will know where the eggs are produced and supplied from. I believe it will also provide an opportunity for our agricultural egg producers small and large to market their own products, as their own products. As it is now, if you go into the store and buy a carton of eggs, I was offered a carton of eggs and a quart of milk to bring in and recognizing that we are not allowed to use props in the House, I could not show you this nutrition panel, which, on the carton of the milk, it does have the processor and the packer printed on the carton, as required.

If you were to buy a bag of potatoes, I think you will find that the producers name is on the bag. It is the same thing with the apple growers. You will find a label on a bag of apples. This has been a way for those producers to market their products, locally and abroad. Recently, we recognized Mr. Stanley Bennett of Oakhurst Dairy. Would that have been possible if he could not market his product under his own company name? If he was not allowed to market Oakhurst Dairy products, but was only allowed to advertise white milk or chocolate milk. I don't mean to discriminate there.

I hope you will support this bill so we can support our own growers and their products and give them an opportunity to market their products. This does not require that each egg will have to have a sticker or a stamp on it. If you look at the Committee Amendment (H-264), it adds to existing language. You do not find stickers necessarily on each egg. It is by carton. What you will find on the egg carton, as is the carton that I was given the other day, the only identifying marks was there was a chicken on it, so I assume them were chicken eggs. There was a three-digit FDA number. Other than that was very difficult where those eggs were, whether they were from the State of Maine or from where. I think this will give our producers a chance. If I was starting a business of packing and producing, I would like to have that opportunity to market my product with my name on it. If I have a family farm, I want to promote that family farm. As the Bennett's have done with Oakhurst Dairy, I might want to promote my family values and my family's image for generations. I think they should be allowed to do that. I would appreciate your support on this egg labeling bill. I present it to

you in a positive tone. I think it can do some positive things for our growers. Thank you.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. This, in my eyes, is a very anti-business approach. Normally, we label products that are made in the State of Maine to improve the product, to make it more appealing, because it was made by our craftspeople, because it was made in the State of Maine. Maine Maple Syrup and Maine products have a certain appeal. When we do it to improve the product, we are helping business. When we try to identify a product to then turn around and try to harm the group that is producing or packaging this product, then this is wrong. This is strictly to try to label this product and try to boycott the product in the marketplace. I can't find any good reason to label an egg, how it was produced or how it was packaged if they are trying to harm it. I would ask you to oppose the pending motion and see if we can't do things that will try to help the business community and not try to harm them.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Stevens.

Representative STEVENS: Madam Speaker, Men and Women of the House. A different perspective is that, personally, when I go to the market to buy eggs or anything, I think it partly in part due to the district that I come from, there are people who study products, marketing, ingredients, ways to raise animals, ways to raise animals on pesticides and ways to raise animals that don't eat pesticides. When I buy eggs, I buy eggs that cost a little bit more, but are clearly marked on the package that these eggs come from chickens who are free range. It is specifically outlined on the box what these chickens ate, organic food with no pesticides, and what their conditions of living are, that is free range and daylight. I buy those eggs because of that. It costs a little bit more, but it is worth it to me because, personally, I like knowing a little bit about the conditions of the chickens who made the eggs. I support the Majority "Ought to Pass" and I hope my testimony will give you a little different perspective of why labeling might be a good idea for the consumer. This isn't a business bill, it is a consumer bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Northport, Representative Lindahl.

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

The SPEAKER: The Representative may pose his question.

Representative LINDAHL: Thank you Madam Speaker. The Representative from Livermore, Representative Berry, mentioned that if you buy apples or potatoes that they are clearly labeled by the producer. Could he tell me if that is by law? Thank you.

The SPEAKER: The Representative from Northport, Representative Lindahl has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Madam Speaker, Men and Women of the House. In response to Representative Lindahl's question, I am not sure. I know that the milk is required. I know that the way the marketing does seem to allow apples and potatoes, but somehow it excludes eggs. That is what I don't understand and what I aim to do here. I don't want to set up a farmer for retribution, if they do it on their own where they would not be able to market their products, with this bill, the language is there where they can do it and I would say that the chains, the supermarket chains, would have a difficult time turning down products just because someone put their name on their carton. Thank you.

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

Representative CROSS: Madam Speaker, Ladies and Gentlemen of the House. To the best of my knowledge, there is nothing that says that you can't label your product if you want to advertise your name, your goods and you are that secure about how good they are, then yes, you will put your name on it and whatever. This bill mandates that you do that. There is quite a difference. I don't think that it is absolutely necessary to mandate. I didn't think we were mandating things anymore. Thank you very much.

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

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. I agree this is a bad bill. Many of you might know that I am in the farming business myself and if we have to start labeling all products, I think it is a real bad direction. Government interference takes away the free enterprise theory altogether. One real problem here is that your supermarkets, like Shop n' Save and Shaws, they have their own brand names and you will not find any labeling on those, whether it is milk, eggs or apples. If they want to use their own brands, they don't have to. You will find sometimes a packing number on that, but you won't find anyone's name that packaged that product. I deal a lot with milk and I know a lot of your milk is sold through Shop n' Save stores and through Shaws and, once again, it may Oakhurst, Hoods or Grants. They do the packaging, but you won't find that name on that label. Once again, I would urge you to vote against this. It is real important. Thank you.

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

Representative MCKEE: Madam Speaker, Men and Women of the House. This is a good bill. I have been married almost 33 years and I have slung a lot of hash. I have spent a lot of money in the supermarkets and let me tell you, I shop price, I shop ingredients and I shop source. I am pleased to know where my milk comes from. To answer the question of my good colleague, this is the label from Hannaford and it does say on the back that it was processed and packaged by H.B. Hood, Inc., Portland, Maine. I think that is some clarification that we need. I buy peanut butter that comes from Texas. Why? Because it is heavy in magnesium. It used to help my children to sleep at night. I concluded that a peanut butter sandwich and milk. Milk was good to help them sleep, too. I like to buy and support products from Maine. I like to support my own colleagues. I try to find a bottle of wine that has been imported by one of my good colleagues sitting right here on the floor of this House. I couldn't find that if this label wasn't there. I also buy products for another reason. If there are grape growers in California that are forcing their workers to work long hours and not paying them well and it is common all over California, I don't buy California grapes. Supermarkets tell me where those grapes come from. If you look closely underneath those packages, that supermarket has to tell you where those products come from. I buy grapes from Chile, if that happens. I buy Grampa's Eggs from Winthrop, Maine. He is in my district and he is a model of integrity in his business and I am proud to have him in my district. I buy only Maine potatoes.

One has to ask here, why does one not want to have the name of the packer on the eggs? This bill is about consumer choice. I urge you to support this bill.

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

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

The SPEAKER: The Representative may pose his question.

Representative CAMPBELL: Madam Speaker, Ladies and Gentlemen of the House. To whoever might want to answer. As I read this amendment, it specifically and clearly states that the label of the packer, the one who put the label in the container is being addressed. I recall an option of a producer to have someone else package their product. It just seems to me that if we are looking to address the manufacturer or the producer, this bill is missing the mark when, in fact, they may not even pack their own eggs. Is this actually doing what the sponsor of the bill wants or is it just misleading and not actually explaining who produced the eggs?

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

Representative BERRY: Madam Speaker, Men and Women of the House. As the prime sponsor of this bill, I have to admit to this House that I didn't clearly understand the complications and the complex manner in which eggs are packed in the state. Years ago, before I was born, I am glad my father got rid of them, he used to raise chickens and he used to pack their own eggs right in the little grading room next to our barn. This doesn't do what I had originally proposed it for. I had presented it for a consumer information. The Maine Poultry Federation and the New England Poultry Association saw this bill as a vehicle to promote their product and to do other things that maybe I hadn't intended, but are of good consequence. Occasionally that happens too. We worry about what harm something will do or what good this bill can do. As it is worded now, it is a good way to promote Maine agriculture, Maine growers and Maine producers.

While I am up I want to also address the labeling questions. There are benefits particular to eggs. We recently saw the salmonella with the California strawberries. Salmonella is a concern in the egg industry. They have done well to keep the eggs clean and it is done because there is testing. If I was to buy my dozen eggs, it is not clear to me where my eggs are coming from. I should be able to easily identify where that source was. If I can at least track to a packer, I can at least look his suppliers to see where these eggs are coming from. As it is now, I am not sure how you would track a salmonella outbreak. Would we have to shut down all of Maine farms? They shut off all the California frozen strawberries. I don't want to see the whole industry go down because maybe one grower has a problem. I think there are safeguards. It hasn't been a great concern. We have a good quality industry as far as the testing and a good product.

The labeling isn't similar to the contents. My son has allergies to red dye, something as simple as that. We look for products that have the contents label. We are not looking for the egg white and the yolk to be labeled. They were asking for the name of the packer, the name of the producer. Again, it is for easy identification by consumers. That is important to me. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Madam Speaker, Colleagues of the House. I have heard this bill described as either pro-business or anti-business. I get a little tired of both those labels. I don't know of anybody within this body who would willingly admit to being anti-business. I don't know of anybody in here who isn't pro-business. As to the earlier assertion by one of my colleagues that this is bad for business, I beg to differ. I think it is good for business. It is good for the business of buying eggs. If it ends up being the will of the consuming public that they want to boycott a particular producer, then who are we, as a body, to

stand between them and their will? By passage of this bill, I submit that we afford them of their ability to make choices and, if indeed, a particular producer ends up on the short end of that stick, well, that is free market folks. I support the bill.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Nickerson.

Representative NICKERSON: Madam Speaker, Ladies and Gentlemen of the House. This looks to me like a DeCoster bill. For all practical purposes, that is why it was put in. Well, I have news for you, DeCoster can live with it if they have to. The supermarkets and his customers don't want the name on some of them so how are you going to get by that? You are going to have to get to the buyer to let them know. Each carton has a code number on it by the state inspectors. All they have to do is trace that code back and they can find out where the eggs originated, who produced them and who packed them. If you drop the eggs off this bill, it would be all right. That way all agricultural produce would be marked and labeled by the producer and the packer. Representative Berry should know, being in the apple business, his family for years, that the apples were never marked specifically who raised them or anything. They could go anywhere they want. I have seen trailer truckloads of apples go out of Turner and they go to three different producers to pick up their load. They will go out of Maine all with the same label on them. They will head for Florida or elsewhere with no distinction. One packer will put everybody else's name on his apples and out they go. Madam Speaker, I request the yeas and nays when the vote is taken.

Representative NICKERSON of Turner 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 Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I am not going to stand here and say that this is a pro-business bill or an anti-business bill. We can all figure that out for ourselves. What I am saying is labeling for ingredients is good for the consumer. Labeling for content is good for the consumer. My wife reads all the labels. I never read any labels, not even for the price. That is why she doesn't let me shop very often. What we have to ask ourselves is it good public policy to label so that people can boycott? If you think that is good public policy, you have to ask yourself what product next do we want to require to pass a law to label so people can boycott. It is poor public policy regardless of whether it is good or bad business. I urge you to vote against it.

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

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

The SPEAKER: The Representative may pose his question.

Representative VIGUE: Madam Speaker, Men and Women of the House. My question is. The reason for the existence of this LD to identify a certain producer or marketer so that we can then boycott the product? If this is so, then I really don't feel comfortable to being a party to this kind of a process.

The SPEAKER: The Representative from Winslow, Representative Vigue has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Madam Speaker, Men and Women of the House. I will try to clarify that question for the good Representative. When I got the bill in front of me in committee, I had the same opinion that some of you may have

had, that it was going to be used solely to identify one person and sort of be retribution. As I went through the work process in the committee hearing, I came to these conclusions. I hope you understand that when you start talking about a very sensitive issue like this, you also have to look at the other people that are involved in this very sensitive issue and they are three very large producers in the State of Maine. The simple answer, from what I heard in the hearing, was the consumers got outraged over something and they wanted to know and there was no way to identify it. Simply, this bill is relating to a consumer desire to know where they come from.

Number two, many retailers, Shop n' Save, Shaws and all those big retailers don't want a name on those boxes in there. They don't want a name on any box in their showroom so they can shop and trade and buy the best deal anywhere they want. They can slap them in those crates and call them their label and go forward. Those people don't want that. That is adverse to our large egg producers in the State of Maine. To assist you a little bit, a few years ago, we had the same problem with milk, with the hormone and what have you. Our Maine milk producers asked us as a body to allow them to have their name on the milk. As you heard earlier by Representative McKee, it may say Shop n' Save or Shaws on it, but on the back it does specify that it came from Hoods or whatever. If you are a real smart shopper, you can buy the cheaper priced name brand, but also know who or where the milk came from. That is a good positive thing. When you take the other egg producers, sure, it may have started with identifying one, but don't forget those other egg producers also produced brown eggs. When you have consumers out there boycotting brown eggs because they don't know where they come from, that means it hurts those other egg producers and that is why I signed on the Majority Report and I think that it is time for those egg producers in the State of Maine to have the same parity that we have with the milk business in the State of Maine so they can develop those public entities, Dorothy Egg Farms, and there is another large one. They can start to develop their own positive identity so that they can do well here in Maine selling products in Maine and not just having to sell their eggs to whatever market they can to get rid of them.

I really think that we have great Maine businesses that should have their name on them and we shouldn't have any of these large retailers saying that you can't identify where the eggs come from. I think this is a good bill and it is good for our businesses in the State of Maine. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative LEMKE: Madam Speaker, Men and Women of the House. I would like to pose a question to anyone who may answer. I apologize if it has already been asked. Is this the only product that will show up in the grocery stores or supermarkets that would be so labeled? How many products do we presently have that have what I would consider mandatory labeling?

The SPEAKER: The Representative from Westbrook, Representative Lemke has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Madam Speaker, Men and Women of the House. In answer to the Representative's question, this would be the only product.

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

Representative DUNLAP: Madam Speaker, Men and Women of the House. In my career as a cook, I dare say I have

probably cracked more eggs than anyone in this chamber to the tune of about 160 dozen a day. I know a thing or two about eggs. I have also studied the sanitation of food in the course of my career. Eggs pose a very delicate health problem in terms of what the Representative from Livermore, Representative Berry, already described in the salmonella issue. There are many variations of egg products as pasteurized eggs, white eggs, brown eggs, eggs from out of state, eggs from in state and what have you. Eggs are managed very, very tightly under the health codes. I don't believe that this particular bill would pose huge tremendous hardships on any business that is producing them to so label where they come from.

I am reminded of the circumstance of a gentleman from Bangor some 130 years ago who made a tremendous profit selling rotten horse meat to the United States Army, but it was labeled in great barrels marked USA Beef. Since it could never be traced, you assume that we put it on the schooners and shipped down to the armies fighting the Civil War. He made a tremendous amount of money. I think we should be reminded of that particular risk to be run when we say that we don't really want to label our eggs. We want to tell people where they come from. I would wonder why. I think that is a question that has already been brought forth in this chamber. I think it should be underscored. We must need to know where our food is coming from before we put it into our mouths. Thank you Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

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

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. To the good Representative Bunker or anyone else who could answer the question. Milk producers, supposedly, in the past asked for some legislation for labeling to help them out. It was mentioned earlier that this would be beneficial to the egg producers for somewhat the same reasons. Could someone tell me how many egg producers showed up at the hearing to testify in favor of the bill?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Madam Speaker, Men and Women of the House. The egg producers were represented either in person or by a lobbyist who represents New England in the Maine Poultry Federation and they are endorsing this bill. There was no egg producers present to speak against the bill, as I recall. I may be mistaken.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Muse.

Representative MUSE: Madam Speaker, Men and Women of the House. Representative Berry has never once used the word boycott in all the talking that has gone on regarding this bill. He has constantly impressed on us that this is simply a bill to promote the growers and competition in the market. Another perspective that I hadn't heard mentioned until just recently is the medical dilemma that not only occurred in California, but it hit two other southwestern states, as well, due to the contaminated strawberries that were not labeled. There were two letters available from the word Mexico on those strawberries. I think that we should all recognize and appreciate how quickly, we as consumers, could avoid a product if we knew there was a problem at Henny Penny's Egg Farm to avoid that other word. Suppose, for example, little Joey the grocery clerk when he was

out pulling these eggs from the shelf missed a carton or two. It is very easily done and could happen any day of the week. I believe this is a good consumer bill designed for consumer benefit and would urge the body to accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Madam Speaker, Ladies and Gentlemen of the House. I have a great deal of difficulty with this bill. Its title says an act to label all eggs produced in the state by source. The amendment reads, and must be clearly labeled by the name of the company that packed the eggs. The purpose of this section, the name of the company that packed the eggs, means the name of the facility where the eggs are placed in the carton for retail sale. Having been in the retail business, with a firm a number of years ago, they used to order their eggs in cartons by 48 dozen at a time loose and had another company pack them. Our eggs came from Maryland and nowhere else in New England because that is where we could buy them the cheapest and that is how a lot of companies buy their eggs. They get them at the lowest possible cost. If they have a packing facility, they have them packed.

Yesterday, I bought a dozen eggs from one of our major retailers in the State of Maine. That dozen eggs were clearly labeled, packed for with no other identification. I opened up that package. I have been watching the market for a great number of years. I have a degree in agricultural economics and marketing. That was one of the things that I used to specialize in is marketing. I opened up that carton and in the carton was 12 eggs. Five of those eggs were in the carton upside down, therefore, they had been hand packed and not packed by machine. One of them were cracked. I know how that got cracked because I dropped the carton on the way into the house. Eggs are very perishable commodities. Placed in carton upside down, that egg will start to deteriorate because the air pocket is on the wrong end of the egg. That can get you ill as fast as anything. The fact is I marked all five of those eggs and when I cooked breakfast this morning, I cracked three of them open for our breakfast, just to see how they reacted. The air pocket that had been in the top of the egg had already started to move to the other end, therefore, starting to spoil the egg.

The whole idea of this bill is it has a title that says one thing and an amendment that says the other and neither one of them are really traceable. I don't see where the amendment is generic to the title. Thank you very much.

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

Representative GOOLEY: Madam Speaker, Men and Women of the House. I don't recall that there was a real problem with the packing of eggs up until the DeCoster problem appeared. We learned in the committee that eggs are already heavily federally regulated and that at the committee hearing, there has not really been a problem in the egg business until the DeCoster problem appeared. It does appear to me that what this is labeling to boycott. That is pure and simple. Thank you.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative BERRY: Madam Speaker, Men and Women of the House. In regards to the different amendment to the original amendment, I think it is fairly common in this body to find that, the committee has taken it and worked it to make it a proper bill. As far as the history of egg safety, there has not always been a clean record in the egg industry. June 22, 1988, there was an

egg embargo by the State of New York by eggs produced in Maine. Since that time, that required testing be done on these products to ensure consistent quality and safety of these products. It is likely if that testing were to go away it is possible that we could find ourselves in that position again. That gives the entire State of Maine a black eye when that happens, in my opinion. Again, I ask you to support this motion.

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

ROLL CALL NO. 139

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Desmond, Driscoll, Dunlap, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Meres, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Davidson, Dexter, Dutremble, Etnier, Fisk, Foster, Gamache, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Vigue, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Brooks, Donnelly, Ott, Townsend.

Yes, 74; No, 73; Absent, 4; Excused, 0.

74 having voted in the affirmative and 73 voted in the negative, with 4 being absent, the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-264) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 6, 1997.

Bill "An Act Concerning Submission of the Legislative Budget within the Unified Budget Document" (H.P. 48) (L.D. 73) which was tabled by Representative KONTOS of Windham pending further consideration.

On motion of Representative KERR of Old Orchard Beach, the House voted to Adhere.

House Divided Report - Committee on **Marine Resources** - (12) members "**Ought to Pass**" as amended by Committee Amendment "A" (H-307) - (1) member "**Ought Not to Pass**" on Bill "An Act to Amend the Lobster Laws and to Study the Feasibility of Basing Categories of Lobster and Crab Fishing Licenses on the Percentage of Income Derived from Commercial Lobster Fishing" (H.P. 1063) (L.D. 1501) which was tabled by Representative ETNIER of Harpswell pending his motion to accept the Majority "**Ought to Pass**" as amended Report.

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

The Bill was read once. Committee Amendment "A" (H-307) 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**.

Representative ETNIER of Harpswell presented House Amendment "A" (H-340) to the Bill, which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative ETNIER: Madam Speaker, Ladies and Gentlemen of the House. I had intended to get an information sheet out to the committee members and they are all sitting here on my desk. I just got them in my hand so the timing was not perfect. What I am seeking to do with the House Amendment coming before you now, which I ask you to improve, is there was one more loophole regarding entry that had showed up. The good Representative from Kittery helped find it as well. I figured this would be the time to take care of it. I ask you to please endorse it. Thank you very much.

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

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

The SPEAKER: The Representative may pose his question.

Representative PERKINS: Madam Speaker, Men and Women of the House. To the good Chair, Representative Etnier, or anybody on the other side of the argument here, we set up seven lobster management zones. We started with five two years ago and now we have seven. The idea behind that was to give local control for local conditions. I just can't quite plug this into my thinking. Now we are talking about statewide things here. Could somebody explain how to settle that for me?

The SPEAKER: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative ETNIER: Madam Speaker, Men and Women of the House. I am sorry, I didn't catch the good Representative's question. He sort of trailed off there at the end. If he could repeat it, please.

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

Representative PERKINS: Madam Speaker, Men and Women of the House. The question is we set up seven zones

for lobster management. Five in the last Legislature and I guess it was amended into seven. The idea is that local control for local problems. This here looks like a statewide proposal and I just wonder how we resolve the conflict as I see it?

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative ETNIER: Madam Speaker, Ladies and Gentlemen of the House. In response to the good Representative from Penobscot's question, the legislation of two years ago did not set up a specific number of zones. We set it up to the department to establish the number of zones. They have come up with the number of seven. That seems to be the operative of this year. They just had their elections.

The bill before us is definitely a statewide bill and it is one that seeks to amend the wording of the bill that did pass two years ago. Some things have to be done on a statewide basis and most things we would all prefer to be done on a local basis. This is not something that can be taken care of on a local basis and that is why this bill comes forward. The first part of the bill is some repealing of the language of two years ago that left open various categories for entrance into the lobster fishery. Several of those time frames have passed and they are no longer necessary. The second part of the bill is a request that the department look into the issue of entry into the lobster fishery and licensing based on your activity in commercial fishery. Again, licensing is certainly a statewide issue and we have asked the department to look into it and report back to us by next year. I am sure they will involve the zone councils that Representative Perkins has discussed. Thank you.

House Amendment "A" (H-340) to the Bill and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-307) and House Amendment "A" (H-340) and sent up for concurrence.

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

On motion of Representative TRUE of Fryeburg, the House adjourned at 12:24 p.m., until 9:00 a.m., Tuesday, May 6, 1997.