

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
25th Legislative Day
Tuesday, May 13, 1997

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

Prayer by Rabbi Joseph P. Schonberger, Beth Israel Synagogue, Bangor.

Pledge of Allegiance.

Doctor of the day, Rebecca Chagrasulis, M.D., Casco.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Communication: (H.C. 241)
MAINE STATE SENATE
State House Station 3
Augusta, Maine 04333
May 12, 1997

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

Dear Clerk Mayo:

Please be advised that President Lawrence has appointed the following Conferees to the Committee of Conference on the disagreeing action between the two branches of the Legislature on Bill "An Act to Provide Relief from Barking Dogs" (SP. 373) (LD. 1232)

Senator Kilkelly of Lincoln

Senator Paradis of Aroostook

Senator Small of Sagadahoc.

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

Was read and ordered placed on file.

The following Communication: (H.C. 242)
MAINE STATE SENATE
State House Station 3
Augusta, Maine 04333
May 12, 1997

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

Dear Clerk Mayo:

Please be advised that the Senate today Adhered to its previous action whereby it Accepted the Majority Ought Not To Pass Report from the Committee on State and Local Government on Resolution, Proposing an Amendment to the Constitution of Maine to Require a Vote of 3/5 of Each House of the Legislature to Enact or Increase a Tax or License Fee (HP. 357) (LD. 480).

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

Was read and ordered placed on file.

COMMUNICATIONS

The following Communication: (H.C. 243)
STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY

STATE HOUSE STATION 42
AUGUSTA, MAINE 04333

6 May, 1997

Hon. Joseph W. Mayo
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk Mayo:

Please find enclosed a copy of the final application and strategy submitted to the Bureau of Justice Assistance for funding of the FY 97 Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

The program requires that the application and strategy be submitted to the State Legislature or its designated body for review. Unless I receive further instructions, I will consider that the Department of Public Safety has fulfilled its obligation in this area.

Sincerely,
S/Alfred Skolfield
Commissioner

Was read and with accompanying report referred to the Committee on **Appropriations and Financial Affairs**.

The following Communication: (H.C. 244)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE
May 12, 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 Banking and Insurance has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1016 An Act to Amend the Laws Pertaining
to Infant Formulas

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

Sincerely,
S/Sen. Lloyd P. LaFountain III S/Rep. Jane W. Saxl
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 245)

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

May 12, 1997

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 1528 An Act to Create the Community Business Bonds for Maine Program
We have also notified the sponsor and cosponsors of the Committee's action.

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

The following Communication: (H.C. 246)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
May 12, 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. 352 An Act to Provide Additional Funds to Educate Students with Limited English Proficiency
L.D. 1149 An Act to Protect Local Education Agencies from Excess Costs Attributable to Special Education Students
L.D. 1158 An Act to Amend the Laws Concerning Special Education of Exceptional Students
L.D. 1164 An Act to Amend the Laws Regarding Child Development Services
L.D. 1315 An Act to Make the University of Maine System Board of Trustees an Elected Body
L.D. 1338 An Act to Restructure Public Higher Education
L.D. 1394 An Act to Establish a State Residential Treatment Center for Certain Students
L.D. 1425 An Act to Provide for Direct Reimbursement of Special Education Costs
L.D. 1553 Resolve, to Establish the Commission to Study the Restructuring of the University of Maine System
L.D. 1597 An Act to Make Certain Changes in the University of Maine System to Promote Lifelong Learning
L.D. 1632 An Act to Improve Taxpayer Equity in School Funding
L.D. 1699 An Act to Expand the Law Pertaining to Nepotism
L.D. 1765 An Act to Amend the Structure of the University of Maine 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. 247)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES

May 12, 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. 790 An Act to Provide Health Insurance Coverage to Children in Maine
L.D. 1211 An Act to Reduce Teenage Smoking by Increasing the Tax on Cigarettes to Fund an Advertising Campaign
L.D. 1627 An Act to Promote Healthy Maine Families
L.D. 1663 An Act to Ensure the Appropriate Treatment of Autism
L.D. 1691 An Act to Significantly Reduce Smoking and Tobacco Use among the Young People of Maine
L.D. 1722 An Act to Ensure Quality Care for Persons with Mental Illness
L.D. 1762 Resolve, Establishing the Task Force to Evaluate the Creation of a Centralized State Office of Advocacy Services
L.D. 1792 An Act to Decrease Young Adult and Adolescent Pregnancies

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. 248)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON LABOR

May 12, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

L.D. 1606 An Act to Amend the Laws Governing Severance Pay Obligations
L.D. 1755 Resolve, to Study the Efficiency of the State's Work Force Development Programs

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

Sincerely,

Expression of Legislative Sentiment recognizing the Odyssey of the Mind Team of the Miller School and the A.D. Gray School, of Waldoboro (HLS 474)
 TABLED - May 12, 1997 by Representative SPEAR of Nobleboro.
 PENDING - Passage.

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

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. We have with us today a championship team. It is an Odyssey of the Mind Team representing the Miller and A.D. Grade Schools in Waldoboro. These 12 to 14 year olds captured first place in the state competition in Orono on April 5th and now will be traveling to the University of Maryland for the world finals. Their winning entry, Theoretic Proportions, is a tale of a person with a huge green thumb who uses his deformity to help farmers grow crops. I find this quite interesting, as you know my background. In fact, they are going to put the skit on for the Governor this morning. They have proved to us that both education and imagination are alive and well here in Maine. We, in the Waldoboro area, are especially proud of these young people, their parents and their coaches that have contributed so much to their success. We do wish them well on their trip to the University of Maryland. Thank you.

Subsequently, the Sentiment was read, passed and sent up for concurrence.

REPORTS OF COMMITTEES
Divided Report

Majority Report of the Committee on **Taxation** reporting "**Ought Not to Pass**" on Bill "An Act to Prevent Substance Abuse by Maine Children" (H.P. 976) (L.D. 1356)

Signed:

Senators: RUHLIN of Penobscot
 MILLS of Somerset

Representatives: TRIPP of Topsham
 TUTTLE of Sanford
 ROWE of Portland
 GAGNON of Waterville
 MORGAN of South Portland
 LEMONT of Kittery
 BUCK of Yarmouth
 CIANCHETTE of South Portland
 SPEAR of Nobleboro

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-439) on same Bill.

Signed:

Senator: DAGGETT of Kennebec
 Representative: GREEN of Monmouth

Was read.

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

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

Divided Report

Majority Report of the Committee on **Business and Economic Development** reporting "**Ought Not to Pass**" on Bill "An Act Regarding Information Provided to Pharmaceutical Companies" (H.P. 1144) (L.D. 1609)

Signed:

Senators: JENKINS of Androscoggin
 MacKINNON of York
 RAND of Cumberland

Representatives: VIGUE of Winslow
 BODWELL of Brunswick
 FARNSWORTH of Portland
 CAMERON of Rumford
 SIROIS of Caribou
 SHANNON of Lewiston
 MacDOUGALL of North Berwick
 MACK of Standish
 WRIGHT of Berwick

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

Signed:

Representative: MURPHY of Kennebunk
 Was read.

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

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

Representative MURPHY: Madam Speaker, Men and Women of the House. I am a realist and I know what happens to 12 to 1 reports. I know what can happen to your credibility when you take on 12 to 1 reports when you are on the short end. I have too much of a libertarian streak within me to let this go. This bill, I think, corrects an invasion of our privacy. Pharmacy computers, when you go in and your prescription is filled, that information concerning the prescription and the doctor go into that computer base. What comes out of it is a prescription pattern that doesn't identify the customer, but it is specific to the physician. Once that data base has been established, it is sold. There is a computer base or program that lists the individual doctor, the prescription pattern and the quantities of specific drugs that are prescribed.

The concerns that I have, one, many physicians at the hearing indicated they didn't know this existed. As a consumer, I can go to a pharmacy and there are pharmacies within the State of Maine that have a little set aside area and the message is that is where we can talk in a confidential manner. Nowhere, as a consumer, do they tell me that that individual private transaction is going to go into a computer base. I am not going to get identified, but that doctor who prescribed it will be identified. If we went along and that data base was going to be used, say maybe for lab scientists who are poised right there in the lab, that as soon as this data base information comes to them, they are going to spring into action and save lives and move us forward in terms of quality of life, then maybe I could take that libertarian streak and modify it a little bit. Where that data base is going to is not the lab scientists, it is going to drug sales people. When they make the rounds to the doctor's offices and they go to see that individual doctor, they know what drugs they have prescribed, what quantities or whether it is their competitor's drugs. That data base gives them the opportunity to bang on those physicians when they have that confidential information. We have physicians in the State of Maine who have drug sales people coming through the door with confidential information about prescriptions and specific drugs that physicians never gave their permission to do.

I think there is a broader question. We have heard quite a bit about where we are, ready to cross this bridge into the next century, and I am concerned that as we cross this bridge that there are data bases that are being developed that without our knowledge and without our permission are intruding into our lives. If you go to a grocery store and you use any type of

identification card, they are building a data base, not only on that you bought dog food, but whether it is the type of dog food that an old dog laying by the fireplace, you know they identify the age of the dog in your house. They identify the juice you drink. The fat content of the milk that you drink. You are in a data base. I can't do anything about that, but I just could not, we have a really good committee and we work very hard for consensus, not to have divided reports. I just could not support this. My concern is that no one has notified me as a customer of that pharmacy that that information isn't confidential. They haven't asked me for my permission. They haven't notified the physician and the physician has not signed off.

Under the Constitution, the government has the right to ask questions about my private life or to know things about my spending pattern and that is the census, which occurs every 10 years, I will concede that because it has historical value. If you are going to come into my spending habits, you are going to come into the relationship that I have with my physician, please ask my permission to open that door and if you don't have the courtesy to do that, then at least notify me that you are doing that. This is a privacy issue. I know what the report says that it is a 12 to 1 report, but somewhere as we get ready to cross that bridge, someone has to say, no, I am not opening the door to my private life. If you want to enter, please ask my permission. Madam Speaker, when the vote is taken, I request a roll call.

Representative MURPHY of Kennebec 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: The Chair recognizes the Representative from Portland, Representative Brennan.

Representative BRENNAN: Madam Speaker, Men and Women of the House. I want to concur with the comments that were just made by Representative Murphy. I am glad that he has decided, at this particular time, to say, no. In fact, the issue that he raised is a significant issue of privacy. This issue was brought to my attention by a physician, in fact, a psychiatrist who had a representative from a pharmaceutical company approach him and say that last month the number of prescriptions that you issued for Prozac was down and I am here today to try to sell you more Prozac. This psychiatrist did not know that the pharmaceutical company had direct access to his prescription history and knew in detail what he was prescribing to each individual client that he had. My feeling is that when a physician is engaged in that process, he or she is engaged in a treatment plan. That treatment plan is an issue of privacy between the patient and the physician. It should not be for public consumption and used for marketing services.

The pharmaceutical companies do not deny the fact that that information is available to them and that, in fact, they do use it to monitor the prescription practices of physicians. However, they defended the practice by saying that it had educational value to it, but were unable to explain any educational value. Again, I go back to the point that Representative Murphy made that this is a privacy issue between a physician and his or her patient. It should not be used by pharmaceutical companies for information for marketing purposes. Thank you.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. I am on the other side of the report and it is a 12 to 1 report. I want to emphasize that this is one doctor. We are going to change the laws of Maine because one doctor complained to us. This is a system that has been in place for years and years and years, decades. They brought us no

problems that had been created. There are no patient names. There is no treatment agreement in this information. All that is in the information is so many units of this drug were used in this period of time and so many units of another drug were used. There are no names. There is no identifying indications and the rest of us couldn't see what the issue was. As I said, I emphasized, only one doctor. I have a real problem with creating laws because one person comes and complains to us that they don't like something going on, not that it caused a problem, not that a patient was hurt, not that there was a delivery system problem, I just don't like it. That is what this whole thing was about. I would encourage you to support the 12 to 1 report. Representative Murphy was right. We do struggle very hard to get reports where we don't have divided reports. I respect his opinion. Simply, the rest of us thought that it was not an issue and didn't make sense to put a law on the books to address something that doesn't appear to be a problem, except for one person in the entire state. Thank you.

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. 176

YEA - Ahearn, Bagley, Baker CL, Berry RL, Bigl, Bouffard, Bruno, Bull, Bunker, Cameron, Chizmar, Cianchette, Clark, Colwell, Cowger, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Gagne, Gagnon, Gamache, Green, Hatch, Honey, Jabar, Jones SL, Kerr, Kontos, LaVerdiere, Lemont, Lindahl, MacDougall, Mack, Mailhot, Mayo, McAlevey, Muse, O'Neal, O'Neil, Ott, Paul, Pendleton, Perry, Povich, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Sirois, Skoglund, Spear, Stanley, Thompson, Tripp, Tuttle, Vigue, Watson, Madam Speaker.

NAY - Baker JL, Belanger DJ, Belanger IG, Berry DP, Bragdon, Brennan, Brooks, Buck, Bumps, Campbell, Carleton, Chick, Clukey, Cross, Dexter, Fuller, Gerry, Gieringer, Goodwin, Gooley, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemaire, Lemke, Lovett, Madore, Marvin, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Nass, Nickerson, O'Brien, Peavey, Perkins, Pieh, Pinkham RG, Pinkham WD, Plowman, Poulin, Powers, Quint, Savage, Shiah, Snowe-Mello, Stedman, Taylor, Tobin, Townsend, True, Usher, Vedral, Volenik, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor.

ABSENT - Barth, Bodwell, Bolduc, Chartrand, Davidson, Jones KW, Stevens, Tessier, Treadwell, Underwood, Wright.

Yes, 70; No, 70; Absent, 11; Excused, 0.

70 having voted in the affirmative and 70 voted in the negative, with 11 being absent, the Majority "**Ought Not to Pass**" Report was not accepted.

Subsequently, the Minority "**Ought to Pass**" Report was accepted.

The Bill was read once and assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on **Legal and Veterans Affairs** reporting "**Ought Not to Pass**" on Bill "An Act to Create the Maine Scholarship Lottery Game" (H.P. 1254) (L.D. 1781)

Signed:

Senators: CAREY of Kennebec
DAGGETT of Kennebec
FERGUSON of Oxford

Representatives: TUTTLE of Sanford
 GAMACHE of Lewiston
 TESSIER of Fairfield
 TRUE of Fryeburg
 LABRECQUE of Gorham
 BIGL of Bucksport
 BELANGER of Wallagross

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-441) on same Bill.

Signed:

Representatives: CHIZMAR of Lisbon
 GAGNE of Buckfield
 FISHER of Brewer

On motion of Representative TUTTLE of Sanford the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 446) (L.D. 1420) Bill "An Act to Amend the Uniform Management of Institutional Funds Act" Committee on **Judiciary** reporting "**Ought to Pass**"

(S.P. 234) (L.D. 803) Bill "An Act to Protect the Rights of Children Who Have Been Victims of Sexual Abuse by a Juvenile" Committee on **Criminal Justice** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-207)

(S.P. 285) (L.D. 893) Bill "An Act to Conform the Provisions of the Maine Business Corporation Act Regarding Derivative Proceedings to the Provisions of the Federal Revised Model Business Corporations Act" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-201)

(S.P. 333) (L.D. 1111) Bill "An Act to Protect Loons" Committee on **Inland Fisheries and Wildlife** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-202)

(S.P. 336) (L.D. 1114) Resolve, to Extend the Protections against Spousal Impoverishment under the Medicaid Program Committee on **Health and Human Services** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-197)

(S.P. 529) (L.D. 1634) Bill "An Act to Promote Consumer Choice in Health Care Providers for Patients Discharged from Hospitals and in Need of Continuing Care" Committee on **Health and Human Services** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-200)

(S.P. 580) (L.D. 1745) Resolve, to Direct the Land and Water Resources Council to Develop a Report and Proposed Actions to Control Mercury Emissions and Discharges (EMERGENCY) Committee on **Natural Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-204)

(S.P. 640) (L.D. 1862) Bill "An Act to Fund the Collective Bargaining Agreement for the Maine State Police Bargaining Unit" (EMERGENCY) (Governor's Bill) Committee on **Appropriations and Financial Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-195)

(H.P. 564) (L.D. 755) Bill "An Act to Amend the Watercraft Registration Laws" (EMERGENCY) Committee on **Taxation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-438)

(H.P. 1301) (L.D. 1844) Bill "An Act to Amend the Professional Service Corporation Act As It Relates to Eye Care Providers" Committee on **Business and Economic**

Development reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-437)

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, 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.

CONSENT CALENDAR

Second Day

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

(H.P. 73) (L.D. 98) Bill "An Act Regarding Balances Remaining in General Purpose Aid for Local Schools" (C. "A" H-424)

(H.P. 204) (L.D. 257) Bill "An Act to Amend the Liquor Laws" (C. "A" H-428)

(H.P. 749) (L.D. 1026) Bill "An Act to Reduce the Presumptive Amount for Trafficking in Marijuana from 2 Pounds to One Pound" (C. "A" H-422)

(H.P. 827) (L.D. 1132) Bill "An Act to Amend the Continuing Care Retirement Community Laws to Repeal Certain Exemptions and Place Other Requirements on Providers and Developers of Continuing Care Retirement Communities" (C. "A" H-426)

(H.P. 838) (L.D. 1143) Resolve, to Name the New Topsham Brunswick Bridge across the Androscoggin (C. "A" H-423)

(H.P. 918) (L.D. 1261) Bill "An Act Concerning Public Notice of Lottery Odds" (C. "A" H-427)

(H.P. 1182) (L.D. 1673) Bill "An Act to Amend the Child and Family Services and Child Protection Act" (C. "A" H-430)

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

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Provide Funding for Mental Health Services for Homeless Shelters" (H.P. 660) (L.D. 913) (C. "A" H-409)

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

ENACTORS

Emergency Measure

An Act to Allow Certain County and Municipal Officials to Serve on the Maine Land Use Regulation Commission and the Board of Environmental Protection (H.P. 9) (L.D. 6) (C. "A" H-293)

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

On motion of Representative DEXTER of Kingfield, the rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same Representative presented House Amendment "A" (H-435) which was read by the Clerk.

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

Representative DEXTER: Madam Speaker, Ladies and Gentlemen of the House. The gavel and sense of decorum will

force me to just speak briefly. All this does is it takes the emergency off the bill.

House Amendment "A" (H-435) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-293) and House Amendment "A" (H-435) in non-concurrence and sent up for concurrence.

Mandate

An Act to Protect the Voting Rights of Stalking Victims (H.P. 998) (L.D. 1390) (C. "A" H-332)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and 11 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Strengthen the Mandatory Child Abuse Reporting Laws (H.P. 382) (L.D. 527) (C. "A" H-346)

An Act to Clarify the Right of a Real Estate Broker to a Lien on Land, Improvements or Structures (H.P. 577) (L.D. 768) (C. "A" H-323)

An Act to Establish the Interstate Economic Development Commission for the Northern New England States (S.P. 538) (L.D. 1657)

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

An Act to Permit the Public Utilities Commission to Suspend Rate Regulation of Certain Telephone Utilities (H.P. 544) (L.D. 735) (C. "A" H-291)

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.

An Act Regarding the Form of Motorcycle License Plates (S.P. 260) (L.D. 868) (C. "A" S-180)

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.

An Act to Amend Child Protective Laws (H.P. 858) (L.D. 1163) (C. "A" H-344)

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, to Establish a Commission to Designate Outstanding Maine Citizens Whose Portraits Are to Be Displayed in the State House (H.P. 1145) (L.D. 1610) (C. "A" H-328)

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

On motion of Representative AHEARNE of Madawaska, was set aside.

On further motion of the same Representative, the rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same Representative, the rules were suspended for the purpose of further reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-328) was adopted.

The same Representative presented House Amendment "A" (H-452) to Committee Amendment "A" (H-328) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. This amendment just requires that the legislative member of this commission be appointed by the presiding officers of the Legislature.

House Amendment "A" (H-452) to Committee Amendment "A" (H-328) was adopted.

Committee Amendment "A" (H-328) as amended by House Amendment "A" (H-452) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-328) as amended by House Amendment "A" (H-452) thereto in non-concurrence and sent up for concurrence.

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

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (7) "**Ought to Pass**" as amended by Committee Amendment "A" (S-181) - Minority (6) "**Ought Not to Pass**" - Committee on **Legal and Veterans Affairs** on Bill "An Act to Restrict Circulators of Initiated Petitions from Being within 250 Feet of Voting Places" (S.P. 102) (L.D. 381)

- 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-181).

TABLED - May 8, 1997 by Representative PENDLETON of Scarborough.

PENDING - Motion of same Representative to reconsider acceptance of the Minority "**Ought Not to Pass**" Report.

On motion of Representative TUTTLE of Sanford, tabled pending the motion of Representative PENDLETON of Scarborough to accept the Minority "**Ought Not to Pass**" Report and later today assigned.

SENATE DIVIDED REPORT - Majority (7) "**Ought to Pass**" as amended by Committee Amendment "A" (S-132) - Minority (6) "**Ought to Pass**" as amended by Committee Amendment "B" (S-133) - Committee on **Health and Human Services** on Bill "An Act to Require the Purchaser of Tobacco Products to Produce Suitable Identification" (S.P. 133) (L.D. 412)

- 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-132) as amended by Senate Amendment "A" (S-157) thereto.

TABLED - May 9, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Motion of same Representative to accept the Majority "**Ought to Pass**" as amended by Committee Amendment "A" (S-132) Report.

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

The Bill was read once. Committee Amendment "A" (S-132) was read by the Clerk. Senate Amendment "A" (S-157) was read by the Clerk and adopted.

Committee Amendment "A" (S-132) as amended by Senate Amendment "A" (S-157) thereto was adopted. The Bill was assigned for second reading later in today's session.

HOUSE DIVIDED REPORT - Majority (8) "**Ought to Pass**" as amended by Committee Amendment "A" (H-395) - Minority (5) "**Ought Not to Pass**" - Committee on **Agriculture, Conservation and Forestry** on Bill "An Act to Permit Forest Fire Wardens and Forest Rangers to Carry Weapons" (H.P. 472) (L.D. 643)

TABLED - May 9, 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.

On motion of Representative BUNKER of Kossuth Township, tabled pending his motion to accept the Majority "**Ought to Pass**" as amended Report and later today assigned.

HOUSE DIVIDED REPORT - Majority (7) "**Ought to Pass**" as amended by Committee Amendment "A" (H-394) - Minority (6) "**Ought Not to Pass**" - Committee on **Agriculture, Conservation and Forestry** on Bill "An Act to Require Labeling on Genetically Engineered Food" (H.P. 790) (L.D. 1078)

TABLED - May 9, 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.

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

Representative CHARTRAND: Madam Speaker, Men and Women of the House. I would urge you to accept this Majority Report from the Committee on Agriculture, Conservation and Forestry. One thing I learned from sponsoring this bill is to be very careful about the titles you use because I can tell you that based on the Majority Committee Report, the amended version of this bill, has nothing to do with the original title. In fact, if you look at the amendment titled H-394, you will see the new title of this bill, which is, in fact, the Majority Report. It is "An Act to Further Define Foods Labeled as Organic or Natural." What that means is there was an awful lot of compromise in the committee process by the proponents of this bill and opponents to try to come up with something that would have a minimal impact on the food industry in Maine and still give consumers a little bit of

foreknowledge, perhaps, if they were about to buy or eat genetically engineered food.

The original bill did ask for labeling which, one of the fact sheets has been sent around, says would be such a major impact on Maine producers. That is why we removed that from the bill. All that is required of this bill now is that any food in Maine, which is genetically engineered is not sold, labeled or advertised as natural. It can be sold nonetheless without any labels. It is just that they cannot use the word natural or organic in their advertising. We thought that would be a pretty minimal impact and yet protect people from buying foods that they see advertised as natural, which, in fact, are not natural in my mind. They are made by combining the genes from different plants or animals into other plants or animals to come up with a completely new product, to some degree. There are many advantages to that type of science. I think we'll live to see some foods that will benefit all of us through this science. Nonetheless, there is a lot of consumers who are concerned about these foods and would like to at least know whether they are eating them or not. I don't think they are going to have that privilege based on the tendency in state and federal law to avoid labeling. All we are trying to do here is trying to protect the use of the word natural or organic so that it doesn't get used or abused by labeling foods that are genetically engineered.

There is some serious scientific concern about these foods, especially in the area of allergens. The case that was cited in last year's issue of *New England Journal of Medicine* where Brazil Nut genes were combined with a soy bean in order to produce a more nutritious soy bean. That sounds pretty good and I am sure it would be for most people or animals that would eat that soy bean, unless they were unfortunate enough to be allergic to Brazil Nuts. Tests were done with blood serum samples from both allergic and nonallergic populations to this soy bean and, in fact, most of the blood samples from allergic populations reacted to this. Luckily, that test was done and the product never hit the market. There are many types of products that are combined in making these foods that can have allergic reactions with people or that people might be philosophically or religiously opposed to eating if they knew what the product contained. It was for that reason that the *New England Journal of Medicine* came out in favor of labeling last year, so the public would be forewarned and that more, fortunately, wouldn't have to undergo some sort of allergic reaction on a massive scale if they ate the wrong foods.

Once again, in the committee work on this bill there was too much negative reaction to labeling so we backed off quite a bit and came up with what I think is a very acceptable solution. If we buy a food in Maine and it is labeled or advertised as organic or natural, we can be confident that it is, in fact, from a plant that grew naturally. It didn't have genes spliced into it and it isn't composed of things that we don't think it is. These foods look exactly the same in the market. There is one that has been marketed quite a bit, the Flavor Saver Tomato, that had genes combined in it so it would last longer on the shelf and look redder without as much ripening on the vine. It would tend to taste and look more like a ripe tomato for many months on end. That tomato, I think, has been pulled from the shelves since then. It wasn't really successful and it had other problems. These foods are coming into our food system and the least we can ask of producers is that they not be labeled as natural. I think the industry that is promoting these foods has a right to sell them to us and to explain to us the advantages so that they become educated and everybody knows why they are better when they are better. In the process, I don't think they need to use the word natural or organic in selling these foods so that people who

generally would like to know a little bit more about their eating, get confused and think they are buying something they are not.

In the interest of consumer protection and simply, public information, I think you should support the Majority Report on this bill, which has a very minimal impact on the industry. Nonetheless, they oppose it. You will hear plenty of reasons why, but with any bill that seeks to enter the marketplace, most industries oppose it if it has even a perceived effect on that. They would rather keep these truths hidden and not let them know when they are available. I think it is incumbent on a new science like this to begin the process of education. That can begin with this bill. Thank you.

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

Representative KNEELAND: Madam Speaker, Men and Women of the House. I stand today to ask you to please vote against this pending motion. Genetically engineered foods through biotechnology has played a great part in business growth within the US economy and within the State of Maine. The recent biotechnology breakthrough includes a virus for insect resistant potatoes, which is resistant to the Colorado Potato Beetle, which is a bug that we have a great lot of trouble with in Aroostook County and the rest of the state. Also, they have developed a new virus protected potato, which within two or three years will be on the commercial market. This is against late blight, both A1 and A2 variety. This is a very serious disease, which has taken a big toll on the potato market in the last few years.

Biotechnology has helped in our oil for our french fries and potato chips by reducing the fat content by 30 percent. Our potato processor in the town where I live is also a world wide processor and they have been reluctant to use the insect resistant variety, not knowing which direction the Legislature is going when this comes up every two years. It kind of leaves them in limbo. Sixty percent of our processed food in this country contain soy. This year, 1 million acres will be genetically engineered and planted in the US. By the year 2000, it is estimated that about all the soy grown in the US will be genetically engineered. This means that many processed foods sold in Maine will be affected. This new regulation would create serious problems for the food processors, distributors, supermarkets, convenience stores and others due to the need for segregation of the bioengineered products from the others. This would add costs for Maine's consumers that other states do not place on their citizens. This legislation would make it more difficult for Maine's farmers to benefit from these advantages in agriculture.

In the amendment the word natural was used. We have a new processing plant going up in Mars Hill that is going to use natural potatoes. This would be detrimental to this company and they are just getting started. There is about 10 growers involved in this process. This bill would put Maine farmers at a complete disadvantage in the competitive market. Thank you.

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

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. I would urge you to vote against the pending motion. If we pass this, Maine would be the only state in the nation to pass such a law. I was a member of the Agriculture Committee during the 116th Legislature when we unanimously concluded that it was not very practical and unnecessary for Maine to enact such a law then. I think as time goes on, we realize that it still is not necessary. It causes a lot of problems. The large food companies would have a real problem and would hesitate distributing food here in Maine.

Another good reason for not doing it is that it would have a real negative impact on the economic and environmental implications here in Maine in the farming industry. The farming industry is trying more and more all the time to get away from depending upon chemicals. This is a real good way to reduce the levels of chemicals and insecticides and herbicides that affect our environment. They are looking at this all the time. I know, we in the Taxation Committee, listened to the biotech industry. The biotech industry is one of the fastest growing industries here in Maine. I think if we were to pass a bill like this, we sure would be sending one of the fastest growing industries in the State of Maine, the wrong signal. For the economic growth of that industry here in the State of Maine and the agricultural, industry too I would urge you to vote against the pending motion. Thank you.

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

Representative LANE: Madam Speaker, Ladies and Gentlemen of the House. I sit on the Agricultural Committee and I ask you to vote against the pending motion. You all received a handout, I believe, a letter addressed to the chair of our committee from Senator Daggett, who sat on the commission to study biotechnology and genetic engineering. This is some of the conclusions they have come up with. There seems to be little justification for additional state regulatory oversight given the substantial scientific and public health oversight authority within several federal agencies, EG, the FDA, the USDA, EPA, and etc.

I want to address the concern of allergens. Let me tell you, sitting on this committee, you go into this kind of debate thinking about the fly. Somehow a fly is going to land on something. It is a concern, something about genetics that kind of alarms us. I went into this thing as a housewife that does the shopping, I want to know what I am buying, but after listening to the testimony and going through the process, I am convinced that the federal government has the oversight and we have all the oversight, at this point, we need. The questions of allergens, the same labeling laws that apply to all the food and food ingredients will apply to products of food biotechnology. Currently requirements for all food labels mandate proper identification of products and notice of health and safety concerns. Potential food allergy is an example of a health and safety risk that would mandate a product label. Any substantial changes to the expected composition of food will mandate a product label.

Large food companies may hesitate it says, in the *Maine Farm Bureau Association* handout, in distributing food products in Maine knowing that they may be liable if natural should appear on the label. Requiring producers of products from out-of-state to change their packaging labels to meet the requirement of one state will reduce the number of products sold in Maine and add costs to the consumers for those products that continue to be sold in Maine. Again, Maine would be the only state with this requirement, a large number of products might not be available to Maine grocers. I understand the reasoning behind the bill. I understand the reasoning behind the amendment, but I would urge you to vote no on this amendment.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. This is a jobs and a business issue. The biotech industry is a growing, vibrant industry. It has 54 companies in the State of Maine with six brand new companies in 1996. The total number of employees is over 5,000 people with an average salary of \$35,000 per year. As an emerging industry, the value-added nature, biotechnology holds great economic promise for Maine. We have a natural resource based

economy in agriculture, aquaculture and biomedical research. Maine must remain at the leading edge of technology in all aspects, product development, manufacturing, education, natural resources and agriculture. If we want agriculture to be part of Maine's economy, we must not create road blocks for the development of genetically engineered products. There are numerous environmental benefits resulting from the use of biotechnology. The development of biotech food products enables our farmers to compete and use their land and try to make a profit. It allows them a better chance on the market. With this legislation, it would make it more difficult for Maine companies and Maine farmers to compete. I urge you to oppose the pending motion.

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

Representative McKEE: Madam Speaker, Men and Women of the House. As a member of the Agriculture, Forestry and Conservation Committee, I rise to support this motion. I think it is about the consumer's right to choose. When this report was issued in March 1996, the forward of which was written by the good Senator Beverly Daggett. During that same month, the *New England Journal of Medicine* began to publish reports about concerns about transgenic soybeans. I think we all need to know that you may not necessarily be opposed to genetic engineering, but you do want the right to choose. This bill does not do all of the things that some of you are suggesting here.

The bill will allow me to know if something labeled natural or organic is not biogenetically engineered. Genetic engineering in agriculture, in my opinion, is being driven by chemical companies who are trying to make certain products better able to tolerate herbicides. The University of Maine feels that far less research has been conducted on trying to make plants more tolerant to insects and diseases. I urge your support of this bill.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. As you may have noticed, I moved the Majority "Ought to Pass" Report out of respect for the committee process. I am not on that report. I am on the "Ought Not to Pass." I would ask that you would vote down this and accept the "Ought Not to Pass" report. We worked very hard on the committee, in all fairness to Representative Chartrand, the original bill and a lot of the literature you see on your desk has nothing to do with what we are debating here on the floor. You should know that right up front. In all fairness to him, the bill and the committee worked hard and long in trying to come up with some creative way to be able to send a signal to a consumer that this genetic engineering wasn't part of the product you were buying. We worked very hard and we thought we were there. We thought we narrowed it down to adding it into the organically grown area and also using the language we have in existing law about what is natural. We worked very hard to do that. We thought we had a deal. We thought we had it fixed and then we come back for another work session and found out it didn't work. The natural part that we tried to do, which seemed very reasonable at the time, I did not realize had some adverse affects that you heard other people speak about here.

The word natural. Just think when you go shopping, ladies and gentlemen, walk up and down the aisle, how many commodities and how many things are on the aisles that the big word natural jumps out at you. Unfortunately, if we pass this piece of legislation, all of those products that are on the shelves that may say natural this or natural that, if they have soy bean in it, for instance, where the majority of soy beans are done genetically, all those labels will have to be changed. In Maine, potatoes industries seriously adversely affected by our new leaf

potatoes. The other company called Nature Market, which is a new company that is growing up in Aroostook County. They will have to repackage and redo everything they have and change all of their advertising to remove the word natural. That is the real problem here. We have so many unanticipated consequences to try and do something that, I think, we all agree seems like common sense and reasonable to do. It is just that we are too far down the road. I agree with others that the federal government is going to have to be able to deal with this issue to make it uniform across all 50 states because it would drastically affect the business in the State of Maine if we passed this legislation. Thank you.

Representative DONNELLY of Presque Isle moved that the Bill and all accompanying papers be indefinitely postponed.

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

Representative DONNELLY: Madam Speaker, Ladies and Gentlemen of the House. We heard earlier that perhaps the chemical companies are driving this process when, in fact, you have these products that use less chemicals. My first term, the only bill I put in was one that would help use the natural process that we go through of bug cycles and disease cycles to help farmers use less herbicides and fertilizers so they can target exactly when in the life cycle of an insect was the proper time to apply the insecticides to the potato crop in my area or broccoli or whatever crop you might be doing. That has come a long way to help shrink the number of pesticides in some areas. There have been disease that have grown up, as you might have read, whole piles that have been rotting. There are things that happen to those piles that affect the rest of the crop. What ends up happening is it spreads disease. There is a potato that is being grown by one of the companies mentioned earlier that is resistant to that disease. Instead of, like one of my good friends that I went to college with spraying his field three times as much as he used to, if he used this new potato variety, he could cut down the number of chemicals he uses in his field by 80 percent. He would still have to do some spraying, but he wouldn't have to do it three times a week, like he does when there is a chance of a late blight coming out and affecting his crop. Even in spending all that additional money, which was part of his concern and some other folks, of using the additional chemicals, he still wound up losing 40 percent of his crop and almost losing the family farm. He is fifth generation.

These are the kinds of things that we need to think about too. Why I did originally stand up before I heard that comment and wanted to respond to it was to echo what the good chairman of the Business and Economic Development had said. Yesterday, I sent around a packet with the permission of a member of the other body that talked about where Maine is on research and development. We have talked a lot about that and how much money is invested in this state. I sent around a report just a few minutes ago that had a nice pie chart and it showed how much comes from private industry, federal and from state government. When you look at how many dollars are being spent in Maine on research and development, research and development biotech is one of those industries that spends massive amounts of money on research and development. There are 54 companies now in the State of Maine. One of them is one of the 10 largest in the world. Yet, with what we might consider success, we are almost dead last in the country. Almost dead last in the country when it comes to developing these technologies. When it comes to having those average pay jobs of \$35,000 a year and when it comes to research and development, we are nearly inched out in some categories by Puerto Rico, a big biotech area. We are 50th in the country and almost equal with Puerto Rico. We have such high tech states as Mississippi and Alabama that makes us

look anemic. It is not just what the state puts in. It is what the tax structure is. It is what the anti- or probusiness environment on inviting those companies to grow in that state are.

This, as innocuous as it is trying to make it sound, sends a real chilling message to those folks who are coming here. When you go down along the Portland waterfront and you talk to Joel Russ, he is trying to invite three or four other companies to come there. He has done a real nice job and I have met with some of them and I think Maine has a real opportunity to grow. We have a real opportunity not just to be just bound by either when you are doing something in agriculture that means that you are out picking potatoes or you are out picking broccoli. It could mean that you are doing scientific research on how we can address what is predicted to be a famine in the future because we can't produce enough food for the number of people that are being born. It is a real opportunity for people to get into a career that will allow them to use, not only a college degree, but advanced degrees, to make our world a better place or we can vote for this bill, send those industries a message that we don't trust you or you scare us, go away. Puerto Rico is a little bit warmer and they invest almost as much as us in R and D now, go there. To me it seems very simple. We ought to work very hard to try to grow these industries and get them to invest dollars in Maine to support our natural resource based economy that we already have and utilize the great university system we now have and to build better jobs for the future of our children. Or do we want to doom them to the low paying jobs waiting on tourists? I think that is one of the choices we have today. I would hope you would join me in supporting the Indefinite Postponement issue and go ahead for a brighter future for Maine.

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

Representative CHARTRAND: Madam Speaker, Men and Women of the House. I must say I am flattered by the immense proportions of the effect that this bill is said to be about to impact on Maine and the rest of the country. I do question how this simple change in statute is going to increase the cost of so many companies and prevent so many jobs from happening in the state. In fact, as far as we could determine in testimony before the committee there were no foods currently sold in Maine labeled or advertised as natural that were genetically engineered or that contained those foods. There are some companies, as mentioned by the good chair of the committee, that would like to be able to use that in advertising products they will make in the future and they would certainly like to reserve the right to advertise their foods as anything they so choose. I don't think there are any foods today and I would challenge anybody in the House to tell us about a food currently sold in Maine as natural that is genetically engineered. I would certainly like to know it as a consumer myself. I don't think there are any.

In addition there is quite an interest in Maine foods, worldwide and nationwide, because they have a certain integrity, a certain honesty to them about the way life should be. Maine foods are natural. They are made from the true origins of the product. They are made from farmers tilling the soil. People identify a lot with Maine. I think we have a lot to gain in the worldwide marketplace by keeping that image as pure and as natural as possible. I think when we start playing around with these words, it may not mean a lot today, but in future years people are going to question a little more just how real we are here about what we put on our foods. I would say that if it is okay with you to buy natural foods that are genetically engineered, then I would support this motion to Indefinitely Postpone the bill. If you care a little about honesty in labeling about foods being labeled as they really are, then I would oppose that motion and support the bill. Thank you.

The Chair ordered a division on the motion to indefinitely postpone the Bill and all accompanying papers.

Representative CHARTRAND of Rockland requested a roll call on the 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: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone this Bill and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 177

YEA - Ahearne, Bagley, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Brooks, Bruno, Buck, Bumps, Bunker, Cameron, Campbell, Carleton, Chick, Cianchette, Clark, Clukey, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dutremble, Etnier, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gamache, Gieringer, Goodwin, Gooley, Hatch, Honey, Jones SA, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Labrecque, Lane, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, McAlevey, McElroy, Morgan, Murphy, Nass, Nickerson, O'Brien, O'Neil, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pinkham RG, Pinkham WD, Plowman, Poulin, Povich, Richard, Rines, Savage, Shannon, Sirois, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Thompson, Tobin, Treadwell, True, Tuttle, Underwood, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Madam Speaker.

NAY - Baker CL, Baker JL, Brennan, Bull, Chartrand, Chizmar, Colwell, Cowger, Dunlap, Farnsworth, Gagnon, Gerry, Green, Jabar, Jones KW, Jones SL, Kontos, LaVerdiere, McKee, Meres, Mitchell JE, Muse, Pieh, Powers, Quint, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shiah, Skoglund, Stevens, Townsend, Tripp, Volenik, Watson.

ABSENT - Berry RL, Bolduc, Bouffard, Bragdon, Joy, Mayo, Tessier, Wright.

Yes, 106; No, 37; Absent, 8; Excused, 0.

106 having voted in the affirmative and 37 voted in the negative, with 8 being absent, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

Resolve, to Establish the Commission to Examine Rate Setting and the Financing of Long-term Care Facilities (EMERGENCY) (H.P. 486) (L.D. 657) (C. "A" H-301) Tabled - May 9, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Final Passage.

On motion of Representative SAXL of Portland, tabled pending final passage and later today assigned.

Resolve, to Ensure Quality Care to Residents of Nursing Facilities through the Establishment of a Task Force on Minimum Staffing (EMERGENCY) (H.P. 828) (L.D. 1133) (C. "A" H-304) Tabled - May 9, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Final Passage.

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 111 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act to Clarify the Jurisdiction of the Public Utilities Commission over Telecommunication Utilities' Special Rate Contracts (S.P. 399) (L.D. 1294) (C. "A" S-130)
TABLED - May 9, 1997 (Till Later Today) by Representative KONTOS of Windham.
PENDING - Passage to be Enacted.

On motion of Representative KONTOS of Windham, tabled pending passage to be enacted 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 9, 1997 (Till Later Today) by Representative AHEARNE of Madawaska.
PENDING - Final Passage.

On motion of Representative AHEARNE of Madawaska, the rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same Representative, the rules were suspended for the purpose of further reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (S-99) was adopted.

The same Representative presented House Amendment "B" (H-419) to Committee Amendment "A" (S-99) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. Simply, this amendment will return the appointment of legislators to the study commission and it will also provide compensation to those legislators and as usual it is an option if these legislators, who ever is appointed, to accept the compensation.

Representative BUMPS of China requested a division on the motion to adopt House Amendment "B" (H-419) to Committee Amendment "A" (S-99).

The Chair ordered a division on the motion to adopt House Amendment "B" (H-419) to Committee Amendment "A" (S-99).

A vote of the House was taken. 71 voted in favor of the same and 52 against, House Amendment "B" (H-419) to Committee Amendment "A" (S-99) was adopted.

Representative AHEARNE of Madawaska presented House Amendment "C" (H-436) to Committee Amendment "A" (S-99) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. This amendment just merely strips off the emergency.

House Amendment "C" (H-436) to Committee Amendment "A" (S-99) was adopted.

Committee Amendment "A" (S-99) as amended by House Amendment "B" (H-419) and House Amendment "C" (H-436) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-99) as amended by House Amendment "B" (H-419) and House Amendment "C" (H-436) thereto in non-concurrence and sent up for concurrence.

Bill "An Act to Amend Criminal OUI Penalties Concerning Suspension of a Motor Vehicle Driver's License" (H.P. 1321) (L.D. 1870)

(Committee on **Criminal Justice** suggested)
TABLED - May 12, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Reference.

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

HOUSE DIVIDED REPORT - Majority (9) "**Ought Not to Pass**" - Minority (4) "**Ought to Pass**" as amended by Committee Amendment "A" (H-425) - Committee on **Appropriations and Financial Affairs** on Bill "An Act to Authorize the Unfunded Portion of the School Cost for the Development of the Poland High School Project to be Funded in 1997 and 1998" (H.P. 607) (L.D. 832)
TABLED - May 12, 1997 (Till Later Today) by Representative KERR of Old Orchard Beach.
PENDING - Motion of same Representative to accept the Majority "**Ought Not to Pass**" Report.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Madam Speaker, Ladies and Gentlemen of the House. I am speaking in opposition to this measure before us and hope you defeat the motion before us so we can go to pass the Minority Report. Once upon a time in the Town of Poland, a few years back in 1995, children were, in effect, evicted from Edward Little High School on order of the commissioner of education. That was a sad year because it put the town children, along with Minot and Mechanic Falls children, out in the cold with nowhere to go. The townspeople of the three towns voted to see whether they would build a school together and form a CSD. Not easily, the towns voted against the union. Seeing no other recourse, the Town of Poland voted to build the school and tuition out to Minot and Mechanic Falls, never realizing just how expensive schools are and how difficult it would be to get funding for one town ownership of a school. This school will house 800 students. It will be larger than most existing schools in the state. The school will be a middle school/high school combination. Right now, as it stands, without the extra money, the Poland school will have to settle for a school without a sports complex, except for maybe a softball and baseball field or an auditorium which would serve all three communities and would also be a technology center for students to learn writing, television and media. All three towns are hoping that we can have a community little theater for all the towns to take part in and bring the three communities together, which we really need to do.

The amount of \$18 million was appropriated and the town really does appreciate it, but before the town actually knew what it would take to build the school. The original amount the Department of Education allotted for the Poland School was over \$19 million. We have a unique and unfortunate position. Poland, Minot and Mechanic Falls do not have an existing high school and the small grammar schools are severely overcrowded, as I know many schools in the State of Maine are.

I am going to give you a little about what happened in the past. On February 1, 1996, LD 1705 was approved by the 117th Legislature and Governor King supported an emergency school project for the three towns of Poland, Minot and Mechanic Falls. The proposed school is to be built to serve over 800 students, as I mentioned before. I mentioned also that it will be larger than most existing schools in this state. The legislation passed by the 117th Legislature requires that the school be built in accordance

with the State Board of Education rules. On March 12, 1997, the State Board of Education gave concept approval for a new Poland Middle School/High School and found that the total cost of the project would be estimated to be \$19 million. In 1995, employees of the Department of Education estimated the cost of the new school in Poland as \$18 million. This estimate was made without completing any of the State Board of Education state allocation workbooks as required by the State Board rules. The project costs for the new Poland school of \$18 million did not allow for the Poland project to be developed under the state board rules as provided for under the laws of the State of Maine in respect to the state's allocations. The Town of Poland has had, I truly believe, a disservice against them. I am asking to please help these three towns out and vote against the pending motion. Madam Speaker, I request the yeas and nays.

Representative SNOWE-MELLO of Poland 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: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. The Poland School Project was authorized, as was said earlier by the good Representative, as an emergency project in the 117th Legislature. We talked about cost. All schools are built and determine their costs on a formula. The department estimated the cost of this project at \$18 million based on the formula that is used for all schools in the state. Just to share the formula with you, as we do have quite a few new members here, how they calculate this standard planning figure is based on, the square foot per student, which is about 140 square feet, then they multiply that by \$150 per cost to build that square footage and multiply an estimated enrollment. It should all be predicated on enrollment. When they determine this they use the enrollment of about 800 students for these three communities. We are talking about Poland, Minot and Mechanic Falls. That total came up to \$16.8 million. An additional \$1.2 million was included for the estimate to allow for inflation. That is how we get to this figure of \$18 million.

The three communities Poland, Minot and Mechanic Falls were well aware that that was the number that they had to build this school, within that \$18 million. During the hearings it came up that they needed money to build an auditorium and that is what this additional money is for. I believe it is \$566,000 that is being requested. This money would come from the debt service. As you all know the debt service has been stagnant in school construction of about \$67 million. This year it is going up to \$69 million. Already Poland has gone to the top of the list through the legislation introduced in the 117th Legislature and now they are asking us from the debt service to guarantee the community of Poland \$60,000 for the next 20 years. This would come from the debt service that \$2 million will go from \$67 million to \$69 million. We would be guaranteeing over the next 20 years, \$60,000 a year for Poland. I think that that is unacceptable. I think that this community, as I have stated earlier, has gone to the top as far as skipping over other communities that have been waiting for a school. This dollar amount was predicated on a formula that all schools are determined the cost by. I think that we will be doing an unjust for this Legislature or this chamber to go back into the formula and take money that would be appropriated to other school construction projects to satisfy one community. I would urge your support to continue to vote for the "Ought Not to Pass." Thank you.

The SPEAKER: The Chair recognizes the Representative from Union, Representative Savage.

Representative SAVAGE: Madam Speaker, Men and Women of the House. I urge you to support the motion on the floor of "Ought Not to Pass." In my district we have a small school in the Town of Warren that is now on the priority list and they have been waiting for years. They don't have an auditorium. They don't even have a room large enough to hold all of the children. They have children going to class in the basement with the wiring on the outside of the walls and the ceilings. They don't have handicapped access. We have parents who are in wheelchairs that cannot go downstairs to their children's class. I ask you, would you support additional money? I did support the approval of this high school in the 117th because they had an urgent need. I don't support any more money for that school bumping over those other schools that are on the priority list. Thank you.

The SPEAKER: The Chair recognizes the Representative from Unity, Representative McElroy.

Representative MCELROY: Madam Speaker, Ladies and Gentlemen of the House. I would say right off quick that this is my pet project of the session to defeat. I agree wholly with the good Representative Kerr. I really hate to cite history and I hate to spend too much time up here, but I feel that these communities, and in this case, a specific community, is being extremely selfish and inconsiderate to the rest of the state. Last year the Education Committee worked this bill extensively three times. Those three communities over there having a number of children needing a high school. We considered that. We asked them to come together in some kind of an arrangement a CSD or an SAD so that they could get appropriate funding from all three schools. As has been the history, they refused to do that. They wouldn't cooperate in between the three schools so the Town of Poland did the right and just thing for its young people. The Town of Poland decided it would go alone for a school and then they would take the other two towns in on contract basis. After that was decided the Education Committee voted to recommend to the state board that this school unit be awarded a project, which as the good Representative Kerr has mentioned, moved them ahead of 20 approved school units. They were put back so that those communities could have \$18 million to build a new school with.

Things went along well and then lo and behold in this session, we get a choice bill in education. They have a new school, but they want to interrupt the process by a choice bill. A choice bill means that they go hither and yon, it can go everywhere. Now they don't have the income to support a new school. In the process of going through this total project, I would indicate to you that you have a sheet that the good Representative Lemaire has presented to you on your desk. I am gently and quietly making some of the comments regarding some of the statements that are on good Representative Lemaire's sheet. It says, for example, the concept was given approval in the amount of \$19,000,781. That is correct, but the state board when they approved it approved \$18 million in indebtedness. That has already been mentioned. It expected the community to come up with the other \$1.8 million over and above the \$18 million which the state would give to them. The project costs for the Poland School is \$18 million. It is expecting a 250 seat auditorium, which many schools, which has been previously mentioned, do not have the total cost of the Poland School for housing students is \$10.8 million. That means that the other \$8 million or possibly \$9 million is put into things such as black top and ground hemlock. In my estimation that is not a good place to spend dollars.

It has been mentioned that this is one of the largest schools in the state. In front of me, on my desk, I have a number of schools that are apparently being considered that are being held

back because Poland was advanced into the process. These schools are being held back and on this list there are five schools that are larger than the Poland School. On this list there are a number of schools that are costing far less than the Poland School. The Poland School is going out at \$144 a square foot. I can mention to you that the Brunswick School, which everyone is concerned about, would go out at \$112 a square foot. The Marshwood School is \$142 a square foot. The Harriman School is \$128 a square foot. I can keep going. Ellsworth School is \$119 a square foot. I do not believe and I would ask you to support the "Ought Not to Pass" side of this bill, I do not believe that that area of Poland needs another half a million dollars. They first asked for \$1.8 million and they didn't get approval on that. They went back to half a million hoping for approval on that.

I think that a unit needs to assume the responsibility for developing their own athletic complex. They can put a roof over the cafeteria, they just can't equip it and finish the inside. The other thing that I would point out to you is that if you had the financial statement, you would see that they have a contingency amount of more than enough money to take care of the auditorium. The only thing they don't need to do in order to get that money, is write a lot of change orders. They don't need to improve on something that is excellent now. Please support the committee vote of "Ought Not to Pass." Thank you very much. Sorry to be so long winded.

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

Representative LEMAIRE: Madam Speaker, Men and Women of the House. I feel like I have a big target on me, but I am going to give it my best shot. The good Representative from Unity is correct in many of his assumptions. I do want to mention that the project cost to the school would be \$18 million. It was not really developed under state rules because it was done in such urgency. Frankly, the whole situation went on forever and ever with these three towns just trying to get together to recognize that they had a problem. They no longer could go to Edward Little. They had no schools and obviously they needed a school. We did, in the last Legislature, passed with Governor King, an emergency measure to do this. I think half of the problem here is that because you don't go the normal procedures when you have this kind of emergency, you don't address all of the needs of the school on the amount of money. They were given \$18 million by the State Board of Education and it was very generous.

I have to add in here that I have a lot of concerns about school construction. I am extremely aware of school construction needs. I hear about them all the time. I am standing here because I think this is a unique situation for Poland. It is a school with no frills. It would be unfortunate to have a middle and high school that did not have an auditorium. I know the good Representative from Poland mentioned a sport complex. There is no sport complex at Poland. They have laid the fields, but there is nothing before that. It is really a no frills school. I just urge you to give due consideration to what I am saying. I think what we have tried to do is amend this to the point where we didn't have to go through Appropriations to fund it. The \$566,000 in debt service that they would be paying is that they would be paying \$60,000 per year for 20 years. I just hope you will consider what I have said. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative TRUE: My question is, was this a combined project of a middle and high school when we voted on this before?

The SPEAKER: The Representative from Fryeburg, Representative True has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Unity, Representative McElroy.

Representative MCELROY: Madam Speaker, Men and Women of the House. I believe it was, Representative True, because that was the route they had to go. I am making that assumption with limited knowledge. I usually work that way anyway.

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. Thank you very much Representative McElroy. I think that I feel a little better about this because I know that if I remember correctly in going through some these three towns that are mentioned, they have some pretty good middle schools. I had hoped that maybe they would settle just for a high school. My observation that I want to make is down on the paper, which we have. I cannot understand a population rate of 800 in this school would want to build a 250 seat auditorium. Usually you build it so that you can at least get most of your students in. If you are going to have special things, I would think it would be more economical in the long run to build something, if you were going to build it, around 500 if you have 800 in the high school. I realize that sometimes the middle school has a separate thing and so does the high school and that might do it. I think that would be ill conceived to try to do that. I shall be voting "Ought Not to Pass." Thank you.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Madam Speaker, Men and Women of the House. Just in response to the comment that was just made. The reason why the Poland School Project Committee decided to go to 250 seats was that originally it was 500 seats, but because of the cost problem, they were trying to accommodate and work with what they could. They did put it down to 250 seats. They would love to have it 500 seats. Thank you.

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

Representative BRENNAN: Madam Speaker, Men and Women of the House. Last legislative session, I did support the legislation that was put before in order to address, which has been called a unique situation because I think it was a unique situation. I think people need to understand, and all of you that have had schools in your district that have gone to the State Board of Education to ask for construction money and been turned down understand, what the size of the benefit to be jumped over 20 other school districts to receive funding directly from the Legislature for school construction. That was a tremendous benefit to those districts.

The other point I want to make that has not been raised yet is that this year because of the pressures on debt service and school construction, the State Board of Education put a moratorium on school construction applications. That means that in each one of our districts across the state, no school district regardless of its need, overcrowding or condition of its school is able to apply for any school construction. That is because, again, the pressure on debt service. I would argue, not with you, but I would submit to you that there was a significant benefit given to this community and given the pressures that we have on debt service, it would not be appropriate at this time to

grant any additional funding. I would urge you to support the pending motion.

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

Representative BARTH: Madam Speaker, Men and Women of the House. Most of the comments have already been made by those urging "Ought Not to Pass" by others and I would just add one small comment. When someone mentioned no frills, to me that doesn't jive with \$142 per square foot. There are other ways to fund local projects. We have a situation in Camden/Rockport where the towns there in their school construction have said that they are willing to go to referendum to see if those towns will pick up the debt service, which will end up about \$1 million a year for three years. They will pick up with no compensation from the state. Also, in a nearby school where they needed additional money for their auditorium, SAD 17 sold seats for their auditorium to gain additional money. One last comment, the motion of "Ought Not to Pass" is, of course, nine members of the Appropriations Committee. There are four in opposition to that. Previous to that vote, this bill was recommitted to the Education Committee for its consideration and the committee was unanimous that it "Ought Not to Pass." Thank you.

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. 178

YEA - Ahearne, Bagley, Baker CL, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bull, Bumps, Bunker, Cameron, Campbell, Chartrand, Chick, Cianchette, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gamache, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemont, Lindahl, Lovett, Madore, Mailhot, Marvin, Mayo, McElroy, McKee, Mitchell JE, Morgan, Murphy, Muse, Nass, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Poulin, Povich, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stedman, Stevens, Taylor, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Underwood, Usher, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winn, Winsor, Madam Speaker.

NAY - Bodwell, Buck, Carleton, Cross, Dexter, Foster, Gerry, Lemaire, MacDougall, Mack, McAlevey, Meres, Nickerson, Perkins, Snowe-Mello, Winglass.

ABSENT - Chizmar, Gagnon, Lemke, Powers, Tessier, Thompson, Wright.

Yes, 128; No, 16; Absent, 7; Excused, 0.

128 having voted in the affirmative and 16 voted in the negative, with 7 being absent, the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

An Act to Label All Eggs Produced in the State by Source (H.P. 425) (L.D. 575) (C. "A" H-264)

TABLED - May 12, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Passage to be Enacted. (Roll Call Ordered)

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

Representative BERRY: Madam Speaker, Men and Women of the House. I know we have debated this item at length previously. The Speaker yesterday stated that this bill would be seen as a hurdle for Maine business. Really, I ask for your support to pass Enactment of this bill to promote some honest competition in the marketplace. I think Maine farmers who are small producers need a chance to promote their own products. The way eggs are sold now, they are anybody's eggs. I think it is a good way for us to promote our Maine producers. I have seen a lot of the big businesses come into the state and we promote them and they grow and grow and we see a lot of our small mom-and-pop stores or the small home and garden store, they are on the way out. I seek to preserve our small producers and maybe give a chance for others to get into the business. That is why I promote this bill. I don't present this bill as an attack on anyone. I do feel that a consumer should know where their eggs come from. I do feel that way. I would ask for your support on this bill to promote Maine agriculture, Maine eggs and Maine products. Thank you.

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

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. I would urge you to vote against Enactment. Right now anybody can put their name on an egg carton voluntarily without the government telling them to do it. Why should Maine be the only state in the nation that would be forced to put the name on the egg carton? Once again, as I stated yesterday, it is very deceiving if a packer puts his name on an egg carton, it does not mean that that egg is produced in that area. When they had the hearings, did we see any other commodity groups come forth and testify that this should be done? I mean, did we hear from the apple industry, broccoli, blueberry? No, this would be the only agricultural product that would be forced to do it.

As I stated earlier, there is one law in Maine on milk, but we have found that the federal law preempts that in that you cannot do it because of interstate commerce laws. Even though there is a Maine law that says where that milk is produced, if you look on it very closely, they might only have a number, because they do not have to do it because of the federal law of the Food and Drug Administration. The Food and Drug Administration has indicated that that will hold true if we pass any legislation like this. For the sake of agriculture here in the State of Maine, as I stated yesterday, the whole industry is struggling. This would be just another way of impeding its progress. We think maybe agriculture is turned in the right direction, but it needs all the help we can get. I would urge you to vote against the Enactment so that we can do what is best for the agricultural industry in the State of Maine. Thank you.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. Just to clarify this. This is not a bill about apples or oranges or any other commodity. This is a bill about eggs and I want you to be clear when we had all the other debates that this bill before you, in the committee process, was endorsed by the egg community. They want to this in order to further their business in Maine. You can talk about the FDA and interstate commerce and what have you, but we are talking about the business that is currently existing within the State of Maine, the egg producers, the packers and two out of the three are endorsing this bill. This is a bill to help that particular industry the same way the milk industry, within the State of Maine, has benefited from the labeling of the milk. I ask you to move this on to Enactment. Thank you.

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

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. I would just like to add one more thing. We talked about the agricultural community. The Farm Bureau, which has 5,000 members across the state, strongly opposes this bill. Thank you.

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

Representative BERRY: Madam Speaker, Men and Women of the House. I apologize for speaking a second time. I just want to stress the point that the Representative referred to the agricultural community as forced to label their products. I think most farmers are proud to label their products. As I stated earlier, testimony we recognized in the chamber for the accomplishments of Stanley Bennett and his family on his family farm and Oakhurst Dairy. I know a lot of farms like that where we can identify a product with an individual and they take great pride in their product. There are producers that would like to be able to market their eggs under their name in the large chains. Some of them are being prohibited to do that. I think that is an unfair disadvantage to them. On that note, I ask you to support this bill one more time. I think it is good for the farmers. Thank you.

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

Representative O'NEIL: Madam Speaker, Men and Women of the House. Briefly, I will reiterate what we did last week on this. To me, this is about choice for consumers. If we don't put labeling on the egg cartons, then we have consumers out there that aren't able to make informed choices when they want to. They are asking us to allow them that labeling. Secondly, a thought came to me that, as we undergo utilities restructuring, this body and this Legislature will likely enact legislation that allows electric consumers to identify the source of their electricity because some people might prefer to get say, electricity that is generated by nuclear power or hydro or what have you. If it is going to work there, why can't it work on a carton of eggs? Thank you.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Madam Speaker, Ladies and Gentlemen of the House. I plan on voting against this and not because I think it is a bad idea, but because I don't think we need to legislate or try to legislate common sense. It seems to me that there is an argument to be made and that the consumers would like to know what it is that they are purchasing and the source. It seems to me that a very simple effective solution that would cost nothing would be to take the information that is already printed on the egg carton in a certain special code number and the code number tells what the source is. Shaws and Shop 'n Save and anybody else who is interested could just transcribe the code into plain English and put it on one sheet of paper where you go to buy your eggs. If you follow me, if code XYZ means Apple Farm Distributors then you can put that on one sheet of paper with all the other distributors right where the consumer goes to buy the eggs. When I go to shop and I am looking at the price for a medium egg and brown egg, then I can look right then and there whether those eggs come from DeCoster or not and make my decision at that point. I don't think you need to pass legislation that would try to do that sort of thing. Thank you.

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

Representative STEVENS: Madam Speaker, Men and Women of the House. I stand again today to express my support

for this bill. I go out of my way, personally, to buy eggs that are labeled. Unfortunately, they are from Massachusetts, but where I shop they are the only eggs that are labeled and that are available and specifically outlined as such. I hope that you will join me in voting in favor of this.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. I have just been handed a note that the largest employer in my community will be closing within two years. I am sitting here thinking what am I going to do and why is this happening? You are seeing in progress, right now, one of the reasons why this is happening. We send a message with everything we do in this body. That is exactly what we are doing by requiring that this company restrict or do something that is going to identify them or harm them in some way. Through the process, we tell businesses, we want you or we don't want you. We have done this for so many years that we have the reputation of being anti-business. Ladies and gentlemen, if you want to have jobs in this state, keep doing this and we will keep having fewer and fewer jobs. I ask you to oppose the motion and vote against this. Thank you.

Representative PLOWMAN of Hampden moved that the Bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Madam Speaker, Men and Women of the House. I don't believe in being a spoon fed consumer. If I want to know where the eggs come from at the store I shop at, I walk to the customer service counter and I ask. I dare say that if every single person who wanted to know walked up to the service counter and asked, that pretty soon the people who work at the service counter would be a little sick and tired of answering it and they would post something saying that this is who we buy our eggs from. That is the way the market works. If you need somebody to go out and find the information for you, they will. Just ask. That is being an informed consumer. If someone wants to put their name on the eggs to advertise themselves, that is something they have to work out with the chain. I understand that it is not that easy, believe me. I have been there trying to work with the big guys. However, that is not for us to get involved in, not at this point. If you have people going in and saying that they want eggs from so and so, why don't you sell them? I will tell you. This has really made me look favorably on the little farm stands in my town that sell fresh eggs. I ask you to please support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative MCALEVEY: I am not going to advocate either side of where you should purchase your eggs, but I don't think we need a law to do this because mother nature has already provided that. If you want local eggs, buy brown eggs. If you want eggs from away, you buy white eggs.

Representative WATSON of Farmingdale requested a roll call on the 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 Rumford, Representative Cameron.

Representative CAMERON: Madam Speaker, Men and Women of the House. I am really torn about this bill. We have heard that it is aimed at DeCoster's and that it isn't aimed at DeCoster's. I would ask you for a minute to think back about 10 or 15 years, what happened in the Alar scare. Some of you may remember it or not. We heard the news about the dangers of

Alar and everybody stopped buying apples. You may or may not know that there were many apple producers in Washington State that were absolutely destroyed financially. The sad part of that is that they weren't using Alar. Alar had stopped being used before the news story ever came on the television. People stopped buying apples period, just because they were afraid and they weren't in the stores. There were a number of producers who were destroyed financially. There are some potential implications of this.

We have heard that it is not aimed at a producer. We have heard that some producers want it. I think, as I sit here and listen to the debate, if it wouldn't make sense. If this is an issue where some of our major retailers, as I have heard, are and are not, denying a producer the right to have their name on the carton maybe we should take a look at the bill, table it and put on an amendment that says that no retailer can deny a producers right to have their name on the box. That doesn't force anybody to do anything. It dispels the argument about who this is aimed at and, I think, the Maine egg producers would have what they want. I don't know if it is a potential compromise, but I am torn at which way to go with this thing because I really see both sides of it. I would like to see it tabled and put that amendment on and see how people feel about it then. Thank you.

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

Representative LANE: Madam Speaker, Ladies and Gentlemen of the House. I will be very brief. I concur. If this is a problem that some egg producers cannot put their labels on, then it is a problem that needs to be addressed in another session. I would urge you to vote for the Indefinite Postponement and if this is an issue with some producers that they can't put on their name, then we will come back another session and address that too. Thank you.

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

Representative DUNLAP: Madam Speaker, Men and Women of the House. Like my good colleague Representative Cameron, I too, am a little torn about this bill. I think we are looking at sort of a cultural trend. Some time ago, I was driving home late one night and I saw a car broken down and I pulled over to assist. It was an old lady and she was sitting behind the steering wheel of her car weeping. She had run out of gas and it was raining out and she had been in the wilderness for about 10 minutes. She had come to a complete panic. I guess where that story ties in is that we are moving, as a state, certainly further and further away from being an Agrarian culture where all produce was local produce. We are feeling less and less self-sufficient and I think people in that instance certainly where they used to know where their food came from, ought to be entitled to know where that food comes from in the future. Further, I think it is a good point of consideration to remember that recently we had a hepatitis outbreak from strawberries and they were able to trace where they came from and where they went because they were labeled. I think that is an important point for us all to consider in our crawling through the wilderness. Thank you.

On motion of Representative KONTOS of Windham, tabled pending the motion of Representative PLOWMAN of Hampden to indefinitely postpone the Bill and all accompanying papers and later today assigned. (Roll Call Ordered)

An Act to Provide Recipients of All Assisted Living Programs and Services Residents' Rights and Equivalent Reporting and Enforcement Opportunities (S.P. 484) (L.D. 1492)
TABLED - May 12, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Passage to be Enacted.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Amend the Lobster Laws and Study the Issuance of Lobster and Crab Fishing Licenses Based on Income Derived from Commercial Fishing (H.P. 1063) (L.D. 1501) (C. "A" H-307; H. "A" H-340)

TABLED - May 12, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Passage to be Enacted.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Bill "An Act to Amend Criminal OUI Penalties Concerning Suspension of a Motor Vehicle Driver's License" (H.P. 1321) (L.D. 1870) which was tabled by Representative KONTOS of Windham pending reference. (Committee on **Criminal Justice** suggested)

On motion of Representative POVICH of Ellsworth the Bill was referred to the Committee on **Criminal Justice**, ordered printed and sent up for concurrence.

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

On motion of Representative LABRECQUE of Gorham, the House recessed until 4:00 p.m.

(After Recess)

The House was called to order by the Speaker.

Bill "An Act to Prohibit the Gathering of Signatures at a Polling Place" (H.P. 64) (L.D. 89) (C. "A" H-339)

TABLED - May 12, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Passage to be Engrossed.

On motion of Representative COWGER of Hallowell, the rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-339) was adopted.

The same Representative presented House Amendment "A" (H-399) to Committee Amendment "A" (H-339) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative COWGER: Madam Speaker, Men and Women of the House. I originally voted with my colleague from Wilton on this bill. He was the sponsor of the legislation, but I have subsequently sensed a great deal of concern with the original bill. LD 89, as written, excludes the gathering of petition signatures within what is defined as the polling place. I understand this to be in statute to find as the entire building where voting takes place. I believe this is overly restrictive to

meet the actual intent of this legislation. We will be looking at another piece of legislation coming before us, LD 381, which requires that petition signatures be gathered at least 250 feet away from the polling place. Likewise, I feel this is overly restrictive of our right to participate in the citizen's petition process. The amendment with the filing number of (H-399) only excludes signature gathering from the room in which ballots are cast. In many municipalities petition signature gathering can still be conducted elsewhere in the building where voting is taking place, but it will control the activities in the room where voting is taking place. I feel it is entirely appropriate as the purpose of being in the room is to vote and only vote. This amendment attempts to balance the preservation of the freedom to collect signatures with the right to vote in peace.

I would just like to quote briefly a paragraph that I think we all received from the Secretary of State, Dan Gwadosky. He says, "Petitioning is a constitutional right and few people in Maine would surrender it." I know I wouldn't. Just outside the voting booth is not the place to exercise this right. Collecting signatures at the polling place may be the easiest way, but it isn't the only way. Our constitution doesn't say anything about the right to petition in the most convenient possible way. My amendment is an attempt to reach an agreeable solution. I urge you to vote for the pending motion. Thank you.

Representative TAYLOR of Cumberland requested a roll call on the motion to adopt House Amendment "A" (H-399) to Committee Amendment "A" (H-339).

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 Scarborough, Representative Pendleton.

Representative PENDLETON: Madam Speaker, Men and Women of the House. I would like to say that I am against this proposed amendment. Just looking at it, they are saying the room of the polling place. In Scarborough our room is a gymnasium that you enter from the outside of the building through a very small narrow hallway into the gymnasium. You exit in the same manner. If we had only signature takers sitting in that area, you wouldn't be able to get in or out of the polling place and we would have a situation that would be worse than when they were sitting in the room. I would urge that we not adopt this amendment. Thank you very much.

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

Representative FULLER: Madam Speaker, Ladies and Gentlemen of the House. I, too, have a problem with this amendment. Not only do I have several polling places in my district where it is a gymnasium where there are lots of room to be away from the immediate voting booths. I also had discussed this issue with the Secretary of State and other people. There are many polling places that are only one room. If you are saying you can't collect petitions in that one room, you are basically excluding them from the polling place entirely. As much as I don't always agree with petitions, I think that is the democratic right that people ought to have to collect signatures during the time people are going to the polls. I know there are some other options before us. I do not support the proposed amendment.

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

Representative BRENNAN: Madam Speaker, Men and Women of the House. I rise to ask you to vote against the pending amendment and against the bill. I think that LD 89 is not necessary. I live in a district that has one of the most high turnout percentage of voters of anyplace, not only the City of Portland, but probably in the State of Maine. I have never once

had a constituent come to me and complain about the fact that there are too many people petitioning or it has hindered their ability to vote because people are gathering signatures. In fact, I have had people say that it has helped them understand the various issues that are being debated and are being discussed and that they appreciate having people there for either providing them information about particular issues or inviting them to sign on to petitions they do support.

I believe that current law, which provides ample authority to ordinance, to govern the activities in the voting place are currently adequate. If, in fact, people are gathering signatures or hindering people's right to vote, the wardens should step in and take appropriate action. I ask you, for those reasons, to vote against the pending amendment.

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

Representative PIEH: Madam Speaker, Men and Women of the House. I support this amendment for the simple reason that it gives us an opportunity. I think if there is a gymnasium, you could probably put up some cloth or something to define a separate area. One of my concerns is that the wardens, yes, do have the right to set up petitions. I do have experience in some of my towns. One of my towns, in particular, where they allowed one petition in and not others. It is not being dealt with fairly within the polling place. Another concern that I have is that people do, in fact, especially in my small towns, feel obligated and pressured to sign or not sign particular petitions by the groups of people that are hanging around buying baked goods. My third concern is that petitions somehow sort of get legitimized by being in a polling area. I strongly urge you to adopt this amendment, which will allow an area within the building, but not within the polling place. Thank you.

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. As most of you are aware, I have voted against this bill before and will continue to do this. As Representative Brennan has told you, based upon reading the amendment, I think it would pretty much disallow what the bill was trying to do. I would tell you as chairman of the committee, our committee has worked long and hard on this issue. As I mentioned before, this is a nonpartisan issue. I would ask you to vote your conscience, but in the humble opinion of this chair, I would encourage you to support the motion to Indefinitely Postpone this amendment.

Representative TUTTLE of Sanford moved that House Amendment "A" (H-399) to Committee Amendment "A" (H-339) be indefinitely postponed.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "A" (H-399) to Committee Amendment "A" (H-339).

A vote of the House was taken. 96 voted in favor of the same and 15 against, the House Amendment "A" (H-399) to Committee Amendment "A" (H-339) was indefinitely postponed.

Subsequently, Committee Amendment "A" (H-339) was adopted.

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. When this bill initially came up for a vote, I sided with the Representative from Wilton, Representative LaVerdiere. Upon further consideration of this bill, I have determined that I was in error in this vote and I am now switching my position on this bill.

The reason for this is by looking at current statute, you will see that the wardens already have a great deal of power and authority in the voting place to decide where the petition collectors can set up. They don't even have to allow them, if you read the existing language. It says they don't even have to allow them to be set up in the voting places. Reading from this it says, "Under the power of the warden, Section 662, the warden may select and designate a specific location at the voting place accessible and observable by the voters where the collection of signatures may take place." The optimum word there being may. There is nothing in here that says that the wardens have to allow the petition signature collection people to let them into the rooms. The question then is, the law is not faulty? What the problem here is is enforcement. The law already said very plainly that the wardens have the ability to control the placement of these petition signature collectors. The question is, if enforcement is not happening, do we simply change the law?

Upon further consideration, I think that is a very bad idea. I think that what is really most important here is, do we take existing law and work more together with the wardens in the local communities to get them to actually force existing current statute, not just to pass additional laws and regulations.

Furthermore, I really feel that this is an infringement upon people's right to democratically petition their government. If we are not allowing the petition gatherers to come into the voting place to be collecting signatures and they are being forced to stand outside, I really feel that is placing undue burdens and obstacles in front of people who are trying to democratically affect the government and the process. I know there are problems. I am not here to defend the people who are collecting signatures. I understand there have been problems. I understand that people feel intimidated and sometimes offended by the people who are collecting signatures. Does that mean that we take away the right to democratically petition the government just because we don't like what they are doing? There are a lot of things that we don't like people to do. We do not prohibit them from doing it. I really feel that this is a bad precedent to say that they cannot be in there collecting signatures. It really sets a bad example in saying that we do not want to allow normal citizens to be able to freely participate in the democratic process and make them go and stand outside if it is a cold rainy day or even last year during the presidential primary in March, it was a blizzard out. Are we expected to make people stand outside in that type of weather collecting signatures? I do not think that is appropriate.

Ladies and gentlemen, I urge you to please reconsider your actions if you had voted for this in the past as I did. Look at current statute and ask yourself if this is something we really should be doing. I urge you to support the motion to Indefinitely Postpone LD 89. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Mayo.

Representative MAYO: Madam Speaker, Ladies and Gentlemen of the House. I rise to oppose the motion of the good Representative from Freeport. Having listened to this debate now for a good three hours spread over a week or 10 days, I am a little concerned that I am beginning to hear that we may have changed the function of a polling place. Since I started voting nearly 40 years ago, it has been my understanding that a polling place was a place where we, as citizens, went to vote. I have seen nothing in statute or I have heard any one say that a polling place had two functions. One is a place to vote and two is a place to gather signatures. I certainly am not against anyone wishing to gather signatures, but I have been amazed at the number of contacts that I have had from people in my district and in other districts on this particular issue who feel really

threatened by their friends, neighbors and others who are collecting signatures in very narrow areas as they are attempting to either go into or leave a polling place. To me, a polling place is a very sacred place. It has one function and one function only. It is a place to allow me to cast my ballot. I would hope that we would leave the polling place alone and put it back to where it had originally intended to be and that we would vote against the motion to Indefinitely Postpone and go on to vote on LD 89 and approve the same. Thank you.

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

Representative LAVERDIERE: Madam Speaker, Men and Women of the House. I, again, rise in support of LD 89 and ask that you vote in opposition to the motion to Indefinitely Postpone. I come before you and want to respond to a couple of the comments that I have heard previously with regard to this bill. First, I want to make it very, very clear that there is absolutely no effort on my part or anyone who supports this bill to take away anyone's right to petition their government. People in our country have fought and died to make sure that we have the right to petition our government. I would never ever disgrace those individuals by even suggesting that we eliminate or hinder someone's right to petition their government. What I am saying is this, the current law, if it makes provision for this situation, it obviously is not working. You have that in your districts. I would submit to you that if you put yourselves in the shoes of a clerk, which groups do you let in and which groups don't you let in? If you refuse a group, are you going to be sued? If the last election you let one in and this election you don't let someone in, are you going to subject yourself and your town to the possibility of a suit? The answer is no. What are you going to do? Most likely you are going to look the other way and let whatever happens, happen. I suggest to you that that is what is happening now.

We all have heard situations where people have been accosted or otherwise had difficulty in getting to or from a polling place by petitioners. I would ask that you keep in mind that what we are trying to do here is to set some rules. You, as a candidate, cannot be in the polling place soliciting votes. Does that take away someone's right to vote for you? No, it doesn't. It merely means that there are certain rules that we must live by. This is a rule that I think is an appropriate rule. Any time you have a bill where you have Carolyn Cosby and Jonathan Carter, both coming before the committee and saying that this is a bad bill, I think you need to sit up and question why, regardless of what end of the political spectrum you are on.

I would tell you that, in my opinion, this is a good bill. The final thing I will say to you is that I know many of you have received a considerable amount of pressure from special interest groups that have asked you to switch your vote and vote against LD 89. I would submit to you one simple thing. You were not elected by a special interest group. You were elected by the people in your district. I hardly recommend that you hear what they are saying to you. That is simply, let me vote. Let me complete my constitutional responsibility unhindered. Thank you very much.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. Just a few thoughts. One, the right to petition is the right that is embraced in the First Amendment to the Constitution of the United States. For that reason, I think we should be very prudent and very thoughtful if we act to restrict that basic right. Two, as Winston Churchill said, "Democracy is the worst type of government, except every other type that has been tried so far." This is a procedure or process issue which, frankly, is part of the operation of democracy. Thought three and

the last thought, I think everybody in this room knows, particularly if you are from the area I am in, the outrageous and unnecessary actions that took place in the Portland polling areas, which in many ways exacerbated and gave the basis for these types of bills. As has been mentioned by many various Representatives on the floor, you don't change a basic law because of one or two such incidents. Instead, you deal with them directly. Particularly, you should be very careful when you are dealing with the Constitution and making a basic change on those kind of things, which I condemn and I think any thoughtful citizen does. Those are my three thoughts. I will now sit down and unlike the south, will not rise again.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Underwood.

Representative UNDERWOOD: Madam Speaker, Men and Women of the House. I rise in support of the Indefinite Postponement of this bill. I would like to make a couple of points. One thing I heard from one of the previous speakers was that the present laws aren't working. It is not the fact that the present laws are not working, it is that the present laws aren't being enforced, as the good Representative from Freeport stated. The wardens do have the ability to restrict people of where they can get these petitions signed. They can ask them to leave. They can move them once the voting process begins. They can do any number of things. They can move them outside the building. They can move them into a different building. They can move them into a different room. I believe we do have some problems, but I think it is a problem of the individual towns that are having these problems.

I have four towns in my district. The Town of Oxford you walk in and you vote. When you walk out the door, you have to make a conscious decision to walk over to where they are collecting petitions. You have to walk across the room to make that decision. The Town of Mechanic Falls, you don't even see the petitioners because they are in a separate room. That is where the warden has decided they will be. The Town of Otisfield, you walk through the room and when you walk out of the voting booth, you don't even have to see the petitioner. They are there and you can walk over about 30 feet and you can find the petitioners, if you choose to. They are not impeding the people's right to vote. I don't understand why, if we are having problems with some of these towns, the larger towns, the warden should make an effort to correct the problem. I don't think we should be impeding the democratic process statewide and, in my opinion, stepping on the Constitution in order to solve a problem with maybe a dozen or so towns across the State of Maine.

Another comment that was made today is that we should listen to our constituents. Ladies and gentlemen of the House, I have listened to my constituents. My constituents were very vocal on this issue over the last three to four weeks. I have not gotten one single call or heard from one single person while I was campaigning that told me to get the petitioners out of the polling areas. All the calls I have gotten in the last two weeks have been to kill these bills. I would hope that you would vote to Indefinitely Postpone this bill. Thank you.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. Representative Lemke is entirely right. Democracy is a messy business and he is also right when he says that bad cases make bad laws. I was very happy to hear Representative Bull's comments. He hit the nail right on the head. If you are having trouble in your polling area, I am sure the wardens can handle that. I can tell you, in my towns, people look forward to going to the polls and seeking out these signature gatherers on these petitions because a great many of

the people in my area work during the day and people don't particularly care to be accosted in the parking lots when they are shopping or somebody knocking on their door to get their signature. Some people are leery about answering their door. They know they can go to these polling booths and sign these petitions if they are interested. They do seek these signature gatherers out.

One of the things that come up all the time, about politics, when you talk to people who are not in politics, they are very cynical about the process and the democratic process and they feel they have no impact. I remember a certain gentleman in town. He always complained about the town taxes. I asked him if he went to the town meetings. He said, no. I said, why not? He stated that they were going to do what they want to, anyway. I hope that we will take that into consideration and not vote for this up here and do what we want anyway, and keep the democratic process open so people can seek out those petition gatherers at the polls. Thank you.

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

Representative GAGNE: Madam Speaker, Men and Women of the House. I suppose this issue, as with many others, is based on past experiences. I have worked the last 12 years, sometimes as a warden and sometimes as a poll worker. I have come to the conclusion that there is a gauntlet that people have to go through to get in and be able to vote. When people go into the polls, they have the concept of voting in mind and how they are going to make the decision. They often will leave the polling booth and probably will agree to just about anything at that point because they think their duty is over with. People have signed things that they later said that they wished they hadn't signed that.

I would also like to comment on the authority the wardens have. Truly, the wardens have a lot of authority. You have to keep in mind who these people are and how they are elected and how well they are trained and how often they perform this task. Most of these people are thrown into the position. Sometimes they are appointed because, in our city, we don't have enough people who run for the position of warden with five different polling places throughout the city. They are given a very quick course on what the election laws are and then they are confronted at that morning, while trying to set up the booths and get poll workers organized, ballots counted and all the issues associated with the polls of having some relatively aggressive people come forward and say this is what we have to do. This is our rights and this is the way it is going to be. These people are then in a position that have to deal with that. They have to make a phone call to City Hall or some other place where the clerk is who might have knowledge or more authority to deal with these issues. The City Clerk is going to be running around the city dealing with broken machines and other issues at that critical moment. I have heard of a case, in fact, where people have been set up to collect signatures on a particular petition and then someone outside the building was encouraging people to not sign the petition that was on the inside. That person on the outside was told to leave because they were politicking within the poll area. Where are the rules? What is the law? I think the best thing to do is defeat this motion to Indefinitely Postpone and allow the election to occur unimpeded as much as possible. Thank you.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Madam Speaker, Ladies and Gentlemen of the House. I rise to support the Indefinite Postponement of LD 89. There has been so much said on this. You could look at this both ways, but I will tell you that in my

voting place it is an exciting place to be. I mean, it is like the town social place. Everyone goes and gathers, we have petitions, we have people voting, we have people talking, and as long as none of the candidates that are there talk about the issues, we are just fine. I would also like to express something that was said a couple days ago. It was that we can get the petitions signed over there at the grocery store. That doesn't work that much anymore because grocery stores are now limiting this more and more. It used to be that Shop n' Save would allow you and Shaws would allow you. I don't know about any other town, but I know in Auburn and Lewiston area, the stores are getting very, very restrictive. That is going to make it extremely difficult for people to go and do their thing.

Another person has mentioned that he has had many people call and are against it. I had one person, in the primary last year, that complained about this. Ever since then, when this bill came up I have had nothing but calls of outrage that we would take away the freedom. That is what a lot of people expressed to me. They just thought it was another way to take away our rights as a people. Please, I really urge you to vote for the Indefinite Postponement. Thank you.

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

Representative CAMERON: Madam Speaker, Men and Women of the House. In our polling place there is no choice. There is an aisle to the door about as wide as the aisle that I am standing in. In order to get out of the polling place, you have no choice but to go through the gauntlet. We have heard that the people that run the polling place have the right to move these folks. I ask you not to forget that these are friends and family and nobody has an interest in starting a fight in the middle of a polling place. It is intimidating for these people to ask the other folks to move or put them in another room. I think it is our duty to help the people in the polling place to make their job easier. I would ask you to consider how you would feel if our speaker passed out a title to us and said to vote on it. You can't ask any questions. You have five minutes and you are going to vote on it. I think there are 150 people in this room that would be outraged even if you agreed with the issue. I submit to you that that is what is happening in our polling places. The people are being asked if you want to do such and such. One sentence of help stop so and so. If you take the time to stop and look at what they really have, often times, there is a whole number of issues within that one title. The proposal might cover 10 or 12 pages. They don't have the time. They don't have the knowledge. There is a lot going on to stand there and read that entire piece of legislation that they are being asked to sign.

I recently was sitting in a bank signing a mortgage and those of you who have done that know that there are many, many places to sign. I said to the gentleman on the other side of the table, has anyone actually ever read all this stuff? He said, "In 25 years, three people have read it. When people ask me what it means, I tell them if you don't pay, you don't stay." That, in affect, is what it amounts to. My point in telling you this is people don't take the time. They don't have the time. They don't have the knowledge or whatever the reason might be to know what they are signing. I can't tell you how many people have said to me that if I had realized what I was signing, I would never have signed it.

Recently, we passed a very controversial budget in this House. We had heard discussion about attempts at a people's veto. We have heard today that it is imperative that we provide a place for people to gather signatures in the polling place. I have no interest in this people's veto effort. If we should apply a place in the polling place for people to sign a petition then I submit to you that the people who are trying to accomplish a people's veto

right now and don't have a polling place right now to go to are being discriminated against because they have to go through this horrible process of going out and getting signatures, which is what we are asking to happen. What is the difference? If one petition deserves this kind of facility, then another petition deserves this kind of facility. You have heard that Shop n' Save, Shaws and the other facilities won't allow these petitions to take place. Why do you suppose that is? It is because they don't want their customers harassed. We are saying it is okay. It is a messy process and go ahead and harass. In effect, that is what you saying. You can say that the warden in the polling place has the authority. I submit to you that it is asking too much for them to patrol this.

I would ask you to please not support the Indefinite Postponement of this bill. I think this is an important bill and would ask you to turn down the Indefinite Postponement so we can go ahead and pass the bill. Madam Speaker, when the roll is taken, I request a roll call.

Representative CAMERON of Rumford requested a roll call on the 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 Machias, Representative Bagley.

Representative BAGLEY: Madam Speaker, Men and Women of the House. I rise to support the Indefinite Postponement of the pending motion. In my other life, I served as deputy town clerk for eight years and clerk for 14. I supervised many elections and attended many seminars on election laws. In the case of petitioners, I believe what we should have is more education and not legislation. State law gives the town clerk or the election warden the discretion as to whether or not to allow people to gather signatures, where they were able to do it and how the process is conducted. I have to tell you that I have never had a bad experience with anyone collecting signatures. In my case, most petitioners would call in advance of the election to see if they could collect signatures. At that time, I established the ground rules. They knew when they came in how they had to conduct themselves. If they didn't, they were asked to leave. Doing it this way saves a lot of time and trouble on election day. Again, we have laws already to govern this procedure and I ask that you vote to Indefinitely Postpone LD 89. Thank you.

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

Representative GAMACHE: Madam Speaker, Men and Women of the House. I urge you to listen to the wise council of Representative Cameron. There is a compelling reason to pass this bill. It has nothing to do with a configuration of the voting place, location of tables or anything else. It has to do with the importance, the great need, for an informed electorate. That is what Representative Cameron was talking about. That, essentially, is what it is all about. People going through this bid deal, one for every 30 seconds though a line, 90 percent of them, at the very least, don't know what they signed, have no idea what it is about and they will tell you so after the fact. I am not going to take a lot of time. We have been through this a great deal over the last few days, but remember, it has nothing whatsoever to do with the voting place or the location of the table. It has to do with an informed electorate. Thank you.

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

Representative O'NEIL: Madam Speaker, Men and Women of the House. I always listen with great intent as Representative Gamache speaks, as well as Representative Cameron. I am this

way too. I seldom agree with a lot of the people who tend to be there to gather petitions. Inasmuch, based largely on the force and elocution skills of Representative LaVerdiere last week, I voted with him. I voted to prevent folks from coming in. I talked to a warden who prompted me to send the handout that I did the other day who said much of what Representative Bagley just said in terms of his ability to keep people out. I just have a couple of thoughts. One, regarding what Representative Cameron said that I think it is a problem, that people can't read and they don't read the entire bill before they sign their name to it. I wonder, will that change? Will they read it in front of Shop n' Save or as they walk out of mass on Sunday? Will they read it even on their front steps? I suspect that you will get people to sign or not sign with the same effort or lack of effort no matter where you do it.

Another thought is if the presence of petitioners at the polling place is a hindrance as I have heard it called to people executing their right and will to vote, why is it that we have, in Maine, such a fine reputation for high turnout? The facts don't seem to bear out the assertion that people are afraid to go to the polling place. The bottom line for me is, if you have a problem with the citizen's right to petition and the way they go about it, I say attack that. It is like the high jump analogy. You can raise the bar, say 52,000 signatures isn't enough and you think it should be 70,000, well, let's go that route. Raise the bar, don't try to cut the legs out from under somebody as they are jumping. As such, I support Indefinite Postponement and I hope you will too. Thank you.

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

Representative LANE: Madam Speaker, Ladies and Gentlemen of the House. Sitting back listening to this debate, I can see that it is not a partisan issue. It seems to be an issue of locality. I would suggest that this is a local control issue. We don't have a problem in my district. Some people might have a problem in their district. I think in light of the political climate today, I am really concerned with what is next. We have had legislation regarding political signs. Next thing you know, it is going to be considered harassment to go door to door. I would suggest that we inform our electorate to just say no and that I would gladly read your petition and get back to you. I don't understand why there seems to be a perception that people are forced to sign petitions. I don't think that happens. Like I say, ultimately, I think the towns do have jurisdiction over this and this is a matter of local control. A lot of people are going to be so glad if this bill passes and there are also going to be a lot of people who are very angry if it passes. I would urge you to vote to Indefinitely Postpone.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Tessier.

Representative TESSIER: Madam Speaker, Men and Women of the House. One of the previous speakers has said that we should listen to our constituents and I am doing that. My constituents say there is not a problem with having petitioners at the polling place. We never have a problem in Fairfield. That is because the warden does his job. He makes sure that people abide by the rules that he has set forth. We have also said that we should pass this law in order that we can make the warden's job easier. If we are going to start passing bills to make jobs easier, I have several bills I would like to pass to make my job easier. I think the bottom line is that this is an attempt to restrict the ability of groups to gather signatures on citizen's initiatives at the polls, although I often find myself on the opposite side of the issues that these petitioners have at the polls, I strongly support their right to gather their signatures at the polls and I urge you to vote for Indefinite Postponement.

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

Representative KANE: Madam Speaker, Ladies and Gentlemen of the House. As my esteemed colleague Representative Gamache pointed out, this may be less a matter of obstruction of movement of voters through harassment than it is really a principle of democracy. What we may be saying in the current process of gathering signatures is really assemblyline democracy for the convenience of those petitioners gathering signatures. If the petition is of sufficient value, then people ought to pursue voter's signatures and to work to get them rather than to inconvenience others and to create the assemblyline principle of democracy. I urge the support for the prohibition. Thank you.

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

Representative PERKINS: Madam Speaker, Colleagues of the House. I would just like to remind us all that, as somebody else has pointed out, political candidates can't get within 250 feet and be campaigning. I haven't seen any bills to change that. The discussion here kind of implies that these petition gatherers are benign forces. I maintain they are just as much political campaigner as you and I who were out there gathering support for ourselves. If this were not true, why don't they just drop them off in the card table in there and leave their petitions and then get out?

The SPEAKER: The Chair recognizes the Representative from China, Representative Bumps.

Representative BUMPS: Madam Speaker, Men and Women of the House. Just very briefly, I have listened to several hours of debate on this topic now and I intended to vote to Indefinitely Postpone this bill. For a reason other than I have heard yet in the debate and I just want to share it with you. My own community has contacted me with this bill and has asked me to vote against it because many times in our own town our municipal officers have taken advantage of polling places as a way of surveying the voters without actually putting a question on the ballot and incurring that cost. After folks have voted, they have moved through the voting booth and are on their way out, a survey has been set up to collect public opinion on a number of different issues. Those are the reasons that I will support the pending motion to Indefinitely Postpone. I would ask you to do the same. Thank you.

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

Representative BRENNAN: Madam Speaker, Men and Women of the House. I urge you to support the pending motion. I also want to point out that some people have used the word gauntlet, that it is like a gauntlet trying to either get into the polling booth or out of the polling booth. In fact, since 1989 there have been nine statewide initiatives. Barely one a year citizen initiatives. Even if you count in those initiatives that aren't successful and haven't gone to ballot, you maybe have two a year. I would argue that hardly constitutes a gauntlet for voters to have to go through when you have that few statewide initiatives that go to the voters each year.

Secondly, one thing in the discussion that has come up in the debate is this concern that voters may sign something that they don't know fully what they are signing or that they may not fully know what the purpose of the initiative is. Quite frankly, I would be very concerned if we are going to vote here for a voter protection plan. That is what it starts to sound like, like we are protecting voters from themselves. I would urge you not to move in that direction and to support the pending motion. Thank you.

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

Representative GERRY: Madam Speaker, Ladies and Gentlemen of the House. I rise in support of this motion to Indefinitely Postpone the bill and all its papers. Maine is one of the most difficult states to petition in. Many states require 5 percent or less of the total vote for Governor for the signatures. Massachusetts require only 3 percent. Maine has a 10 percent threshold. Petitioners usually had to go to what we usually had with town squares. They don't exist anymore. They are now Auburn Malls, Maine Malls or Bangor Malls. Some states like Wyoming or California have laws that allow for petitioners to petition at shopping centers and Wal-Mart type stores. The Auburn Mall, Maine Mall and those types, to name a few, have not allowed people to collect signatures at their places since they collected their signatures for Sunday sales.

In Maine you have to carry several petitions, one for each town of wherever you collect somebody's signature from and then you have to have them notarized and returned to the towns to be verified. Many other states require none of this. They allow their petitions to be turned in for verification at either a county or at the state level. If our State Legislature is sincere about protecting a citizen's right to petition the government, maybe it should look at what other states are doing and make appropriate changes in our election laws.

One of the other questions that was brought up about, what do you do when petitioners show up at the polls to collect signatures, what course do the election clerks or wardens have? Denying or saying you can come in. Usually it is a home rule. Usually you notify the town clerk in advance and then the day of the election you go to the warden. They tell you when to come in. It is usually first come first serve. If you are not there early enough to set up your table, or whatever they tell you you can have, and there is no room inside, then you stay outside. That is just a common courtesy. Again, I ask you please to consider the debate you have heard and vote for Indefinite Postponement of the bill.

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. I have sat here and listened with interest. I am amazed that no one has stipulated or said that with freedom comes responsibility. That seems like a short thing to say, but it has a great deal of meaning. I don't think that anybody wants to abridge freedom, but you must remember that those people going into the polls also should have the courtesy of freedom. I am afraid that they haven't had this lately. I am very pleased that my colleague from Rumford pointed out the fact that the petitions used to be in stores and things of that nature. I know I asked my two major stores and they said that they used to allow that, but it just caused too many problems. I think, certainly, if we continue to avoid the issue, which is that there are problems, that you certainly don't solve those problems by ignoring them and not having some sort of a law, if that is what you want to call it, to take care of the situation.

I want to remind you that our forefathers came across the great Atlantic, most of them, and they came to the shores of Plymouth in 1620 and what did they do? They stopped outside and no one went ashore until they had the Mayflower Compact. They did that because they knew they had to have some regulatory system and it would be a shame if we did not take note that we do have a problem with this system and we should take whatever steps are necessary to take care of that problem. I can assure you that it is not to ignore it. I thank you very much and I shall vote against Indefinite Postponement.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Madam Speaker, Ladies and Gentlemen of the House. I have to take note of what the good Representative said. I am a direct descendent of the Mayflower and I will tell you that I really think they came over here because they needed the freedom to do precisely what we do today. I really disagree with the fine gentleman. I believe that is a right that we need to keep. Please vote against LD 89. Thank you.

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

Representative JONES: Madam Speaker, Men and Women of the House. As you know from my previous conversations, I was a deputy clerk, plantation clerk, registrar of voters and registrar of the draft. More to the point, I think this has a lot to do with education. In our small towns in Piscataquis County, we don't have wardens. There is a funding problem. The town clerks wear 12 hats that day as they do any day, but in particular it is worse on voting day. We also have a large population of elderly and they are to the point where it is hard for them to even get to the polls, let alone have to be faced with confusion and not being able to get to the polling area to vote properly. Also, I think we all went door to door and we got voted in door to door. We sold ourselves and we said that this is what we stand for and this is who we are. I don't think that we sat down to a table at a town office and said, here sign this, I am wonderful. I don't personally believe this is the way we ought to be going on such major issues that face the entire State of Maine. I am not going to vote for this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Unity, Representative McElroy.

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

The SPEAKER: The Representative may pose his question.

Representative MCELROY: Madam Speaker, Ladies and Gentlemen of the House. I usually don't lack in reading skills, but having read this bill, I have a problem with interpretation. It says, if anyone can correct me, "Signatures to present or conduct a survey for written or oral responses on election day, inside any building that serves as a polling place. This subsection does not prohibit persons from conducting exit polls." I need to ask someone. How do you do an exit poll, if you can't do it in the written manner or orally?

The SPEAKER: The Representative from Unity, Representative McElroy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Madam Speaker, Ladies and Gentlemen of the House. I would agree with the good gentleman. That is one of the concerns of a number of members of the committee on why we didn't vote for the bill.

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

Representative LAYTON: Madam Speaker, Men and Women of the House. We certainly have carried on this debate quite long. I was a town clerk for 10 years. I know a little bit about this. The law states currently that the warden certainly has the power to move these people around. If they have problems with them impeding the voting process, then they can get the constable or the local person who services that municipality and have those people removed, physically or whatever. The problem, as I listen to the debate is, there is no problem if people will take and act upon current law. Speaking on current law, I believe it was just a couple years ago that we changed the law regarding absentee ballots. It used to be that in order to vote absentee, one would have to be physically absent from the municipality. If that individual was seen in that municipality

before the polls closed, someone could challenge that absentee and have that absentee vote rejected. The law is changed now. If you want to vote absentee, you just go in and vote absentee if you don't want to go to the polls. If anybody finds this objectionable to run the so-called gauntlet, go in two, three or four days and vote and be done with it.

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

ROLL CALL NO. 179

YE - Ahearne, Bagley, Baker CL, Belanger DJ, Berry RL, Bigl, Bolduc, Bragdon, Brennan, Brooks, Buck, Bull, Bumps, Carleton, Chartrand, Chick, Chizmar, Colwell, Cross, Davidson, Donnelly, Driscoll, Dunlap, Etnier, Fisher, Foster, Fuller, Gagne, Gerry, Gieringer, Goodwin, Green, Jones KW, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Lane, Layton, Lemaire, Lemke, Lemont, MacDougall, Mack, Mailhot, McElroy, McKee, Mitchell JE, Murphy, Nass, Nickerson, O'Neil, Peavey, Perry, Pinkham WD, Plowman, Poulin, Powers, Quint, Rowe, Saxl JW, Saxl MV, Shiah, Skoglund, Snowe-Mello, Stedman, Stevens, Tessier, Thompson, Tobin, Townsend, Tripp, Tuttle, Underwood, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Winglass, Winn, Winsor, Madam Speaker.

NAY - Baker JL, Barth, Belanger IG, Berry DP, Bouffard, Bruno, Bunker, Cameron, Campbell, Cianchette, Clark, Clukey, Cowger, Desmond, Dexter, Dutremble, Fisk, Frechette, Gagnon, Gamache, Gooley, Hatch, Honey, Jabar, Jones SL, Jones SA, Joy, Kane, Kontos, Labrecque, LaVerdiere, Lindahl, Lovett, Madore, Marvin, Mayo, McAlevey, Meres, Morgan, Muse, O'Brien, O'Neal, Ott, Paul, Pendleton, Perkins, Pieh, Pinkham RG, Povich, Rines, Samson, Sanborn, Savage, Shannon, Sirois, Spear, Stanley, Taylor, Treadwell, True, Usher, Wheeler GJ.

ABSENT - Bodwell, Farnsworth, Richard, Wright.

Yes, 85; No, 62; Absent, 4; Excused, 0.

85 having voted in the affirmative and 62 voted in the negative, with 4 being absent, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

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

Senate Divided Report - Majority (7) "**Ought to Pass**" as amended by Committee Amendment "A" (S-181) - Minority (6) "**Ought Not to Pass**" - Committee on **Legal and Veterans Affairs** on Bill "An Act to Restrict Circulators of Initiated Petitions from Being within 250 Feet of Voting Places" (S.P. 102) (L.D. 381) which was tabled by Representative TUTTLE of Sanford pending the motion of Representative PENDLETON of Scarborough to accept the Minority "**Ought Not to Pass**" Report.

Representative TUTTLE of Sanford moved that the Bill and all accompanying papers be indefinitely postponed.

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

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. I think after our past vote on this issue, I think, probably, most of us know where we stand. Briefly, requiring circulators to be 250 feet away from polling places, in all honesty, puts them well beyond reasonable range. The bill is somewhat inconsistent. It prohibits any petitioners or survey takers within the polling place, but it only applies to initiated petitioners. During the testimony before the Committee on Legal

and Veterans Affairs, the Town Clerks' Association felt that they would not want to see the petitioners outside the building, 250 feet, since they would have no idea whether or not they were abiding by the laws of Section 662. As has been mentioned before, wardens already have the authority to watch over the petition gathering process and there are already statutory provisions, I don't need to read them to you because others have informed you of that today. Let's not change the right of citizens to exercise the initiative process just because some of them are not using that authority. If people are causing problems, in my opinion, in the signature gathering process, let's deal with them individually or through stiffer penalties and not place obstacles in the way of the citizen initiative process. Thank you Madam Speaker.

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 to Indefinitely Postpone the Bill and Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 180

YE - Ahearne, Bagley, Baker CL, Barth, Belanger DJ, Berry DP, Berry RL, Bigl, Bolduc, Bragdon, Brennan, Brooks, Bruno, Buck, Bull, Bumps, Bunker, Carleton, Chartrand, Chick, Chizmar, Cianchette, Colwell, Cowger, Davidson, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gerry, Gieringer, Goodwin, Gooley, Green, Jones KW, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Lane, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, McAlevey, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham WD, Plowman, Poulin, Povich, Powers, Quint, Rowe, Sanborn, Savage, Saxl JW, Saxl MV, Shiah, Skoglund, Snowe-Mello, Stanley, Stedman, Stevens, Tessier, Thompson, Tobin, Townsend, Tripp, Tuttle, Underwood, Usher, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Winglass, Winn, Madam Speaker.

NAY - Baker JL, Belanger IG, Cameron, Campbell, Clark, Clukey, Cross, Desmond, Dexter, Gagnon, Gamache, Hatch, Honey, Jabar, Kontos, Labrecque, LaVerdiere, Mayo, McElroy, Pinkham RG, Rines, Samson, Shannon, Sirois, Spear, Taylor, Treadwell, True, Wheeler GJ.

ABSENT - Bodwell, Bouffard, Farnsworth, Richard, Winsor, Wright.

Yes, 116; No, 29; Absent, 6; Excused, 0.

116 having voted in the affirmative and 29 voted in the negative, with 6 being absent, the Bill and all accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (10) "**Ought Not to Pass**" - Minority (3) "**Ought to Pass**" - Committee on **Legal and Veterans Affairs** on Bill "An Act to Prohibit Landlords from Collecting Rent More than 3 Months in Advance" (H.P. 1107) (L.D. 1550)

TABLED - May 12, 1997 (Till Later Today) by Representative GAMACHE of Lewiston.

PENDING - Acceptance of Either Report.

On motion of Representative TUTTLE of Sanford the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

An Act to Establish the Rider Safety Act (H.P. 713) (L.D. 977) TABLED - May 12, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Passage to be Enacted.

On motion of Representative TUTTLE of Sanford, the rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same Representative presented House Amendment "A" (H-454) which was read by the Clerk.

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. This was a unanimous committee report of the Committee on Legal and Veterans Affairs. It is a technical amendment and the amendment says it removes specific penalty provisions and replaces them with language specifying that the bill does not preclude criminal or civil actions available under any law. The amendment also adds the proper fiscal note.

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 anybody on the committee, it is the first time I have looked at this bill, if this amendment passes, does that mean that any kids under this age would have to wear a helmet? If that is so, what would happen to the kids who come from poor families who can't afford a helmet? Does that mean they wouldn't be able to ride their bikes?

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 Sanford, Representative Tuttle.

Representative TUTTLE: Madam Speaker, Ladies and Gentlemen of the House. The answer to the good Representative's question would be no.

House Amendment "A" (H-454) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-454) in non-concurrence.

On motion of Representative CAMERON of Rumford, the House reconsidered its action whereby the Bill was passed to be engrossed as amended by House Amendment "A" (H-454).

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

Representative CAMERON: Madam Speaker, Men and Women of the House. I apologize for not being fast enough to catch this, but reading this bill, I have some real concerns about this and somebody please correct me if I am wrong. As I read this bill, we are going to criminalize riders of amusement rides who don't report accidents. As I read this bill, that is what it refers to and if that took the form of a question without permission, I apologize for that. Could somebody correct me? I have real concerns about that having been involved in fairs for many, many years. I think this presents some real problems for us.

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. In answer to the gentleman's question, that is what the amendment attempted to take care of. That is why we presented the amendment because of the concerns of Representative Cameron.

Subsequently, the Bill was passed to be engrossed as amended by House Amendment "A" (H-454) in non-concurrence and sent up for concurrence.

An Act to Amend the Laws Regulating Occupational Therapy Practice (H.P. 1151) (L.D. 1616) (C. "A" H-282)

TABLED - May 12, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Passage to be Enacted.

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

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

TABLED AND TODAY ASSIGNED

HOUSE DIVIDED REPORT - Majority (7) "**Ought Not to Pass**" - Minority (6) "**Ought to Pass**" as amended by Committee Amendment "A" (H-431) - Committee on **Agriculture, Conservation and Forestry** on Bill "An Act to Provide Public Information on Forest Management Practices" (H.P. 804) (L.D. 1092)

TABLED - May 12, 1997 by Representative BUNKER of Kossuth Township.

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

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Madam Speaker, Men and Women of the House. This is a bill that I have sponsored. Currently under Maine law, landowners that harvest timber must report that harvest to the Maine Forestry Department. In their report they must report what type and area of timber harvested, the volume by species, the product for example veneer logs, pulp wood, biomass or what have you. They must also report stumpage prices they got for those products. They must also report their planting information. They must report herbicide spraying and what they have done on their property. Also, wood processors must report to the state. Wood processors must annually report how much round wood they have processed, exported or imported into the State of Maine. All this information is kept secret from the Maine public. This bill would allow some of this information to be available to the public. What would be kept confidential would be the stumpage prices and also the products that they have harvested.

Also in this bill, it would ask that landowners report their plantation of three acres of more and what type of stand type they have planted and the location of that plantation. I feel that the public has the right to know what is going on in the Maine woods. Some say we shouldn't know that, but I think we all should. We have had a lot of discussions over the past year or two about the Maine forests. We will be voting this fall on 2B, whether to accept it or not. I think the Maine public deserves to know the information of what is going on out in our forests. Don't forget, we also give all forest landowners that want to, those over 500 acres have to, we offer them tree growth. I also have a couple hundred acres of land under tree growth myself. The taxpayers of the State of Maine has a stake in the Maine forest. I urge you to vote in favor of this and against "Ought Not to Pass." I just want to remind you that it takes sunshine to grow a tree in the forest and I think, sunshine, because of this legislation will grow trees in the forest. Thank you.

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

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

Representative CROSS: Madam Speaker, Men and Women of the House. I have one question, the information that Representative Samson has talked about, he said it is available and it is. He said the public ought to know this. My question is, if I may, how is this information going to get to the public if it is already known and it isn't getting there now?

The SPEAKER: The Representative from Dover-Foxcroft, Representative Cross has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Madam Speaker, Ladies and Gentlemen of the House. Some information is available to the public, but there is information that you can't have. That is, if there is one landowner in a township, you are not allowed to get that information.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. Again, as you see here, I moved the Majority Report and I am on the Minority Report. I want to ask this body to vote down the Majority "Ought Not to Pass" so we can move on to the Minority Report, which is "Ought to Pass" as amended. This bill, ladies and gentlemen, allows public access to current data being collected by the Maine Forest Service about various aspects of our working forests. This bill, as amended, will release the confidentiality on those collected data, except for stumpage by species and total stumpage prices, which takes out the dollars that the companies were concerned about. Some of you might know how much money I made last year.

Representative Samson agreed to the Committee Amendment to remove those portions so that if this bill was enacted, it would not be a financial problem between companies knowing how much each other makes and etc. We went to great lengths to try to make sure that we protected the business aspect of these reports. I have reviewed all these reports in front of committee, as well as the other members of the committee. Ladies and gentlemen of the House, there is nothing in them reports that a proprietary information would be adversely affecting any one of these companies. The problem was that they don't want their name released and attached to what they are doing in Maine today. As you know I spoke earlier this year from the Chief Executive's words that these companies are voluntarily complying with the ideas of the compact and the ideas that we are going to police ourselves and be sustainable and all that. I want to believe that they are doing that.

If we remain and continue to allow these documents to be confidential and not be directly accountable to the landowners that are doing the cutting and do the harvesting and the clearcutting and the pesticides and all that, how are we going to reassure the public that this is truly happening? One of the questions that was asked earlier tonight on this is, how are the people going to hear? Ladies and gentlemen, it doesn't take a genius in this body to know that we have enough watch dogs on the environment out there that this would be a no cost way that the public can police themselves. They can see exactly what Company A did last year and Company A ought to be able to stand before you and say that we are doing a great job. The documentation you have and the documentation that some environmental group has is identical and accurate. Right now we have dueling data out there. I really think that this measure will go a long ways to remove that finger pointing from one group to another or from the state to somebody else or from the landowner. I really think this is an important bill.

The other aspect, the most compelling reason why I am on this report is that on these reports is a section in there that says if I am a large landowner and I have a mill basically and I am buying all my wood for somebody else, not being harvested on my own property, I can stand before you with a straight face and say that I am following all the rules in my land, but behind the scenes that is encouraging liquidation harvesting on all those small mom-and-pop lots out here. They can still stand there with a straight face and say that they are following all the rules. I really respectfully request this body to vote down this motion and approve the Minority Report just so we can turn around and make sure that everybody is talking from the same plate and from the same data. 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. Being a professional forester and having worked with the State of Maine for a period of 34 years and having been involved in the data collection of landowners over the years since 1959, there has been a preponderance of information from landowners that has gone out to the public. This information has been available to the public. It is not that an individual that might have harvested, say, 1,000 cords on his land in a given year was available to the public. It was not. Every year, any landowner who cuts timber on a commercial basis has to file a timber cut report. It is confidential information. However, this information, when it is all collected is put together into surveys, which are done by the Maine Forest Service and put out in publications. The amount of timber cut by a town or a county or for the State of Maine is available to the public.

It was mentioned earlier that all of this information is kept secret from the public. Well, it is not. An individual who harvests timber has the right to having his or her information, which has gone to the state, to be kept confidential. Being a landowner myself, I think that is a very, very important aspect that we need to take into account here this evening. I recommend that it come out "Ought Not to Pass." Thank you.

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

Representative SHIAH: Madam Speaker, Ladies and Gentlemen of the House. As a member of the committee that reviewed this bill, I think there is a lot of concern about forestry practices in Maine, as was shown last fall. What this bill attempts to do is to shed some light on what is going on in our forests. I think it is a public information bill. It will give us a better handle on what is going on in the forests of Maine. We took the financial information requirement out of the bill, but we left in the most pertinent information, the species and the amounts. I would urge people to vote against this motion so we can go on to accept the Minority Report. Madame Speaker, when the vote is taken, I request the yeas and nays.

Representative SHIAH of Bowdoinham 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: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. Here we go again. Micromanaging businesses in the State of Maine. I have a nephew that is a chief forester for Seven Islands and they manage a great deal of the northern timberlands. They have received numerous awards from all over the country and from the state for their management practices. They have managed properties for the last 70 years. He is, and the company is, totally opposed to this LD. I would

strongly urge you to accept the Majority "Ought Not to Pass" Report. I thank you.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Foster.

Representative FOSTER: Madam Speaker, Ladies and Gentlemen of the House. Also being a forester and having worked for the Maine Forest Service for 26 years and now running my own consulting business, I have to file for my clients anywhere from 100 to 200 of these reports every year. They are very detailed. It seems only reasonable that this information at least be kept confidential for those people. The information that the good Representative from Farmington has mentioned is available on a countywide basis at least. Anybody, if they want to, can find out how much wood is cut and how many acres is covered, so forth and so on. I think it is only reasonable to protect people, in particular from the organized towns, who have their small ownership, their confidentiality ought to be protected. I urge you to vote for the "Ought Not to Pass."

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

Representative VOLENIK: Madam Speaker, Men and Women of the House. Not only is this information not available to the public, but it is not available to us here in this body. If we are to make good public policy, we need this information. If the public, which is our boss, is to direct us in making good public policy, then they also need this information. Thank you.

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

Representative LANE: Madam Speaker, Ladies and Gentlemen of the House. We understood from the forest service that all the information we need to make good public policy is indeed available, but not by name. I want to point out that the forest service did tell us that they would like to have more information on a voluntary basis and this would definitely impede that process. People are not going to be willing to volunteer information if it is going to be made public. Secondly, this does not impact just big companies, which seems to be the target of this. This is small landowners as well, as you heard from the good Representative who handles small landowners. I don't know about you, but I think this is definitely a breach of confidentiality. We heard another piece of legislation this morning dealing with that very thing. If we are going to have small landowners and big companies and everybody else reveal their business, what is it going to be next? I think this is an invasion of privacy.

One thing that really concerned me is we go to a newspaper in this chamber, I think it was the *Maine Times*, that had a big article on Seven Islands, just smearing them for their tactics. I don't know where they got their information. They had plenty of it to have, but they misused it and misrepresented it in that article. I don't know who wants this information. I don't know about you, but I have never called the forest service to ask for particular information. I am just concerned that this information will be subject to misuse as was the owner of Seven Islands. I urge you to accept the Majority "Ought Not to Pass" Report. Thank you.

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

Representative CROSS: Madam Speaker, Ladies and Gentlemen of the House. Again, my understanding is that most of this information that is wanted or that has been suggested that would be available if this bill passed, is available now. Those things that are affecting the companies and individuals economically are not available. My question, again, is if this information is available now, anybody who wants it can get it, then why the added information and who is going to get it and how are they going to get it if they aren't getting it now? I

don't understand. Again, I say, accept the Majority "Ought Not to Pass." Thank you.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Madam Speaker, Men and Women of the House. There is some information available. It is not all available. As I mentioned earlier, if a landowner owns a township, you cannot get that information. Something was said about being bad for the forestry industry, on the contrary, I think most landowners in the state treat their property the way they should and I think the public should know about it. I don't think there should be a guessing game out there as to who is doing liquidations, which is a problem in this state, where whoever comes in, buys a piece of land and strips it and moves on. I think foresters would agree that is a problem. I don't think that is good for the State of Maine. Again, I say that the taxpayers of the State of Maine have an investment in the Maine forest. We allow forest landowners up to 10 acres or more to be involved in the tree growth tax break for all the landowners. Again, I am involved in tree growth. Most of my forest land is in tree growth. I am a small landowner and any of you can come and visit my forest and I will show you what I have done right and I will certainly show you what I have done wrong in my land. I enjoy working in my forest. I am a supporter of the forest industry and I think this legislation, again, will put some sunshine out here in the forest and hopefully that sunshine will allow some of these operators that aren't doing quite what they should to pay attention and take care of their forest like for our future and our children's future.

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

Representative GOOLEY: Madam Speaker, Men and Women of the House. In regards to liquidation cutting, the report that landowners fill out that goes to the Maine Forest Service lists the number of acres of partial cutting and the number of acres of clearcutting, right now I gave you a definition of basal area two years ago. So everybody understands what that is, 30 square feet of basal area is what the upper limit is for clearcutting. If a landowner has a woodlot that he or she has cut and it has a basal area of 31 or 32, then it is listed as partial cutting. To determine what is or isn't liquidation cutting, sometimes even the foresters don't agree on the specific woodlot and whether it has been liquidated or not. It depends on what the prescription is, whether it needed clearcutting or didn't need clearcutting. There is liquidation cutting going on out there in the forest, but it is very difficult and a much longer discussion to determine which is which. I guess my bottom line is, on that, that the information does go to the Maine Forest Service as far as partial cutting and clearcutting. That information, to me, is adequate for what our needs are. The public does get the information, I think, that they need to have for some of these studies. I guess I will rest my case on that.

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. 181

YEA - Ahearne, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Dexter, Donnelly, Dunlap, Dutremble, Etnier, Fisher, Fisk, Foster, Gerry, Gieringer, Goodwin, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins,

Perry, Pinkham RG, Pinkham WD, Plowman, Poulin, Sanborn, Savage, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tessier, Thompson, Tobin, Treadwell, Tripp, True, Tuttle, Underwood, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

NAY - Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Davidson, Desmond, Driscoll, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, McKee, Morgan, Muse, O'Neal, O'Neil, Paul, Pieh, Povich, Powers, Quint, Rines, Rowe, Samson, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stevens, Townsend, Volenik, Watson, Winn, Madam Speaker.

ABSENT - Bodwell, Bouffard, Farnsworth, Meres, Mitchell JE, Richard, Wright.

Yes, 91; No, 53; Absent, 7; Excused, 0.

91 having voted in the affirmative and 53 voted in the negative, with 7 being absent, the Majority **"Ought Not to Pass"** Report was accepted and sent up for concurrence.

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

HOUSE DIVIDED REPORT - Majority (10) **"Ought Not to Pass"** - Minority (3) **"Ought to Pass"** - Committee on **Agriculture, Conservation and Forestry** on Bill "An Act to Protect Maine's Wild Lands" (H.P. 881) (L.D. 1198) TABLED - May 12, 1997 by Representative BUNKER of Kossuth Township.

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

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

Representative SHIAH: Madam Speaker, Colleagues of the House. First of all, I want to give you a little background of why I agreed to sponsor this legislation and why it is before you today. As you may or may not know, the Legislature back in the late 70s set up something called the Land Use Regulation Commission. Part of the commissions mandate is to zone land in the unorganized territories, which covers approximately half of Maine. The zoning portion of LURC's mandate was addressed over the last couple of years and when they were drawing up their latest comprehensive plan. This comprehensive plan directs LURC's efforts over the next several years and it was recently signed into law by the Governor. During the hearings on the comprehensive plan, many citizens spoke at the hearings and asked the commissioners to designate some areas of the LURC jurisdiction as nondevelopment or undeveloped land and to keep out, basically, residential and commercial construction. Logging and forestry practices can continue as is. This bill does not address forestry. It addresses basically the idea of residential and commercial construction in five key areas that have been identified as special areas, but still remain forested and relatively undeveloped. There are numerous logging roads and things currently in these areas.

I passed out a couple fact sheets here and I want to talk about a couple issues with the bill. Again, I feel that the LURC commissioners failed in their mandate to set aside some areas as nondevelopment. I think, as a state and as a region of the country, if you look what is left east of the Mississippi, there is very little undeveloped forest land left. We are very fortunate in Maine. We take it, I think, for granted that we have some undeveloped tract of wilderness still left in our wonderful state. This bill will address that by looking at these five areas and I will

just mention them, in this case you don't have the bill in front of you. It is the greater Baxter State Park area, the Downeast Lakes area, the Western Mountain area, the border lakes of Androscoggin Head waters and the upper St. John Valley area. What the bill does is it says no new residential or commercial construction can be taking place in these areas.

If you do have the bill in front of you, I made sure there was an exemption for existing structures. People can add on. There have been numerous camps. Guides have various facilities throughout these areas and the bill specifically exempts those from expanding or adding additional structures. That was important before I agreed to sponsor this legislation. That is definitely in the bill. The final boundaries for these five areas would be designated by the LURC commission. Again, they would have to go to rulemaking to set up the boundaries. Those are not specifically set out in the legislation.

I just want to mention a couple things also, why, it is kind of like the weather. Everyone talks about it, but no one does anything about it. That is the problem with what's left of our forest in Maine regarding undeveloped areas. I just want to briefly talk about a couple of reports that have been issued over the last decade. In 1990, the Northern Forest Land Study by the US Department of Agriculture and Forest Service and the Governor's Task Force on northern forest lands said, "Left unchecked, the forest as identified in this study may create a very different landscape than the northern forest. The pattern of unbroken forest will be broken with wooded subdivisions and road side sprawls spreading into the working landscape." In 1993, the Northern Forest Land Council in its findings and options said, "Forest land conversion is most likely to occur in areas with significant recreational, scenic and wildlife habitat values. As a result, these resources are more seriously affected by conversion activities than are lands without these attributes." Another report in 1994, the Northern Forests Lands Council, Finding common ground, conserving the northern forest, September 1994, "The potential for undesirable change still exists. We must act now to direct and guide that change." In 1994, August, a summary of the LURC commissions current land use policies and their net effects after 20 years of development in Maine's unorganized areas, "The current policies and regulations under which LURC reviews development are allowing the Maine woods to become more suburbanized, much like many other partially developed forest areas found commonly in the eastern United States and hence Maine's forests are losing their essential uniqueness and what many people view as their semi-wilderness values." The final report is from June 1996, the revised draft of comprehensive land use plan for the land use plan within the jurisdiction of LURC, "The development pattern that has taken place since 1971 is not conducive to protecting the fish and wildlife habitat, ecological diversity, water quality, primitive recreation, promote back country and forest resource values tied to the maintenance of large blocks of forest lands."

This growth pattern is largely avoidable if we take action on this legislation. Another thing I just want to highlight is the Maine Environmental Priorities Project, which I hope you have had a chance to read. We all got copies earlier this year. It talks about the cumulative impact of small development throughout the north woods. You know, no one development is going to ruin the north woods. We all understand that, but it is this creeping slow development that we are losing the quality of our natural heritage in Maine, where it still remains. As we end this century and move into the next millennium, I think, we, as a Legislature, have an obligation for future generations that those have left to us. Some undeveloped forest resources that can be used and maintained as forests. They can be used as working forests. This will provide a secure timber base and other recreational

ecological values that I think people of Maine want and, again, take for granted. I think we owe it to future generations to leave them some land that are in the state that they are currently.

Again, I think if you look east of the Mississippi and what is left for wilderness in this part of the country and there is very little. Some would say this might constitute a taking, and I specifically asked the Attorney General for an opinion on that, and I have a three page letter from the Attorney General which addresses the issue of taking and I won't read the whole thing. I will just mention a couple of things here. The date on this was May 2, 1997. Again, it basically says that it appears to the department that it is unlikely that a situation would arise in which the court would find a particular application of this statute would result in an unconstitutional taking. For the foregoing reasons listed in the letter, under current legal precedence the Department of the Attorney General thinks it is unlikely that the court would find LD 1198 to be unconstitutional on its face or as applied to a particular parcel of land. Assistant Attorney General Cabine Howard.

I know the issue of takings has been brought forward with this, but the land is currently managed and taxed primarily as forest lands as working forests. The bulk of this land is currently owned by the major forest landowners in Maine. They have constantly come forward and told us they are looking to manage land for sustainable yield and providing jobs and quality fiber that we need for Maine jobs. If that is the case, there should be no problem in passing this legislation because that is what this will ensure. Again, it mentions nothing about forestry practices. Obviously we will be dealing with that next session as well as with the referendum this fall. I know this is a big piece of legislation and I think it can be a big legacy that we can leave future generations.

Again, I feel LURC had the chance, but failed to act on the comprehensive plan. Some of the LURC commissioners even said that this should be decided in this chamber, in this body. They felt it was too big for the LURC commissioners, so some have been quoted as saying it should go to the Legislature. So, it is before us today. I believe the biggest change in the north woods may result from our inaction, not from the perceived changes that result in this bill. As we ponder what to do, the north woods continue to slip away. As we come, again, to the end of this century, we can leave a forest legacy to all the generations that follow us. As I said before and in other speeches, people around here deal with all sorts of bills, but I think 50 or 100 years from now, people aren't going to remember our tax policies, they are not going to remember who won the Super Bowl, they are not going to remember the comet, but they are going to remember what we did or didn't do. That is why I agreed to bring this piece of legislation before us today. I would ask the members to reject the Majority "Ought Not to Pass" and accept the legislation.

Representative CLARK of Millinocket moved that the Bill and all accompanying papers be indefinitely postponed.

The same Representative requested a roll call on the 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 Freeport, Representative Bull.

Representative BULL: Madam Speaker, Men and Women of the House. I urge you to please vote against this motion, Indefinite Postponement of LD 1198. I am on as a cosponsor of this bill. I did this for a number of reasons. I spent a great deal of time up in the north woods. For two summers I worked as a whitewater rafting guide out of the Greenville area. I spent countless hours around Ripogenus Gorge, the Forks, rafting

down the Penobscot and Kennebec Rivers through some of the most spectacular scenery this state has to offer. I have seen just how beautiful this state can be. I have also heard the comments from people all over the country marking how beautiful this state is. It is unfortunate that I feel that there has been some distortion of what this bill would do. For me, I honestly cannot understand why someone from northern Maine would oppose this bill because what this bill is saying that this land needs to be preserved and the use that it is currently under. That is basic timber harvesting and if the paper companies wish, open for recreational purposes, snowmobiling, hunting, fishing, hiking, canoeing and other recreational activities.

If this land up in northern and downeast Maine is allowed to be subdivided and developed, I am hard pressed to understand how this would benefit the towns in northern Maine. I think we have seen here in southern Maine that when you develop land, usually what happens next is property taxes go up. I want to see the way of life of northern Maine preserved, not ruined. That is why I am on as a cosponsor of this bill. By protecting these lands in the state as they are, you are ensuring that the people who make their living off their land can continue to do that for future generations. I am not sure how people can make their living off the land if it is covered with house lots. It would, probably, most likely, be occupied by out of staters.

There has been a great deal of public support for this, as the good Representative from Bowdoinham already referred to, LURC heard a great deal of testimony from people throughout the state urging them to do something to set aside some land for future generations. I am only 25 right now, I want these lands to be there for my future children, grandchildren and for future generations. For what we are doing here tonight is not only affecting us in this body, but it is affecting future generations. We have to ask ourselves here tonight, are we going to take an affirmative stand to ensure that the beauty and splendor of Maine is preserved in its current state and not cookie cuttered up for house lots. I think it is critically important that we act tonight to try to restrict this development and maintain some areas in their current state.

A recent poll that was done last spring had over 59 percent of people in a statewide bipartisan poll, supporting this bill. Support from all parts of the state, including northern Maine. Over 70 percent of the people who testified before LURC supported setting large areas, such as what is identified in this bill, off limits to development. Five major papers in the state have come out in strong support of this paper, the *Portland Press Herald*, the *Bangor Daily News*, the *Lewiston Sun Journal*, the *Brunswick Times Record* and the *Maine Times*. It is a bit unfortunate that this has been passed as a north vs. south issue. I ask you please to not just slough off my remarks here tonight as just another southerner trying to lock up northern Maine. That is not my intent. I respect people very much who live in northern Maine. I truly feel that this bill will preserve and protect their way of life and ensure that they have this land for their use. Please, ladies and gentlemen, I urge you to please vote against the pending motion of Indefinite Postponement.

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

Representative MCKEE: Madam Speaker, Men and Women of the House. I am a member of the Committee on Agriculture, Forestry and Conservation and a member of the Minority Report. Let me just start out by saying that in these two bodies we go about solving immediate problems. We try to bring justice where we can and we try to improve the general welfare, but rarely do we take a long range look and do something momentous for the future. I admire my good colleague, Representative Shiah for being courageous and sponsoring this bill. He is a legislator that

the *Maine Times* voted the most honest legislator sitting here. I would have to say that I agree with them. This bill has been an interesting one. There has been almost 100 percent endorsement of this bill by newspapers. At the LURC hearing, large numbers came out in support of this bill and polls show that 59 percent of Mainers favor such legislation. As we were hearing another bill about selling camp lease lots, I posed the question to a Representative from Bowater. The question was, could you do your job more easily without development? He said, Yes, absolutely.

We are living in a state with the lowest amount of public land in the United States. Let's do this for the State of Maine. Let's do it for your grandchildren and my grandchildren who are going to be sitting in this body 50 years from now and looking forward to a weekend on the Allagash or Moosehead and thanking their grandparents for thinking about this and for this legislation. Join me in voting against the motion to Indefinitely Postpone. Thank you.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. The people of northern Maine have spoken. The way they spoke to us was through a bill that was before my committee in the recent past. What the bill said is that we want to be divided or get away from southern Maine. The reason we want a separate part or a new state is because you people in southern Maine are interfering and running our lives and trying to tell us what to do with our land. You have divided your land in the southern part of the state. You have the best economy in the state. You have unemployment at the rate of 2 percent and you are telling us how to run our land where we have unemployment as high as 13, 14 or 15 percent. This, ladies and gentlemen, is what brought me to pay attention to what they were trying to say. What they were telling us is, you have the population in the southern part of the state, don't force your thinking on us.

I will tell you what, anybody that was here in the 116th, we had to listen to the takings bill. We were in the Civic Center where 300 or 400 people gathered. The scary part, ladies and gentlemen, is what they told us. One fellow came up, his name was Gallant and said, "Let me tell you something folks, would you rather I come up here and tell you, please, do not interfere with how we run our business. Be peaceful about it and ask you to pass legislation or would you rather have me come up," reaches in his back pocket and puts on a combat fatigue hat and says, "come up here with my M-14?" They then moved in a bunch of policemen to calm things down. The scary part was not what he said. The scary part is over 300 of those people started applauding. Ladies and gentlemen, we have a serious problem. The serious problem is we are interfering with the operations. This is, again, a situation where we are taking their land and saying you cannot do this. I think we have to rethink these things and allow the people of northern Maine to control their own destiny. Ladies and gentlemen, I would urge you to vote to Indefinitely Postpone this bill and all papers and really do it so it doesn't come back in the very near future. Thank you.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. We do have one of the lowest ownership of public property, but the caveat to that is we have one of the highest private accesses to that property. A lot of these states that have a lot of public owned property, by the government or the people, they can't use that property. That property is shut off to them. My good colleague, Representative Vigue, is entirely right. For those of you who were here in the

117th and didn't attend that takings legislation hearing, I will tell you folks, it was something else to see. I have a great deal of respect for my colleague, Representative Shiah, we are fellow chess players in the Portland Chess Club. He is a real good chess player, by the way. I adamantly oppose this legislation. This type of legislation is why we have takings legislation. I am almost tempted to support this because if a bill like this goes through, I can guarantee you will pass takings laws in this state. This is a private property ownership issue. It is private property folks. I have spent all of my life outdoors. I am a winter mountaineer. I studied wildlife in college. I love the outdoors. If we want to protect it, this property, I see nothing wrong with setting aside a little bit of this area wild forever if you want to do that. Just like the ad says on television in the Dean Webber ads, Let's do it the old fashioned way, and let's pay for it.

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

Representative CROSS: Madam Speaker, Men and Women of the House. There again on this particular bill, which, I gain, I was on the "Ought Not to Pass" deal, in deference to my good friend Representative Shiah. The state, for your information, is now putting aside land. Buying land and putting it aside. I can't remember the number of acres, but it is over a couple hundred thousand, which are in this particular category right now. This is a \$4.5 million land grant of private property to put it away out of existence for development or whatever, personal property. I don't know how you can say that this is not a start, if you will, for the national park that there are some advocating for all of northern Maine, which includes up in my area. They are talking about all the people who talked for this bill in the Elks Club. I was there. There was almost as many, if not as many, speaking against it. It is my understanding that this 4.5 million acres, it is not all big landowners. There is 8,000 different landowners involved in this. Ladies and gentlemen, why, if the people in southern Maine are so willing to tell us up north what to do with our land, why don't they contribute to this particular grab? There isn't any. It is all northern Maine. It is all LURC. If you had seen the maps, you would have seen that every water way and every pond and lake was completely rimmed around the land that they wanted to prohibit anyone from using, except as they wanted you to use it. I don't want northern Maine to be a playground for southern Maine. They talked about fishing being a part of northern Maine and spending time whitewater rafting. I have been going up there for a little over 60 years. I have seen it when it was much more prime condition than it is now. The changes are going to come in some respect. Part of the problem northern Maine has is they are trying to develop to try to increase its ability to earn. You are trying to wipe it out. Why? Why should you pick on northern Maine? This I don't know. I hope now that everybody will vote for Indefinitely Postponing this bill. 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 stand before you this evening wondering who the second most honest legislator is in this body. Seriously, the owners owning over 500 acres in the unorganized townships pay their own way. They pay their own way. They pay for their fire suppression tanks. They pay for insect control. They build the roads that we use when we want to go hunting or fishing or camping or snowmobiling or whatever. The forest products industry that plays the largest part in Maine's economy and pays the way for a lot of the programs that we are passing right here this year. These forest lands that we are talking about have been available for public use since the 1800s. A long time history. There are several million acres. We talk about a

massive taking, which has been eluded to here and we are talking about a massive taking, if we pass this. It wouldn't be a very good move as far as I am concerned.

This flyer that was passed out about the voter analysis here for the supporting the Wild Land act, Representative Bull eluded to. What was interesting on the other side of this flyer showed that of the 500 people who were polled, the majority that would support the Wild Land Act were from Cumberland and York Counties, then the midcoast area and the fewest that would favor it are from central and northern Maine. That doesn't surprise me in the least. I know that a lot of moose hunters and bear hunters and deer hunters from southern Maine go up north to hunt. I guess these statistics kind of surprise me a little a bit. I think that the forest industry has played a big part in maintaining the rural character of northern Maine and will continue to do so in the future. I can't support a massive taking such as this would be. I just wouldn't be right.

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

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. I don't think that there is a soul in this body that doesn't realize this is a very emotional issue for me. I was born in that woods. I have spent most of my life there, other than the time I was over in England serving my country in the United States Air Force and two years in college in Connecticut. If I thought for a minute that it is only development that is attempting to be stopped on this land, I probably would not oppose this issue. I have no doubt in my mind, having done an awful lot of research on this and studied the wild lands project on a national basis, ladies and gentlemen, this is the first step in taking this land, putting it completely out of use for everybody. I think that it is interesting when I hear people talking about how they like to go there and hike and go on whitewater rafting trips. Ladies and gentlemen, this would mark the death of those activities that you like to pursue. There was a letter that was presented to the Agriculture Committee from a gentleman from Old Town.

His comment was, this does not go far enough. It needs to have the corridors put in there to connect these areas as are proposed in the Global Bio-diversity Treaty. There is a bio-region planned for northern Maine. In fact, for most of Maine. This land will be set aside and there will be no human activity in this particular portion of it. These areas are those areas which are marked out and set aside on those 4.3 million acres. We keep hearing that this is not a takings bill and that is true. It is not a takings bill under Maine law as it currently stands. If the value of the property is not reduced 100 percent, it is not considered a takings. Let me give you some idea of what the value of this land really is. I went to our fiscal people and asked for the value of this land. They gave me two valuations one at \$150 an acre and \$350 an acre. I will give you a little information later on as to why those dollar amounts are very interesting. At \$150 an acre it comes to about \$536 million as a value for this land. If we go to the top number it comes up to about \$1.6 billion for this land. It is interesting because in one of these latest purchases where Bowater bought the land from Georgia Pacific, they paid somewhere in the neighborhood of \$150 per acre. It is also in the record that if the federal government takes this land for a national park that they will pay \$350 an acre. It is a pretty good turnover. I asked the gentleman who provided the dollars for me if there was any significance to those numbers. When I told him what the two numbers really stood for, he was completely abashed.

The problem that we have with this is even the people who are working to have this set aside, don't realize what the complete end result of this is to be. Representative Vigue has

told you of a group from northern Maine who came down to testify in front of his committee where they move to divide the state in two. I was the one who put in the bill that had that provision in there. Another provision of that bill was to start at Mount Desert Island and come inland 40 miles, move down along the coast and create a national park there to restore the beauty, majesty and grandeur of our coast. When I related a portion of that bill to a fisherman from Stonington, he said to me, "Henry, you can't do that because people own property in that area. People live in that area." My response was, I hope you listen to what you just said because people live in northern Maine. People own the property there.

As far as the forest and its regrowth goes, I would like to relate to you what happened to me when I was on my campaign trail. I visited the Town of Benedicta and one of the oldest citizens there filled me in on a little bit of the history lessons. During these so-called French and Indian Wars, when then settlers down on the coast needed some protection because they were constantly raided from that area, the land from the Penobscot to the St. John River was burned. It was burned completely. When the settlers went to the Town of Benedicta, they didn't have to clear the land because it was all still cleared from the fire. They built an observation post so that they could watch from the tallest hill in their town. They built that observation post on the ground. When the Forest Service came though, and built their towers so that they could observe in case there were fires anywhere throughout the state in that area, they had to build a tower 75 feet tall to see over the trees.

Ladies and gentlemen, the area that is in question was my backyard when I was growing up. I now live in the area, which is threatened by this closure. I am just a stones throw, roughly 10 miles to the edge of where this would be demarked. We do want to be able to shape our own destinies. I think it is very nice that people want to come up and join and share in the forested areas of Maine. The Northern Forest Stewardship Act, which is coming back in front of us today, which is going to take 26 million acres from Maine, New Hampshire, Vermont and New York and set that aside, has its preamble that the private ownership of this land is what has maintained it to the state that it is in today. We should not be interfering with that. There is also a companion bill, which provides a tax break, an incentive, to keep land in the forest and in forested conditions. I find it very interesting that with that observation, that private ownership is what has kept the land the way it is today and available for use by the general public. I find it interesting that that is under attack.

The takings bill is already back and it has come out of Judiciary, to the best of my knowledge, I put the bill in. It was heard this year up to the civic center. It would require that if the value of land is diminished by 50 percent, then the land would have to be paid for. I think it is very easy for someone who does not own that land to tell somebody what they should do with it. I think it is wrong in every sense of the word. We were granted the right to own property and life, liberty and the pursuit of happiness in our Constitution. Ladies and gentlemen, this is a direct act to take away that right that was granted by our forefathers. I urge you to support the pending motion and indefinitely Postpone this bill and all its papers.

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

Representative CHICK: Madam Speaker, Ladies and Gentlemen of the House. I rise this evening to express my concern about the country to our north. This past winter, I am personally equated with many men and women of all ages that have gone up to the north country to fish, ride snow machines and to visit. Something I will share with you that I had the privilege of hearing at the facility where I stay here in Augusta,

visitors from California and they spoke so favorably about the wild land in Maine and how they were not troubled when they wished to hike across some. I can assure the Representative from Crystal that I know, here in the House tonight, there are people that are not going to take any land from anybody in northern Maine. I think that will manifest itself when we take the vote, but I will also say that when I took the oath to serve in this body, I would vote for all of the people in the State of Maine about many subjects and I have strong feelings about this one. I have some property in southern Maine and I would say to those folks that have been talking about fiber logs, I would invite any of you, men or women, that could put on a pair of gloves and catch a piece when I would toss it at you. You can join me at my saw mill. I could roll a sizable pine log on the carriage and we could saw that log. I have some feeling for the forests in the State of Maine. I would urge you to join in keeping it wild. Thank you.

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

Representative CAMERON: Madam Speaker, Men and Women of the House. I know the hour is late and I apologize for extending the debate. Probably nobody's mind is going to be changed. Listening to the gentleman from Crystal, I have to tell you that I agree with him. I am, frankly, scared to death of what is trying to be done to the state that I love. The part, 400,000 acres of this, is in my backyard. It doesn't happen to be in the town that I live in, but it is in my backyard. Except for the skiers that come from out of state, almost our entire economy depends on those 400,000 acres. It is beautiful land. We all love it. Why people think that those of us who have lived there since this country began and have come to love it would allow it to be destroyed, why they think that they have to come to our rescue or rescue us from ourselves, is beyond me. I started going in the woods with my dad when I was two years old. I obviously don't remember that, but they tell me. I do remember working in the woods with my dad cutting pine trees and logging with horses. I saw more of the back end of a horse than most of you have seen of the front end of a horse. It was hard work, but I developed a fond love for my dad and a love for the land that I live on. Why anybody thinks they have to come and tell me what I can and can't do on it continues to escape me.

I don't own all the land around me, obviously, but I do have a lot of friends that own a lot of land and even that horrible paper company that I work for owns a lot of land. The people that work there own some of that land. The foresters that work there own some of that land, but they all love that land. Why, continues to escape me, people believe that we will destroy, intentionally, the very foundation of what we love and what our future is and what our children's future is.

I had the good fortune a year ago to have an exchange student live with us from Germany. When it was time for her to go home, her parents came to spend some time touring the United States. They stayed with us a couple of nights before they started the tour. One of the nights we went to Rangeley for a picnic and we talked about the takings bill here in the year before. As we walked through the state park up there, I couldn't help but think that I wish the folks that I listened to on the floor were here with me tonight. In that state park there is land that is wild. Nobody touches it and nobody does anything with it. Ladies and gentlemen, you cannot walk through that land because the trees are falling down. They are twisted and they are blown down. It is a mess. If that is what you think is appropriate for 4 million acres to look like, I know we are being told here tonight it has nothing to do with forestry, I submit to you that it is the first bite of the elephant. Sorry I used that animal, but that is the most familiar term. I submit to you that it is the first bite of the elephant and when you get that bite then there is

another bite and another bite and another bite and sooner or later we have the northwest, where 30,000 people have lost their jobs.

You can't go in the woods anymore because of the Northern Spotted Owl. You go into the woods in the Dakotas and the grizzly bear is protected. When our federal people went there and told the folks in that area what was going to happen and the grizzly bears were going to be protected and that some of these folks lived in an area that they called an interaction zone between the wildlife and the people. One of the gentlemen said, "My children play in the backyard." Their answer was, put bells on the children and that will keep the bears away. I am not saying we shouldn't have wildlife, but folks, we have to live here too, and we should have protections and I know the bill doesn't say we can't cut anymore wood, but I believe with all of my being that this is the first step. The Representative from Crystal is exactly right.

Again, I will submit to you what he did. If we put in a bill to make 4 million acres in the southern part of the state, no way would it have ever gotten this far. Absolutely no way. It would have been an outcry that you wouldn't imagine, but because it is up there where there are not many of us, it got to this point. It makes me angry and I apologize for that, but it is an affront on all of us. It is an insult to us that live up there. I don't care what you call it. It comes down to it is a takings bill, regardless of what the law says, the reality is you are taking my right to live in the area that I live. I would encourage you, implore you, to support the Indefinite Postponement of this bill. Thank you very much.

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

Representative LANE: Madam Speaker, Men and Women of the House. I know I have gotten up and spoken on too many things tonight. I apologize. I wish I had saved it. This is an emotional issue and I am sorry. It feels like a lot of things have come to this point and I wish I could make you understand what it is like to talk with people who are scared. To talk to Robbie McKay, housewife, in the middle of Kingman who has lived in a house her family has owned for 150 years and have her call up in tears and say, "I am scared. What are we going to do? What is going to happen next?"

We have been besieged this session with an onslaught of legislation directed at the great north woods. All the little pieces coming to different committees. I just passed out a map to you and blacked in all the areas that LURC has control over. For those of you that think there is no oversight over the ecology, the environment of our great north woods, I ask you to look at this map. I would ask any of you who live in the southern part of the state, would you like to go through the process it takes people in unorganized territories to try to build a camp? No, it is entirely different. The measures and the extremes that LURC has gone to to keep development out of northern Maine are extraordinary and none of you living in southern Maine, with land, would ever want to be subjected to it. There is plenty of environmental oversight.

I don't only want you to support this Indefinite Postponement, but I hope never to see such legislation come before this Legislature again. I can't begin to tell you the paperworkers are scared, the housewives are scared, people that have stores are scared. I can't begin to tell you what it feels like to be patronized by people who think they know what is best for people that own private property and live in northern Maine. It is an insult to be told what is best for us and how they are going to preserve our private property for their prosperity. I urge you to please support Indefinite Postponement. Thank you.

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

Representative CAMPBELL: Madam Speaker, Men and Women of the House. As you have seen, it is an extremely emotional issue. More emotional for those who live there than for those of you who are proposing legislation such as this. Representative Vigue earlier mentioned the testimony heard at Representative Joy's bill concerning secession. Let me just relate a small story to you in terms of stewardship of land. There was a logger from Lincoln who has been logging all his life. He has a logging business and employs many people. One winter, he didn't have the work in northern Maine so he saw a real opportunity to go to southern Maine to work on harvesting or cutting a development project. This project was a 50 year plan to quarry this individual's property. Quarrying means to take stones from beneath the earth, the dirt and the trees, and this individual being a good steward of his land, mentioned to this person that in 50 years, you can get several harvests off this property. He was collecting a fee and was instructed to cut all the wood off this land. All the wood. There were 50 years of quarrying out in front of him. He begged them to leave the trees. The trees are a renewable resource. We, in northern Maine, know how to be good stewards of this land and we manage that property. The man said, "No, cut it." He began, still concerned about the harvest. He did finally convince this individual to save some of those trees on the back of that 50 year quarrying plan. The testimony that drove it home to me before the committee was simply in northern Maine they call that clearcutting. In southern Maine they call it development.

It is time that we have the same philosophies about our woodlands across the state. This person was well within his rights to cut all his land, thinking nothing of good stewardship. We must look at Maine as a whole. That map that was passed across our desks does look a little intriguing. My, there is a lot of land up there. There is a lot of woods up there. We should protect that for generations to come. Let me tell you, many of these lands have been owned by generations past and they are still there. They are still good stewards of that land. There is an old Chinese torture, as our fine Representative from Kingfield likes to tell us, it is death by 1,000 cuts. This is one of the first cuts. In just about every one of our committees in the Legislature this session, all those little cuts are starting to hurt and it is not hurting the people in the southern part of the state, so you think. Where do the jobs come from for significant numbers of people in the central and midcoast and northern part of the state come from? It comes from paper companies. Do these paper companies only employ those and are those the only part of our economy that it affects? I don't think so. There are many people in the southern part of the state who support that part of the economy.

I would say that we want to remember that little old Chinese torture. Leave northern Maine alone. We have been here and taken care of it before. Don't tell us how to manage it. Please support Indefinite Postponement. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Foster.

Representative FOSTER: Madam Speaker, Ladies and Gentlemen of the House. I thought I might get up here and take not too much time. Maine is a unique place and I am sure you have heard that dozens and dozens of times. It is also unique in some ways that perhaps we don't think. Ninety-one percent of this land is forest, which is more than any other state in the union. Ninety-five percent of this land is in private ownership, which is greater than any other state in this union. We have a record of forest production, which is second to no other state in this union. It has not been due to the government or anything close to it. It has been due to the people who own the land and who manage the land. The production of wood that comes from

Maine has been a steady stream for over 300 years. There is no other state that can match that record. We should continue with this experiment, if nothing else, to prove that private ownership can probably do just as well as government ownership or government in either production or protection of its forest land. I thank you.

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. 182

YEA - Ahearn, Bagley, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bragdon, Bruno, Buck, Bumps, Bunker, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Fisher, Foster, Frechette, Gagne, Gamache, Gerry, Gieringer, Goodwin, Gooley, Hatch, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAleve, McElroy, Mitchell JE, Morgan, Murphy, Nass, Nickerson, O'Brien, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Poulin, Povich, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Sirois, Snowe-Mello, Stanley, Stedman, Taylor, Tessier, Thompson, Tobin, Treadwell, Tripp, True, Tuttle, Underwood, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Madam Speaker.

NAY - Baker CL, Bolduc, Brennan, Brooks, Bull, Chartrand, Fisk, Fuller, Gagnon, Green, Jabar, Jones KW, McKee, Muse, O'Neil, Powers, Quint, Shiah, Skoglund, Stevens, Townsend, Volenik, Watson.

ABSENT - Bodwell, Bouffard, Farnsworth, Meres, Richard, Spear, Wright.

Yes, 121; No, 23; Absent, 7; Excused, 0.

121 having voted in the affirmative and 23 voted in the negative, with 7 being absent, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

Bill "An Act to Provide Equal Political Rights for Classified State Employees" (H.P. 740) (L.D. 1004) (C. "A" H-429)

TABLED - May 12, 1997 by Representative DONNELLY of Presque Isle.

PENDING - Passage to be Engrossed.

Subsequently, the Bill was passed to be engrossed and sent up for concurrence.

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

SENATE PAPERS

Bill "An Act to Establish Limitations on Swine-feeding Operations" (S.P. 653) (L.D. 1874)

Came from the Senate, referred to the Committee on **Agriculture, Conservation and Forestry** and Ordered Printed.

Was referred to the Committee on **Agriculture, Conservation and Forestry** in concurrence.

Bill "An Act to Make Changes to the Maine Economic Growth Council" (S.P. 651) (L.D. 1872)

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

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

Bill "An Act to Increase the Debt Limit of the Vinalhaven Water District" (EMERGENCY) (S.P. 652) (L.D. 1873)

Bill "An Act to Authorize the Public Utilities Commission to Establish Reasonable Registration and Reporting Requirements and to Study Market Power Issues Associated with Electric Industry Restructuring" (EMERGENCY) (S.P. 649) (L.D. 1871)

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

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

Non-concurrent Matter

Joint Order (H.P. 1322) relative to the Joint Standing Committee on Health and Human Services reporting out a bill on smoking and health to the House which was read and passed in the House on May 9, 1997.

Came from the Senate read and passed as amended by Senate Amendment "A" (S-215) in non-concurrence.

The House voted to Recede and Concur.

ORDERS

On motion of Representative VIGUE of Winslow, the following Joint Order: (H.P. 1326)

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

Was read and passed and sent up for concurrence.

BILLS IN THE SECOND READING

Bill "An Act Regarding Information Provided to Pharmaceutical Companies" (H.P. 1144) (L.D. 1609)

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

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

The same Representative requested a roll call on passage to be engrossed.

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 Winslow, Representative Vigue.

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. This bill got through this morning. What I have to do is get some information. I thought it would be a very simple issue, but I guess it got a little complicated along the way. The information that is provided by this legislation, to pharmaceutical companies, does not in any way affect the relationship between a doctor and his patient. It serves a purpose. This legislation offers no benefit to patients. On the contrary, it could harm all patients by inhibiting the research that yields new products and information about inappropriate use of products. It would also prohibit manufacturers from becoming involved in educational efforts that benefit physicians and patients alike. The need for the legislation has not been demonstrated. There is no evidence that patients are harmed by manufacturers learning about their product as prescribed. If the bill sponsor intended to protect confidentiality of patient information, this goal can be accomplished by language that

restricts a transfer of specific items identifiable patient information. It is not necessary to outlaw the transfer of aggregate anonymous information.

Ladies and gentlemen, this information is used to help produce new drugs. It is something that is beneficial to you and i. The way they do it is if they harm anybody in one way, they can change it. It is a process. I don't think that we should try to restrict the improvement that may come about from learning from these drugs. Ladies and gentlemen, I ask you to follow my light.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. I guess we could probably call this rights day. All throughout the morning and this evening we have been dealing with a series of bills that address our rights. I want to thank you for your vote this morning. I have always believed that when there are differences in this chamber, most often they tend to be philosophical rather than partisan. Looking at the votes I have seen this morning and this evening, I have discovered that there is a very strong libertarian streak that runs deep through both parties and through all wings of both parties. This is a very simple bill. A pharmacist, health maintenance organization and the wholesaler may not provide the pharmaceutical company, for marketing purposes, with information concerning the prescribing practices of any practitioner. I am not afraid of computers. They are my friend, my aide, my window to the world and all the knowledge that is out there. When it is used by pharmacies, HMOs and insurance companies to invade my privacy and the privacy of people who work in this state without my permission and without my notification, that computer becomes my enemy. This problem can easily be solved. Those pharmacies, those drug companies, ought to do it the old fashioned way. They can calculate their sales based upon reorders, not computer database that exists from physician to physician. My concern is that if this door to the invasion of our privacy remains open, what other doors will open. Thank you.

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

Representative BRUNO: Madam Speaker, Men and Women of the House. I apologize for not standing up earlier today, being the only pharmacist here. I looked at a 12 to 1 report and thought I don't have to stand up and prolong the debate. I was kind of surprised by the vote, to be honest with you. This bill has a wonderful goal. It wants to have privacy for all your medical needs, which is great. The problem is, right now, the information that is being sold for the pharmaceutical companies, none of it has identifying information on it. When you go into the pharmacy, all your name is taken off and any identification numbers are taken off, whatever information is provided to the pharmaceutical companies.

What you have to remember is that potentially, this bill, if it passes, we will be the only state in the nation that passes such a law, can potentially have a \$20 million impact on the State of Maine because pharmaceutical companies need the information to compare when we send them a bill as a State of Maine for rebate purposes. Pharmaceutical companies have the right to dispute any information on a bill that we send them. If we do not allow them to have the information of how much of their product is sold in this state, they do not have to pay their invoice to the State of Maine for rebate purposes. That amounts to about \$20 million. If you folks are willing to take \$20 million to support this bill, well, let that be your vote. I would highly recommend to you that you defeat this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Mack.

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. I was on the committee that heard this bill and I was on the Majority "Ought Not to Pass." The reason for this is that it is bad for Maine business and it hurts personal freedom. This bill would ban the collection of data by the pharmacies and by the individual pharmaceutical companies. Currently, if you go to CVS or Rite-Aid or one of the larger companies, those companies will record personal information about your personal prescribing history. My grandmother went in and she had a drug that was prescribed for her and a different drug she was taking would have interacted badly, so they told her not to have the two drugs mix. Such information would not be provided to the national company. Under this bill, it would still, the personal information about what I am taking or the average person, what each individual gets for drugs would not be passed on to the companies. What it is is what each physician has for a prescribing history. This would help the pharmaceutical companies not only to develop new drugs to find out, in total, what drugs are being prescribed more often than not, but to find out if someone is a foot doctor or someone is an eye doctor. You can tell by the foot doctors who prescribe foot drugs and the eye doctors eye drugs so that when you target your mailing, you can target your mailings more efficiently to them.

Also, there might be a doctor who has been in practice for a while who is prescribing a drug that is out of date or not the most efficient drug to use. The pharmaceutical companies can find out that this doctor is prescribing the old drug and can go to them and say we have a new drug you might like to try. It has less side effects, it has better benefits and can explain that to the doctor. This would ban them from giving this information or having that information. The doctor still might choose to prescribe the old drug. It is up to them. This will not hurt the patient at all. The personal information about each patient is not being given out. It hurts businesses. The small pharmaceutical companies, the small mom-and-pop pharmaceutical stores depend on some of the income that comes from this. It is not a whole lot, but everything we are doing in this state, they are working hard to make ends meet. Every little bit of income helps. Again, this is bad for business and it hurts personal freedom by banning the collection of data. When anyone comes in, they give the guy at CVS or Rite Aid the slip that says what prescription it is and what doctor prescribed it. That is all the pharmaceutical companies are interested in. What drug was prescribed and what doctor prescribed it. They don't care about the individual getting the drug. This would ban the collecting of that data. This would be another blow against personal freedom. I would ask that the clerk read the committee report.

Representative MACK of Standish requested that the Clerk read the Committee Report.

The Clerk read the Committee Report in its entirety.

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

Representative BRENNAN: Madam Speaker, Men and Women of the House. I have to disagree with the previous three speakers. I want to address three issues. The first one, one speaker mentioned that this would inhibit the educational efforts of the pharmaceutical companies. I think if anybody reads the bill they will see quite clearly that this is not the case. It doesn't prevent the data from being gathered. It doesn't prevent insurance companies from doing utilization reviews. It doesn't prevent the data from being gathered for educational purposes. It simply says that data that is gathered, individual prescription histories of physicians cannot be used for marketing purposes. The data that is gathered, that a representative from a pharmaceutical company cannot go in and say last month you

prescribed 16 prescriptions for this and the month before that it has 10 prescriptions. Because of that, we would like to sell you more of this particular product.

The second point of the \$20 million in lost revenue to the State of Maine. Again, I don't believe that that would be the case. It does not prevent the state from continuing to gather the data that would satisfy that requirement. It only says that that data cannot be used for marketing purposes.

Lastly, my recollection during some of the public hearing was that some of the smaller pharmaceutical pharmacies actually said the amount of money that they made from selling this information to the insurance companies and others were negligible. I don't think they would have any affect or would have a very, very small affect on the income that is generated by the small pharmacy in terms of the money they make from selling this information to the insurance companies and others. Thank you.

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

Representative LEMAIRE: I would like a point of clarification from the Chair, the Speaker.

The SPEAKER: The Representative may pose her question.

Representative LEMAIRE: Thank you Madame Speaker. The passage to be engrossed is "Ought to Pass" that we voted on this morning. If we wish to vote the majority 12 to 1 report, we will be voting against engrossment.

The SPEAKER: The Chair would answer in the affirmative.

The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Madam Speaker, Ladies and Gentlemen of the House. I have never worked for a pharmacy company and have never been involved in the promotion of drugs, but I have a brother who worked for a pharmaceutical company for some 40 years. When he went into a doctor's office, he didn't tell the doctor what pattern of prescriptions that he had been using over a period of time. He went in and asked questions. He went in and visited doctor's offices and voluntarily asked, what do you use to treat these particular kinds of illnesses or maladies and they engage in some discussion about new drugs that are coming on the market and how they may be of benefit to the physician. There is an educational process that takes place when the detail man, as they used to call him, visits the doctor's office and they discuss what the physicians current practice is. The physician has the opportunity to share voluntarily or not share voluntarily. I submit there is a far more meaningful educational process that is going on on behalf of the physicians and on behalf of us when this takes place face to face. Thank you.

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

ROLL CALL NO. 183

YEA - Belanger DJ, Belanger IG, Bigl, Brennan, Buck, Bumps, Campbell, Chartrand, Chick, Cianchette, Clukey, Cross, Dexter, Fuller, Gerry, Goodwin, Gooley, Joy, Joyce, Joyner, Kane, Kasprzak, Kneeland, Lane, Layton, Lovett, Madore, McAlevy, McElroy, Murphy, Nass, Nickerson, O'Brien, Peavey, Perkins, Pieh, Pinkham RG, Pinkham WD, Plowman, Powers, Quint, Savage, Shiah, Stedman, Stevens, Taylor, Townsend, Vedral, Volenik, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Barth, Berry DP, Berry RL, Bolduc, Bragdon, Brooks, Bruno, Bull, Bunker, Cameron, Carleton, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Fisher, Fisk, Foster, Frechette, Gagne, Gagnon, Gamache, Gieringer, Green, Hatch, Honey, Jabar, Jones KW,

Jones SL, Jones SA, Kerr, Kontos, Labrecque, LaVerdiere, Lemaire, Lemont, Lindahl, MacDougall, Mack, Mailhot, Marvin, Mayo, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Ott, Paul, Pendleton, Perry, Poulin, Povich, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Sirois, Skoglund, Snowe-Mello, Stanley, Tessier, Thompson, Tobin, Treadwell, Tripp, True, Tuttle, Usher, Vigue, Watson, Winglass, Madam Speaker.

ABSENT - Bodwell, Bouffard, Farnsworth, Lemke, Meres, Richard, Spear, Underwood, Winn, Wright.

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

53 having voted in the affirmative and 88 voted in the negative, with 10 being absent, the Bill failed of passage to be engrossed and was sent up for concurrence.

As Amended

Bill "An Act to Require the Purchaser of Tobacco Products to Produce Suitable Identification" (S.P. 133) (L.D. 412) (S. "A" S-157 to C. "A" S-132)

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

On motion of Representative MITCHELL of Portland, was set aside.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (S-132) was adopted.

On further motion of the same Representative, the House reconsidered its action whereby Senate Amendment "A" (S-157) to Committee Amendment "A" (S-132) was adopted.

The same Representative moved that Senate Amendment "A" (S-157) to Committee Amendment "A" (S-132) be indefinitely postponed.

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

Representative LOVETT: Madam Speaker, Ladies and Gentlemen of the House. This bill is a reasonable compromise and it is one that will provide more protection to ensure that our minors do not have an easy access to vending machines. While it does allow fraternal clubs, factories, breakrooms and taverns to keep cigarette vending machines for their customers. All vending machines must be placed where they can be supervised so that minors cannot access them. This amendment also recognizes the need to support the 10 small vending companies in Maine and their employees. These employees would be severely hurt if we were to ban the use of these machines. I have been told by one vending company in Scarborough that if we were to ban this, it would be forced to cut employee benefits in order for them to stay open. You may find these vending companies in the following areas: Scarborough, Auburn, Lewiston, Augusta, Waterville, three in Bangor and two in Aroostook County.

Again, the major concern is to keep minors from accessing the vending machines. I feel that we have adequately addressed that concern while protecting Maine jobs. I urge you to vote against the pending motion. Thank you.

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

Representative MITCHELL: Madam Speaker, Men and Women of the House. As you heard from my friend, Representative Lovett of Scarborough, this bill basically is about vending machines. Our committee has agreed to do a number of things that are already in the bill, including asking for identification before purchasing tobacco. We are taking steps towards making sure that children do not have access to tobacco. However, the amendment in front of us goes all the way. It is about the courage of our conviction because we are

talking a lot about saving our kids and protecting our children. This amendment allows us to really do something.

Maine has the highest youth smoking rate in the country. Ninety percent of current smokers become addicted before the age of 18. Twenty-three hundred Maine people die each year of smoking related illnesses. There is a link here to vending machines. This is from the FDA. It says, "Vending machines represent one of the major ways that children currently obtain cigarettes. Numerous studies and surveys show that significant percentages of young people are able to purchase cigarettes from vending machines, even in areas that have laws restricting the placement of those machines or requiring the use of locking devices." The 1994 surgeon general's report found that children and adolescents successfully purchase cigarettes from vending machines 88 percent of the time. Vending machines are most popular with the youngest smokers with 22 percent of 13 year olds who smoke purchasing cigarettes from them. These numbers are pretty clear. The least we can do here is protect our kids. Adults can get their cigarettes anywhere. I think the inconvenience of having to look beyond a vending machine is worth saving our kids. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative BROOKS: Madam Speaker, Ladies and Gentlemen of the House. My colleague from Portland is absolutely correct when you start talking about the concerns that all members of the Health and Human Services Committee have about smoking in general and smoking among children. What this amendment would do would absolutely ensure that anyone who is 18 years old who was in an area where there were vending machines would have to be accompanied by an adult. By the way, the federal regulations that are coming down, I believe, will become effective in August, will also deal with this issue, which states that vending machines can be placed in private places or private clubs where there are adults only or if there are people under 18, they are always accompanied by adults.

When the bill first came to the Health and Human Services Committee, I took the opportunity to go to a couple of private organizations and clubs in my district and asked them what kind of an impact it would have if we just absolutely banned them. They asked me to come back and voice the message to you, please do not do that. They do have them under supervision in these private clubs and that they would be willing to live with the rules and can live with the rules that no one under 18 would be in those organizations or clubs unless accompanied by an adult. The vending machine presents to them a couple of things. One is the convenience of the membership. The first thing they tried to do in some of these clubs was put a rack or some kind of display behind a counter where the cigarettes were available to anyone and you can't image what happened there. There were losses that couldn't be accounted for. They went back to the vending machines.

The other thing that it presented to them was an opportunity to make a little bit of money, a nickel, a dime or a quarter out of the vending machine use for their flower fund or for whatever fund they use. For the convenience of their membership and also for this flower fund, they asked if we couldn't just leave the vending machines and comply with federal law and have them in private clubs where they would be, in fact, supervised. Really, what we are talking about here is an impact on small businesses. I have heard, as Representative Lovett said, in Bangor there are three vending machine companies. I have heard that that represents a fairly significant amount of their business and we may be talking about jobs here.

I see this as being inconsistent with federal law. I do not in the least see this as inconsistent with my concerns about the health care of young people because we are going to be using these vending machines. I hope that you will vote against the Indefinite Postponement of Senate Amendment "A" because Senate Amendment "A" provides just exactly what we said. By the way, Senate Amendment "A" will leave the bill intact with that one exception, vending machines. Thank you.

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

Representative ETNIER: Madam Speaker, Ladies and Gentlemen of the House. I urge you to support the Indefinite Postponement of Senate Amendment "A." I am not a member of the Health and Human Services Committee, but there are times that I wish I was. These smoking bills are going to be coming up for the next few days and will be some of the most important issues that we will face in the 118th Legislature, as far as I am concerned. It is time for us to do what, I think deep down inside, we all know is right. The Senate Amendment that we are asking you to Indefinitely Postpone, a lot of it is the same as the Majority Report out of this committee. There is one critical difference that is why it is no good. It is essentially the same as the Minority Report, it is the same, of the committee and it does little to change current law regarding vending machine locations, which is really what is in question here as referenced by the previous two speakers.

Current law is, at all times during the hours that vending machines are accessible must be located within the unobstructed line of sight and under the direct supervision of an adult. It does not apply to vending machines located in the area where minors are not allowed by law. What this amendment does is strike that last bit and say only that vending machines may be located only in areas in which minors are allowed only when accompanied by an adult. Essentially, it does little, if anything, to change current law. What is the reason for having an vending machine? There is no good reason for having vending machines. I can't understand why we need vending machines in our state. The good thing about the Majority Report of the committee, which we are asking you to go back to is that it takes the bold step of saying that there will be no cigarettes sold by vending machines in this state, given our current dismal record or youth smoking, can we really stand up here on the floor and discuss a handful of vending machine companies scattered around the state when we have the highest smoking rate among young children in the country. Are we going to compare that to four vending machine companies who are claiming that this is going to put them out of business? I sincerely doubt that. I ask you to strongly consider the health affects of having vending machines, which are easily accessible by members of the public and to support the Indefinite Postponement. Thank you very much.

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

Representative KANE: Madam Speaker, Ladies and Gentlemen of the House. As the previous speaker said, we will be making some major decisions regarding tobacco over the next few days. This is just the beginning, dealing with the vending machines. We are making a major decision about the future health of our children. The incidence of smoking among our young people in Maine has been mentioned several times. We are looking, not only at the health of the children, but we are looking at the economic health of the State of Maine in terms of the cost of health care. We know what tobacco addiction is costing our country today. We have seen it in the media and have become well educated to the health care costs of addiction to tobacco. The presence of vending machines is just another

piece in the positive reinforcement of getting young children hooked on tobacco. Unless we begin now to curtail this kind of behavior, we are laying out major future costs in health care debt on ourselves and on our children. I urge you to join in the Indefinite Postponement. Thank you.

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

Representative BRAGDON: Madam Speaker, Ladies and Gentlemen of the House. Few previous speakers mentioned the economic impact. This was a great concern to me so I called the three vending companies in Bangor. I would just like to articulate for you what sort of economic impact Indefinitely Postponing this amendment would have. For one vending machine company it would represent \$20,000 less in sales. For the second one, \$50,000. For the third one in Bangor, \$11,000. This is a total of \$81,000 in lost revenue to these vending machine companies. They still have the basic costs of repairmen going out and servicing these vending machines, but this is revenue that they cannot absorb. This represents laying off workers and stopping health care benefits to their employees.

The other thing I would like to point out is the industry trend. Ten years ago, five years ago, we all saw vending machines everywhere. That is not the case today. Primarily they are in locations only where minors can go while accompanied by an adult. There are some vending machines that are elsewhere. This bill would eliminate those. It takes a very responsible approach by saying that we recognize that vending machines are a temptation to minors, however, they are a convenience to adults. I dare say that we all appreciate our vending machines on the basement level, so we can buy a soda when the store is closed. I think adults in adult locations deserve the same convenience. Madam Speaker, I request the yeas and nays.

Representative BRAGDON of Bangor requested a roll call on the motion to indefinitely postpone Senate Amendment "A" (S-157) to Committee Amendment "A" (S-132).

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 Portland, Representative Rowe.

Representative ROWE: Madam Speaker, Men and Women of the House. I rise today to support the pending motion to Indefinitely Postpone Senate Amendment "A." I disagree with the last speaker that this can be enforced. In the city I live in, we have many bars and if you go to the city and you look at where the vending machines are placed, they are placed right inside the doorway. Minors are not supposed to be in there, but they can easily access cigarettes through the vending machines. I believe this will still be allowable under this bill. It sounds good, but I am telling you, I believe there is going to be a problem. I put a bill in in the 116th to prohibit vending machines and all I heard was that we can't enforce it through the local police department. We have other things to do. If we really want to keep tobacco products away from children, we have to get serious. I just heard there is an \$80,000 economic impact. I ask you to think about the cost of treating pulmonary disease or lung cancer. I mean, \$80,000 is a drop in the bucket. We are talking about trying to save the health and the lives of Maine children and adults. If I thought this could be enforced, I might think about it. I just don't think it is going to work. I think we ought to be bold and make a statement and get on with it. Thank you very much.

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

Representative MITCHELL: Madam Speaker, Men and Women of the House. I am glad that we got to talk about cost a little bit. I want to talk about direct health care costs in Maine.

Smoking related expenditures for hospitalization, physician services, medication costs, nursing home costs and other professional services for the treatment of smoking attributable illness equals \$77 million in Maine. Indirect costs are loss income and productivity for individuals who are disabled by smoking related disease or injury, \$230 million in Maine. I think those are a little bit higher than the costs that we were talking about.

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

Representative QUINT: Madam Speaker, Ladies and Gentlemen of the House. I stand before you today to ask you to Indefinitely Postpone Amendment "A" and I want to tell you why. This is not about buying soda, chips or candy bars in vending machines on the first floor. It is simply about a choice. Do we choose between the convenience for adults to buy cigarettes or do we choose to make a bold step forward to limit access to cigarettes to youth?

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

Representative FULLER: Madam Speaker, Ladies and Gentlemen of the House. I, too, rise to support the motion to Indefinitely Postpone this bill. We clearly need to do something about reducing the rate at which our youth are smoking. I guess I have a comment about the figures that were given to us just a few minutes ago about the economic impact. My observation, as I have watched people service vending machines, is that they are refilling them with the product that they sell. I submit that even though they don't sell the products through the vending machines, they are still going to find some way of distributing that product to those outlets, not through a vending machine, but through direct sales where they can monitor who is buying those cigarettes. I would also urge that people who are in the business of vending machines, to put some other product in there besides cigarettes that is not going to kill our kids in their later years and cause a lot of additional costs.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone Senate Amendment "A" (S-157) to Committee Amendment "A" (S-132). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 184

YEA - Ahearne, Bagley, Baker CL, Baker JL, Belanger IG, Brennan, Bruno, Bull, Bumps, Bunker, Carleton, Chartrand, Colwell, Cowger, Cross, Davidson, Desmond, Driscoll, Dunlap, Etnier, Frechette, Fuller, Gagne, Gagnon, Gerry, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, McElroy, McKee, Mitchell JE, Morgan, Muse, O'Neil, Paul, Pendleton, Pieh, Povich, Powers, Quint, Rines, Rowe, Samson, Sanborn, Saxl MV, Shiah, Sirois, Skoglund, Stevens, Tessier, Thompson, Townsend, Tripp, Usher, Volenik, Watson, Winglass, Madam Speaker.

NAY - Barth, Belanger DJ, Berry DP, Berry RL, Bragdon, Brooks, Cameron, Campbell, Chick, Chizmar, Cianchette, Clark, Clukey, Donnelly, Fisher, Fisk, Foster, Gieringer, Goodwin, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Labrecque, Lane, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey,

Murphy, Nass, Nickerson, O'Neal, Ott, Peavey, Perkins, Perry, Pinkham RG, Pinkham WD, Plowman, Savage, Saxl JW, Snowe-Mello, Stanley, Stedman, Taylor, Tobin, Treadwell, True, Tuttle, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winn, Winsor.

ABSENT - Bigl, Bodwell, Bolduc, Bouffard, Buck, Dexter, Dutremble, Farnsworth, Gamache, Mailhot, Meres, O'Brien, Poulin, Richard, Shannon, Spear, Underwood, Wright.

Yes, 64; No, 69; Absent, 18; Excused, 0.

64 having voted in the affirmative and 69 voted in the negative, with 18 being absent, Senate Amendment "A" (S-157) to Committee Amendment "A" (S-132) was not indefinitely postponed.

Subsequently, Senate Amendment "A" (S-157) to Committee Amendment "A" (S-132) was adopted.

Committee Amendment "A" (S-132) as amended by Senate Amendment "A" (S-157) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-132) as amended by Senate Amendment "A" (S-157) thereto in concurrence.

ENACTORS

Emergency Measure

An Act to Fund the Collective Bargaining Agreement for the Maine State Police Bargaining Unit (S.P. 640) (L.D. 1862) (Governor's Bill) (C. "A" S-195)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

On motion of Representative KONTOS of Windham, the following item was removed from the Tabled and Unassigned matters:

Expression of Legislative Sentiment in memory of Carl Ervin Cianchette (HLS 332)

TABLED - April 30, 1997 by Representative KONTOS of Windham.

PENDING - Adoption.

On further motion of the same Representative, tabled pending adoption and specially assigned for Wednesday, May 14, 1997.

On motion of Representative MUSE of South Portland, the House adjourned at 7:36 p.m., until 9:00 a.m., Wednesday, May 14, 1997.