

# MAINE STATE LEGISLATURE

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

**Volume III**

**Second Regular Session**

March 19, 1998 - March 31, 1998

**Second Special Session**

April 1, 1998 - April 8, 1998

**Appendix**  
**House Legislative Sentiments**  
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ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
SECOND REGULAR SESSION  
39th Legislative Day  
Tuesday, March 24, 1998

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

Prayer by Reverend Peter Panagore, Congregational Church, Boothbay Harbor.

National Anthem by Vassalboro Community School Chorus.

Pledge of Allegiance.

Doctor of the day, Robert Haile, M.D., Scarborough.

The Journal of yesterday was read and approved.

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

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Cindy Blodgett, of Clinton and a member of the University of Maine Women's Basketball Team, has had an outstanding basketball career. She has set several school and conference records, has been NCAA Division I scoring champion 2 years in a row and her 3,005-point career total makes her 4th in NCAA Division I scoring leaders. She holds the university record for most points in one game, 52, and the most points in a season, 889. She led Maine to its 4th straight conference tournament and was named MVP for the 4th consecutive year. Named to the Associated Press Division I All-American squad as a member of the 3rd team, she is the first University of Maine basketball player to receive this honor. She also received the Outstanding Woman Scholar-Athlete award from the University. We extend our congratulations not only for her athletic achievements, but also for her outstanding scholastic record;

(HLS 1292)

Presented by Representative JONES of Pittsfield.

Cosponsored by Representative STEVENS of Orono, Senator MILLS of Somerset, Senator CATHCART of Penobscot.

On **OBJECTION** of Representative JONES of Pittsfield, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On further motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

the following members of the Maine Central Institute Boys Basketball Team, who won the New England Prep School Championship: Eric Barkley, Brooklyn, NY; Keith Bean, Fontana, CA; Kevin Braswell, Baltimore, MD; Huggy Dye, Indianapolis, IN; Hiro Hirano, Hokkaido, Japan; Will Morris, Pomona, CA; John Oliver, Manlius, NY; Clinton Sims, Paris, KY; Bobby Smith, East Chicago, IN; DeLonnie Southall, Moreno Valley, CA; Aaron Turner, Columbus, OH; Jesse Truman, Lebanon, NH; Shelton Wise, Moreno Valley, CA; Coach Max Good; and Assistant Coaches Troy Cilley and Mark Bass. We extend our congratulations to them on this achievement;

(HLS 1293)

Presented by Representative JONES of Pittsfield.

Cosponsored by Senator MITCHELL of Penobscot, Representative TRUE of Fryeburg.

On **OBJECTION** of Representative JONES of Pittsfield, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Pittsfield, Representative Jones.

Representative JONES: Madam Speaker, Men and Women of the House. I rise today to proudly inform you of the high caliber of basketball we in the Pittsfield area have been privileged to witness for the past several years. The accomplishments that Coach Good and his players have made are many as indicated in today's calendar. These players come here from all over the country and beyond and after a few short weeks they have a team that few others in New England can compete with. What is amazing to me is where many of these athletes end up after spending a year in Pittsfield. Think about the following, in the past nine years a total of 70 players went on to division one colleges including six from this years unbeaten team. Three have gone on to play in the NBA. When the current MCAA tournament started last week, 11 ex-MCI players were participants and 4 continued on to take part in the final sweet 16. Coach Good and present team members, we congratulate you and wish you well in the future. Thank you Madam Speaker.

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. This morning I am a very proud person in that I want you to know that my speech has to do with my wearing 3 hats. Number 1, there's an old coach and very, very interested in young people and the area of basketball. Number 2, as a former headmaster at Maine Central Institute and number 3, presently, a member of the Board of Trustees at Maine Central Institute. As an old coach, I can tell you that taking nearly a new team every single year, a new group, many of them stars on their high school basketball teams and to amalgamate and put them together to play as they have played takes a lot of hard work, dedication, sacrifice and teamwork. As a headmaster, I am exceedingly proud because these gentlemen along with their coaches certainly personify what a head of the school is looking for and that is that they are not only athletes but more importantly that they have done well in their academic endeavor to prepare them for a greater road, the road of life and that they have been gentlemen. Recently, in the paper, there was a, I know I can't show this and I apologize, it says as good as it gets and that, of course is the reflection of Coach Good. Now believe me, he's a task master, I have had the pleasure of watching practice and I know what he expects and maybe some of you people don't know that he's also a native of Gardiner and in this article something that he said certainly meant a lot to me and I think it would to you too, that he said he was going to enjoy the upcoming games in the NCAA because his kids, and he had many playing on various teams, would be there. I personally salute Coach Max Good and what he has done for young people and what he had done for, as said also in here, the little small school in the hinterland, I guess they mean Maine. Certainly they arrive, and they won the final game I believe it certainly must have been a roller coaster for Coach Good, 30 points, but that shows off the talent that they had. So I am very pleased to wear the hats that I have and I salute these young gentlemen. I wish them well and Coach Good, you have done a heck of a job.

**PASSED** and sent up for concurrence.

the members of the University of Maine Women's Basketball Team on their victory in the America East Conference and as contenders in the National Collegiate Athletic Association Division I basketball tournament. We extend our congratulations to the members of the team and offer our praise on their superb 1997-1998 season;

(HLS 1291)

Presented by Representative STEVENS of Orono. Cosponsored by Senator CATHCART of Penobscot, Representative DUNLAP of Old Town, Representative WINN of Glenburn.

On **OBJECTION** of Representative STEVENS of Orono, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On further motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

the following members of the Cony High School Girls Basketball Team, the Rams, who won the 1998 Class A State Championship and were the Eastern Maine Class A Champions: Tracey Frye, Kelsie Bryer, Janet Riese, Natasha Jackson, Melissa Foss, Eliza Nimon, Lauren LaRochelle, Julie Veilleux, Holly Cameron, Laura Lord, Courtney Beer, Carrie Morin, Amanda Dostie, Danielle Whitcomb, Coach Paul Vachon, Assistant Coaches, David Hopkins and Ted Rioux and managers Nick Chasse, David Rand and Dan Dore. The team has demonstrated outstanding leadership and dedication on and off the court. Their spirit is to be commended. We extend our congratulations to them on an excellent season and tournament; (HLS 1295)

Presented by Representative O'BRIEN of Augusta. Cosponsored by Senator DAGGETT of Kennebec, Representative MADORE of Augusta, Speaker MITCHELL of Vassalboro.

On **OBJECTION** of Representative CAMPBELL of Holden, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On further motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

Sandi Carver, of Beals, a senior at the University of Maine, gold-medal winning athlete and co-captain of the 1997-1998 Black Bear Women's Basketball Team. We acknowledge her exceptional accomplishments in the classroom, on the basketball court and as a leader, and we extend our best wishes to her in all her future endeavors;

(HLS 1296)

Presented by Representative BAGLEY of Machias. Cosponsored by Senator CASSIDY of Washington, Senator CATHCART of Penobscot, Representative STEVENS of Orono.

On **OBJECTION** of Representative BAGLEY of Machias, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On further motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Reduce Costs and Increase Efficiency of the Regulation and Promotion of Harness Racing"

(H.P. 1542) (L.D. 2169)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-981)** in the House on March 20, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-981)** and **SENATE AMENDMENT "A" (S-583)** in **NON-CONCURRENCE**.

On motion of Representative TUTTLE of Sanford, the House voted to **RECEDE AND CONCUR**.

**Non-Concurrent Matter**

Bill "An Act to License Timber Harvesters and Deter Timber Trespassing"

(H.P. 1013) (L.D. 1405)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-951)** in the House on March 19, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-951) AS AMENDED BY SENATE AMENDMENT "A" (S-571)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

**Non-Concurrent Matter**

An Act to Amend the Animal Welfare Laws

(H.P. 1640) (L.D. 2273)

**PASSED TO BE ENACTED** in the House on March 19, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-567)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

**Non-Concurrent Matter**

Bill "An Act to Improve Voter Participation"

(H.P. 1455) (L.D. 2046)

Majority (8) **OUGHT TO PASS** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-821)** in the House on March 2, 1998.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative TUTTLE of Sanford, the House voted to **INSIST** and ask for a **COMMITTEE OF CONFERENCE**. Sent up for concurrence.

**Non-Concurrent Matter**

Bill "An Act to Facilitate Delegation of the Federal Waste Discharge Permitting Program"

(H.P. 1291) (L.D. 1836)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910)** in the House on March 18, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910)** and **SENATE AMENDMENT "A" (S-562)** in **NON-CONCURRENCE**.

Representative ROWE of Portland moved that the House **RECEDE AND CONCUR**.

On further motion of the same Representative, **TABLED** pending his motion to **RECEDE AND CONCUR** and later today assigned.

**COMMUNICATIONS**

The Following Communication: (H.C. 461)

**STATE OF MAINE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

March 19, 1998  
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 Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 2053 An Act to Preserve Maine's Historic Properties  
L.D. 2064 An Act to Foster Economic Development and  
Tourism in Maine  
L.D. 2131 An Act to Restore the State House  
L.D. 2167 Resolve, to Encourage High-performance  
Work Organizations and Quality Jobs in Rural  
Maine  
L.D. 2180 An Act to Increase the Number of Probation  
Officers and Corrections Support Staff  
L.D. 2249 An Act to Promote Sustained Economic  
Growth and to Implement Recommendations  
Regarding the Department of Economic and  
Community Development

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

Sincerely,  
S/Sen. Michael H. Michaud  
Senate Chair  
S/Rep. George J. Kerr  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 457)

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

March 19, 1998  
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 bill out "Ought Not to Pass":

L.D. 2256 An Act to Implement the Recommendations of  
the Task Force to Study Strategies to Support  
Parents as Children's First Teachers

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

Sincerely,  
S/Sen. Peggy A. Pendleton  
Senate Chair  
S/Rep. Shirley K. Richard  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 458)

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

March 19, 1998  
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. 1779 An Act Regarding Access to Medical  
Information  
L.D. 2268 Resolve, to Establish the Task Force on  
Hospice Coverage and Palliative Pain Control

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

Sincerely,  
S/Sen. Judy Paradis  
Senate Chair  
S/Rep. J. Elizabeth Mitchell  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 459)

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

March 19, 1998  
Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 2274 An Act to Permit Employees to Resume  
Receiving Unemployment Benefits in Certain  
Cases

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

Sincerely,  
S/Sen. Mary R. Cathcart  
Senate Chair  
S/Rep. Pamela H. Hatch  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 460)

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

March 19, 1998  
Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 2202 An Act Regarding Veterans' Benefits

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

Sincerely,

S/Sen. Beverly C. Daggett

Senate Chair

S/Rep. John L. Tuttle, Jr.

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 656)

**THE SENATE OF MAINE  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

March 23, 1998

The Honorable Elizabeth H. Mitchell

Speaker of the House

118th Maine Legislature

2 State House Station

Augusta, Maine 04333

Dear Speaker Mitchell:

In accordance with Joint Rule 506, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary the nominations of the Honorable G. Arthur Brennan of York for reappointment as a Maine Superior Court Justice, and the Honorable Douglas A. Clapp of Skowhegan and the Honorable Courtland D. Perry of Augusta for reappointment as Maine District Court Judges.

Thank you for your attention to this matter.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 657)

**THE SENATE OF MAINE  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

March 23, 1998

The Honorable Elizabeth H. Mitchell

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Mitchell:

In accordance with Joint Rule 506, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Transportation the nomination of the Lucien B. Gosselin of Lewiston for appointment as a Member of the Maine Turnpike Authority.

Thank you for your attention to this matter.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

On motion of Representative FARNSWORTH of Portland, the following Joint Resolution: (H.P. 1660) (Cosponsored by Senator PINGREE of Knox and Representatives: BROOKS of Winterport, GAGNE of Buckfield, JONES of Bar Harbor, McKEE of Wayne, SAMSON of Jay, SAXL of Bangor, VOLENIK of Brooklin, Senator: MacKINNON of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS  
OF THE UNITED STATES TO PRESERVE THE  
CURRENT FAIR HOUSING ACT**

WE, your Memorialists, the Members of the One Hundred and Eighteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the Congress of the United States as follows:

WHEREAS, 10 years ago the Fair Housing Amendments Act of 1988 amended Title VIII of the Civil Rights Act of 1968, to extend the principle of equal housing opportunity to people with disabilities and to families with children; and

WHEREAS, on February 12, 1998, the Fair Housing Amendments Act of 1998 was introduced for the purpose of repealing the federal protections for people with mental retardation and other disabilities; and

WHEREAS, the accomplishments that have been made during the last 30 years to protect people with disabilities and families with children should be celebrated and improved upon, not weakened; now, therefore, be it

RESOLVED: That the important civil rights protections extended by the Fair Housing Amendments Act of 1988 must be preserved; and be it further

RESOLVED: That suitable copies of this memorial, duly authenticated by the Secretary of State, be transmitted to Charles Canady, Chair of the House Judiciary Subcommittee on the Constitution, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

**READ.**

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

Representative FARNSWORTH: Madam Speaker, Ladies and Gentlemen of the House. For years discrimination has been a part of American life and unfortunately, there has been a great deal of suffering that has resulted from it. It has been a part of almost every corner of our existence, but over the past 50 to 100 years we have become much more sensitized to it and begun to establish a pattern in American life that says "No, discrimination is not the path that we wish to lead." Discrimination has especially been a serious problem in housing as we have noted, there have been ghettos and that sort of thing and discrimination based on race, ethnic differences, based upon age and also disability have been common. Years ago the federal government and the Congress passed a law basically allowing the removal of discriminatory practices in the area of housing. The Federal Fair Housing Act has become an important tool in terms of helping to establish a standard that says discrimination is not an acceptable pattern. That has been an especially valuable tool for people that have been disabled as they have fought to find decent accommodations in neighborhoods just like you and I experience. Maine caught up last year and adjusted its housing act to be consistent with the Federal Fair Housing Act. However, in an age when it seems as though discrimination is becoming more popular once again, this year Congress is moving to essentially gut the Federal Fair Housing Act of the language which limits discrimination to people with disabilities. It seems to

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**ORDERS**

me as though instead of trying to protect people with disabilities, it is opening them up once again to the legitimization of barriers and to establish additional difficulties for people who are disabled to try to find housing in their local communities. I'm presenting this particular memorial today primarily because I think it is important for Mainers to say to our legislators in Washington that we want to you to hear a clear message and to make a paraphrase on a term that is currently around, there will be no discrimination, especially in housing, not in our backyard. Thank you very much.

**ADOPTED.**

Sent up for concurrence.

On motion of Representative TRIPP of Topsham, the following Joint Order: (H.P. 1659)

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation shall report out, to the House, a bill to study the taxation of telecommunications property.

**READ and PASSED.**

Sent up for concurrence. **ORDERED SENT FORTHWITH.**

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

Expression of Legislative Sentiment recognizing the Cony High School Girls Basketball Team

(HLS 1295)

Which was tabled by Representative CAMPBELL of Holden pending **PASSAGE.**

**READ.**

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

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. It gives me great pleasure and honor today to give you this sentiment to congratulate the Cony girls Class A state championship in basketball.

I remember as a young child many, many years ago, I remember sitting in the stands of the Cony gym probably in 3<sup>rd</sup> grade and the men's team at that time, the Cony boys, were a dynasty. I remember Don Crosby, some of you may remember that number, 13, and there were heroes in our community and that was many, many years ago and now the times have changed. We have a great boy's team also, but now the highlight is on the Cony girls. In the past 13 years the Cony Rams have been coached by Coach Paul Vashon, and I would just like to tell you a little bit of his record. Paul has a master record and they may be a little off, 255 wins to 22 loses, in the past 13 years. Cony has won 5 state championships, many runner up championships and have been the Eastern Maine Champs many, many times. This team is not only bright athletes, exemplary athletes, but they are heroes in our community. Paul and his crew, throughout the year, have done clinics in basketball camps that are attended by girls throughout this state. They look on the Cony team as true heroes and we're really, really proud of them. My 10 year old daughter looks at them with such admiration and has their posters and pictures all over her room and there are many, many young girls who do the same thing. I also want to thank them for pulling out that game against Westbrook Girls, you don't know the bet that I had on that game. I want to thank you very much for pulling it out, I was right on the edge of my seat. I knew Paul way back when, and I'm really, really proud of what he has done. He has the respect of the team, he has the respect of the community. He certainly isn't a demure little coach that sits on the sidelines and you never hear from him, but he pushes these girls to reach their fullest

potential in not just on the court, but off the court. I am very very proud to know him as a friend and I would like you to join me in thanking the Cony girls and congratulating them on another wonderful season.

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

Representative MITCHELL: Madam Speaker, Men and Women of the House. For the record, I have never made a speech on the floor about basketball, but I feel very compelled, because I actually played on Coach Vashon's first team, the first team that he coached, so I know how hard they work. I remember those 25 suicides and I know what they have done to earn this title.

Subsequently, **PASSED** and sent up for concurrence.

**REPORTS OF COMMITTEE**

**Ought To Pass Pursuant to Statutes**

Representative BUNKER from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Implement Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to the Review of the Department of Agriculture, Food and Rural Resources under the State Government Evaluation Act"

(H.P. 1654) (L.D. 2284)

Reporting **Ought to Pass** pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent up for concurrence.

**Ought To Pass Pursuant to Public Law**

Representative JONES from the Committee on **UTILITIES AND ENERGY** on Bill "An Act Relating to Electric Industry Restructuring" (EMERGENCY)

(H.P. 1655) (L.D. 2285)

Reporting **Ought to Pass** pursuant to Public Law 1997, chapter 316, section 12.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent up for concurrence.

**Divided Reports**

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-501)** on Bill "An Act to Reorganize and Clarify the Laws Relating to the Establishment, Powers and Duties of the Bureau of Parks and Lands"

(S.P. 635) (L.D. 1852)

Signed:

Senators:

KILKELLY of Lincoln  
PARADIS of Aroostook

Representatives:

BUNKER of Kossuth Township

SAMSON of Jay  
 VOLENIK of Brooklin  
 SHIAH of Bowdoinham  
 GOOLEY of Farmington  
 JONES of Greenville  
 McKEE of Wayne  
 CROSS of Dover-Foxcroft  
 DEXTER of Kingfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-502)** on same Bill.

Signed:  
 Senator:

KIEFFER of Aroostook

Representative:

LANE of Enfield

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-501)** and **SENATE AMENDMENT "A" (S-551)**.

**READ.**

Representative BUNKER of Kossuth Township moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On motion of Representative CAMPBELL of Holden, **TABLED** pending the motion of Representative BUNKER of Kossuth Township to **ACCEPT** the **Majority Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-574)** on Bill "An Act to Exclude Intentional Tort Claims from the Application of the Maine Workers' Compensation Act of 1992"

(S.P. 32) (L.D. 30)

Signed:  
 Senators:

LONGLEY of Waldo  
 LaFOUNTAIN of York

Representatives:

THOMPSON of Naples  
 WATSON of Farmingdale  
 ETNIER of Harpswell  
 JABAR of Waterville  
 MAILHOT of Lewiston  
 POWERS of Rockport

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

Signed:  
 Senator:

BENOIT of Franklin

Representatives:

PLOWMAN of Hampden  
 MADORE of Augusta  
 NASS of Acton  
 WATERHOUSE of Bridgton

Came from the Senate with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

**READ.**

Representative ETNIER of Harpswell moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as**

**Amended** Report and specially assigned for Wednesday, March 25, 1998.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act to Allow a Municipality to Request a Joint Check from the Maine Residents Property Tax Program in the Event of Nonpayment of Taxes"

(S.P. 850) (L.D. 2263)

Signed:  
 Senators:

RUHLIN of Penobscot  
 DAGGETT of Kennebec  
 MILLS of Somerset

Representatives:

TRIPP of Topsham  
 TUTTLE of Sanford  
 GREEN of Monmouth  
 GAGNON of Waterville  
 MORGAN of South Portland  
 SPEAR of Nobleboro  
 ROWE of Portland  
 LEMONT of Kittery

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-575)** on same Bill.

Signed:  
 Representatives:

BUCK of Yarmouth  
 CIANCHETTE of South Portland

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

**READ.**

Representative ROWE of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Buxton, Representative Vedral.

Representative VEDRAL: Madam Speaker, Men and Women of the House. This bill, I can't understand why the committee reported out ought not to pass, it's a bill that makes quite a lot of sense. We have the circuit breaker program in this state. It's a very good program. It allows people in lower income brackets to get a rebate on their property tax that they've paid to the town. The program is very progressive in that it uses income measures in order to determine what the amount of the rebate is, but we have the unfortunate situation in that a person can apply for a rebate under the circuit breaker program and not pay their local property taxes. As a result, the town continues not to get the tax money that they need to operate the town and the person gets what amounts to a welfare check rather than a reimbursement for a tax expense. All that this bill does is allow a town that has not been paid taxes by an individual to request that the check written to that individual require the endorsement of the town for cashing. This would then allow the town to apply that money to an outstanding tax debt and thereby fully fund all the programs to that town such as plowing snow, removing debris from storms and paying for the education of our children. I would request that you vote to defeat the Ought Not to Pass motion.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Gagnon.

Representative GAGNON: Madam Speaker, Men and Women of the House. This is one of those bills that on the surface sounds like a good idea. It sounds really logical, but there are a lot of problems with this bill and a lot of problems with



this idea. You are probably wondering why it was such a lopsided report and there's a number of reasons for that. Problems with the bill, first of all it's a confidentiality issue. There are very strict laws written in a tax code to protect all of us, confidentiality of our tax records. One of the difficulties of this bill is that that confidentiality would be breached for certain taxpayers and that information would have to go back to the municipalities and potentially spread from there. So there's a danger, certainly that the Bureau of Taxation, Bureau of Revenue Services, had a major problem with that as they take that responsibility very seriously.

Secondly, this is a bill that targets a specific class of people. We know that the circuit breaker program is designed primarily for low income people, poor people, home owners. We're going to permit people at the municipal level, originally in the bill, in fact, they could do it discriminately, I believe that to the credit of the minority that they adjusted that, but originally on the bill it actually allowed the local tax assessor to discriminately go after certain individuals but that's not the case now. It will still be done discriminately between municipalities. It targets a certain class of people that I think is inherently unfair and it in fact doesn't go after other tax incentive programs. The better programs, TIFs ETIFs, whatever those things might be on individuals, corporations that don't pay taxes or other property taxes within the municipality, so it is targeted at a specific group. It doesn't encompass everything. In fact, if we're going to go after circuit breaker money, why not try to go after other forms of money that comes from government to people? Social Security payments or money for prescription drugs, or something like that. We'd just be opening up Pandora's box on this now. It does happen on a few occasions but for very specific problems and that's another thing that troubled me. Is this a really major problem, are we talking about bringing hundreds or thousands of dollars or even thousands of dollars back to a community that's owed to them? There wasn't an answer to that, but think about this. The people who are getting circuit breaker money are not the people who own the two hundred, two hundred fifty, three hundred thousand dollar homes in your community. People who may not be paying their taxes on those homes, these are people who have potentially mobile homes or some of the smaller homes in your community. It's not going to be bringing in all kinds of cash into the municipality. Finally, there is a process, when people don't pay their taxes, there is a process. It's a lien process. It's a foreclosure process. It's in the law. It's very stringent and it's very public and the reason why it's very public is because the power to take someone's property is an awesome responsibility. It's an awesome power and it should be very public. It should be done slowly with the proper due process. We shouldn't be circumventing that process. In fact, it was at the committee it was said that it's such an awesome power that it is rarely if ever used, but I can tell you, men and women of the House that that is not the case.

I served two years on a city council in Waterville and in that two year time we took people's houses, twice in that city. It was the most difficult vote that I had to make for taking a person's home away from them. It was the right decision at the time, it was the most troubling decision we had to make and that's what it ought to be. That's what it ought to be. If we need to adjust that process slightly, then that's maybe something that we can do in the future, but it ought to be a difficult process. There is a process and that's the way we ought to leave it. I would encourage you to support the Majority Ought Not to Pass Report.

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

Representative BUCK: Madam Speaker, Ladies and Gentlemen of the House. I would like to respond to the good

Representative from Waterville. To me, this is an issue of fairness. Let me back up. First, when we talk about the process of foreclosing on houses, it has absolutely nothing to do with the issue before us today. That foreclosing process will go on regardless of what happens in this case. My point is, when someone is delinquent in their taxes and they are receiving the funds from this program, if the check was made out to both the individual and the town, perhaps they wouldn't have to go through the process of foreclosing if they decided to pay their tax bill with their check rather than spending it on something else. The point was made that this is a class issue. It isn't. The program itself is designed for people who cannot afford to pay their property taxes. That is what it should be used for. What is happening though is there are some folks who intentionally take the check and cash it and have no intention of paying their property tax. This is unfair to the rest of the citizens in town who have to bear that burden. The argument can be made that eventually the town will be reimbursed through the process of foreclosure, but as we all know, that is a lengthy process. It is literally years down the road, but in the meantime, every one of those checks that doesn't go to the town hall and is spent for something else, it means the town and the rest of the taxpayers have to pick up that burden that tax year. In some cases the town has to go out on tax anticipation notes to make up for the shortfall. It is my understanding that it isn't just a few people that are abusing this system. I don't understand why we wouldn't want to design a process for people who have intentionally not paid their taxes to make sure that that check goes to the town itself. It doesn't make any sense to me at all. Thank you.

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

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. When I first saw this bill and listened to the testimony on it, I thought I was in support of it too. In the workshop and really digging into this bill, there are a lot of problems as the good Representative from Waterville stated. Even though I hate to disagree with my good friend from Yarmouth, confidentiality was a big problem. Right now, all the social security numbers are written on those checks that come back. This presents a real problem. Even if we got rid of it, there would still be a problem because the amount would be known. As it is right now, none of us know what comes back for a refund check to the individual. It is between the state and the individual of what they get back. There is a lot of problems with the mechanics. If, at a certain date, the town turned in a list of liens that were out there of people who have not paid their taxes and then a few months later the state sends a check back, but in the meantime those people had paid their money, what happens to that check? Does it get sent back to the state or can it be cashed some other way? That is a problem that has not been addressed.

Also, if the check came back to the town and it is more than the taxes owed, how do you divide up that money? I have been a selectman in my town for 16 years. Actually I have been. I am not any more. We have not run into a problem. Once in a while you will say that those people are applying for that. They still owe some taxes, but I agree with the Representative from Waterville in that we do have the lien process and if they do all the taxes and they end up having to pay in the end or they will lose their homes, that doesn't happen very often, and when they do the costs are paid and the interest is paid. The town is not out any money. Considering all the mechanical problems and the confidentiality that is involved with this, I would urge you to support the Majority Ought Not to Pass Report.

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

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. I have to partially concur with my friend from Waterville. This bill does target people, but it does not target any people from a particular class. This bill targets frauds, cheats and scam artists. We are going after the people who intentionally keep this check and don't pay their property taxes. The circuit breaker is a good program. A program that was designed to help people who need help paying their property taxes. It was not designed as an extra welfare check. The people who cheat the system end up putting the burden on us as the right honorable Representative from Yarmouth said, through higher property taxes for the rest of us and higher sales and income taxes picking up this check. I urge you to defeat the pending motion.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Vedral.

Representative VEDRAL: Madam Speaker, Men and Women of the House. I rise just to answer a couple of points. As far as confidentiality goes, every year in our town report in the Town of Buxton and the Town of Hollis, we publish the full tax records of the town so that everybody knows how much the property taxes are in each property and who is behind in the payment of their taxes. As far as the issue goes, if there is some mechanical problem or some coordination problem with writing these checks out, if somebody happens to get a check that needs the endorsement of the town and it turns out they have paid their taxes up to date it is a simple matter of the town endorsing the check and handing it back to the individual. There is no need to go any further than that.

I also contend that it is never right to throw a low-income family out of their home. If you believe that that is an option that we should consider instead of helping people to pay their property taxes, I would feel very sorry for your values. Foreclosure is a much worse option than helping a person out using the circuit breaker program. Please vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tripp.

Representative TRIPP: Madam Speaker, Men and Women of the House. For those of you who were here for the last session you will recall a similar bill that this House decisively killed and so did the Senate. The concern, again, was confidentiality. Confidentiality does not have anything to do with what is published in the town report. That is how much you pay for taxes. It is how much you have for income that is the concern to people. In a memorandum that we received from the Executive Director of the Maine Revenue Services, I will quote, "Checks issues jointly payable to municipalities as well as a claimant will disclose previously confidential information." We don't want to do that. Would you please support the Ought Not to Pass?

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

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. I think this bill is before us because it is a constant reminder that with all good intentions we start a program, meaning the Circuit Breaker Program. We have created sort of a mini bureaucracy and a lot of red tape and a lot of hassle and complicated forms that people have to fill out and so forth and so on and a more complicated means of reimbursement. This bill is an example of constant effort to sort or fix what we have. To me, the real solution would be we could handle all of this right through the income tax form and the paid receipt for your taxes. If your taxes are above a certain percentage of your income, you get a refund right on your income tax form. We do away with the entire Circuit Breaker

Program. We do away with some of the bureaucracy and it would do away with cheating because you could not get your refund without a paid copy of your paid receipt that you did, indeed, pay your taxes.

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

Representative MacDOUGALL of North Berwick **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 488**

YEA - Ahearn, Bagley, Baker, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bumps, Bunker, Carleton, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Mailhot, Mayo, McAlevey, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger IG, Bodwell, Bragdon, Bruno, Buck, Cameron, Campbell, Cianchette, Clukey, Dexter, Fisk, Foster, Gerry, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Marvin, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Pinkham WD, Plowman, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winsor.

ABSENT - Belanger DJ, Berry DP, Gieringer, Goodwin, Madore, McElroy, Poulin, Thompson.

Yes, 95; No, 48; Absent, 8; Excused, 0.

95 having voted in the affirmative and 48 voted in the negative, with 8 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

**SPECIAL SENTIMENT CALENDAR**

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

**In Memory of:**

John Daggett, beloved husband of Ruth Marie Daggett, U.S. Army veteran, grocer, Legislator, respected community leader and communicant of St. Mary's Catholic Church. He served on many committees throughout the years, was a member of the Maine House of Representatives during the 111th and 112th legislative sessions and served as Chair of the Board of Selectmen for the Town of Manchester for 20 years. Mr. Daggett will be remembered as a compassionate and dedicated public servant for his state and community and he will be sadly missed by his family, associates and friends;

(SLS 429)

On **OBJECTION** of Representative FULLER of Manchester, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative FULLER: Madam Speaker, Men and Women of the House. It is a great honor for me to be able to a part of this special sentiment in memory of John Daggett. John's death was a great loss to his family, his friends and his community. I have lived in Manchester for 40 years and have been a friend of John and his wife Ruth for all those years. I enjoyed many parties together over those years. John was always in good voice when there was a song to be sung. I can't remember a time when John was not one of our selectmen. Although he was Chair of the selectmen for 20 years, he has served his local town where he was born and raised with a passion, right up to the time of his death going to meetings with his oxygen stroller in hand. John was always available to talk to people about local issues. Daggett's Market still stands on the corner bearing his name as a part of the community. John was also a mainstay of the Manchester Grange having served on many chairs and in recent years keeping our finances in order. In no particular significance to this body, as noted in the sentiment, John served two years in this House. He also worked for almost 10 years in the document room. Many of you who are here today may remember him. John will be missed by his family, friends and community. This sentiment is but one expression of thanks for all he has done in his lifetime. Thank you.

**ADOPTED** in concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Resolve, to Establish the Maine Council on Sustainable Silviculture

(H.P. 1003) (L.D. 1395)

Signed:  
Senators:

KILKELLY of Lincoln  
PARADIS of Aroostook  
KIEFFER of Aroostook

Representatives:

BUNKER of Kossuth Township  
LANE of Enfield  
SAMSON of Jay  
SHIAH of Bowdoinham  
GOOLEY of Farmington  
JONES of Greenville  
McKEE of Wayne  
CROSS of Dover-Foxcroft  
DEXTER of Kingfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1007)** on same Resolve.

Signed:  
Representative:

VOLENIK of Brooklin

**READ.**

Representative BUNKER of Kossuth Township moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative VOLENIK: Madam Speaker, Men and Women of the House. I talked to you earlier about the Sustainability Council Report that came out in 1996. The council accomplished half of its assigned mission. The parts that it accomplished were that it defined sustainability and it came up with seven criteria and goals for a sustainable forest and a

benchmark to measure progress toward achieving those goals. LD 1395 addresses the first three of those goals. Number one, maintain proper soil structure, texture, organic matter and adequate nutrient levels for forest growth. Number two, conserve water quality and quantity and the functions and values of wetlands and riparian zones. Number three, improve the productive capacity of the forest and the quality of the timber resource to sustain a stable or, if possible, increasing harvest of quality forest products and support a diversified forest products industry.

LD 1395 simply takes these three criteria and goals and sets up a new council of sustainable silviculture to continue the work of the old council to advise the executive and the Legislature about measurable benchmarks for a minimum level of acceptability and a minimum recommended level for best management practices in forestry and to achieve these goals. I am going to read you these goals because you don't have a copy of this bill on your desk because it is a carry over bill.

"Goals, resolved. That in developing benchmarks or standards under section 6 the council shall seek to achieve at least the following goals:

1. Setting standards for allowable cut levels that ensure that the average annual cut over a period of time to be determined by the council is less than the average annual growth for land management units greater than 500 acres;
2. Setting standards for residual stocking of trees of commercial size, considering site and stand type, to ensure productivity and wind firmness in stands where the overstory is manageable;
3. Determining under what circumstances there are no viable options for managing the overstory;
4. Setting standards to ensure maintenance or improvement of stand quality with regard to individual trees and species so that, at a minimum, the value of the land does not decline for tax purposes;
5. Setting standards for maximum allowable levels of residual stand damage, including damage to forest soils and residual trees;
6. Setting standards concerning the size and distribution of roads, trails and yards to minimize soil damage, windthrow, habitat fragmentation and loss of productivity;
7. Setting standards concerning management of harvest residues to ensure that nutrients and organic matter are returned to forest soils in a well distributed manner;
8. Setting benchmarks for adequate ecological rotations, based on stand and soil types, to allow recovery of soil nutrient and organic matter and recovery of late-successional habitats;
9. Setting standards to ensure the quality and integrity of freshwater ecosystems by determining width of buffers by water body size, stocking requirements within these buffers and placement of roads and other openings;
10. Setting benchmarks to ensure the adequate representation and distribution across the landscape of large blocks of relatively closed canopy mature and late-successional forests;
11. Setting benchmarks to discourage the simplification, fragmentation and conversion of blocks of relatively closed canopy mature and late-successional forests; and
12. Setting benchmarks to reduce reliance on chemical pesticides by avoiding activities that lead to an increased likelihood of severe insect, disease or brush problems."

This goes beyond the goal of the industry bill that you will hear soon which only asks the second question of the two that the sustainability council already answered for us in 1996. The Sustainability Council was suspended before it accomplished its

last two missions. This winter, several members of that council recommended to the Agriculture Committee that we recreate a similar council that produces real standards with enforcement teeth. I would like to read you a letter from one sustainability council member, Malcolm Hunter to the Agriculture Committee. It is dated February 9, 1998.

"I thank you for your invitation to attend the meeting at which you will discuss the Governor's Maine Council on Sustainable Forest Management. I apologize for not being able to join you. In truth, this letter is probably the best way for me to express my feelings about the council's work and its implications for its efforts. I find it much easier to be frank sitting in my office than in an open meeting. Let me say at the outset that I am very proud of the council's work. I believe we created a document that represents considerable wisdom about how to balance the public's concern for the well-being of the Maine forests and the need for a profitable timber industry. As you know, our work was put on the back burner just as it was reaching completion, because of the storm of activity that broke out in response to the clear-cutting referendum. However, this is only half the story. The other half of the story is that the timber industry was displeased with our work and was very happy to have it disappear. The fact that the industry was lined up against our recommendations was very obvious that whenever we had to vote on an issue, the votes were almost always either 6 to 2 with the industry represented in the minority or 6 to 3 with the commissioner joining the industry representatives. How did a balanced group of objective experts end up so far away from the industry perspective? I trace it to one overwhelming reason and two more specific factors. The basic reason is that we produced a document that represents the best interests of the people of Maine and these do not coincide exactly with the interests of the shareholders of our large timber companies. Let me repeat that. We produced a document that represents the best interests of the people of Maine and these do not coincide exactly with the interests of the shareholders of our large timber companies. More specifically, I credit the courage and credibility of our group especially all those members with lots of practical experience. By making it clear that it was possible to be a careful steward of the forest and still make a profit, they showed me that the improvements that we were discussing were reasonable. Finally, the public hearing we held in which scores of people shared their thoughts about the Maine forest was a major factor. This hearing was very different from our usual working meetings in which the audience was dominated by representatives of the timber industry. Hearing directly from the public at this hearing and through their letters gave us the courage to discount some of the subtle and not so subtle lobbying that tended to shape our earlier deliberations. Where do we go from here? I think the council process was working well and that it probably makes sense to continue a similar process. Indeed, in a perfect world I would suggest that you reconvene the original council and let us finish our job. I would not relish all the work that this would involve, but we were a good team. If you need to start over, please select people for their expertise and objectivity rather than their connections. It worked well last time. One more specific idea. I think that a marriage between the council's report and the audit program proposed in the compact could be very fruitful. If you try to pursue this directly, be very cautious about any watering down of the ideas we were advocating. Finally, I want to applaud you for the initiative you are showing in wading into this storm. It is terribly complicated, but incredibly important."

I hope that all of you men and women of this House will, like Mr. Hunter, discount the subtle and not so subtle lobbying from the industry and that you will vote with me in the best interests of the people of Maine even if these do not coincide exactly with the

interests of the shareholders of our large timber companies. Thank you.

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

A vote of the House was taken. 72 voted in favor of the same and 17 against, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent up for concurrence.

Ten Members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** report in Report "A" **Ought to Pass pursuant to Joint Order H.P. 1646** on Bill "An Act to Implement the Recommendations of the Majority of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Enhancing Forest Resource Assessment"

(H.P. 1657) (L.D. 2286)

Signed:  
Senators:

KILKELLY of Lincoln  
PARADIS of Aroostook  
KIEFFER of Aroostook

Representatives:

BUNKER of Kossuth Township  
JONES of Greenville  
GOOLEY of Farmington  
SAMSON of Jay  
McKEE of Wayne  
CROSS of Dover-Foxcroft  
DEXTER of Kingfield

Two Members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** report in Report "B" **Ought Not to Pass pursuant to Joint Order H.P. 1646**.

Signed:  
Representatives:

VOLENIK of Brooklin  
SHIAH of Bowdoinham

One Member of Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reports in Report "C" **Ought to Pass pursuant to Joint Order H.P. 1646** on Bill "An Act to Implement the Recommendations of a Minority of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Enhancing Forest Resource Assessment"

(H.P. 1658) (L.D. 2287)

Signed:  
Representative:

LANE of Enfield

**READ.**

Representative BUNKER of Kossuth Township moved that the House **ACCEPT** Report "A" **Ought to Pass pursuant to Joint Order H.P. 1646**.

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

Representative VOLENIK: Madam Speaker, Men and Women of the House. This bill weakens statute concerning clear-cutting in two ways. First, it redefines a clear-cut by measuring trees four and a half inches and over rather than six inches and over as in current law. Obviously, if you need to account for 30 square feet of basal area of trees on an acre of trees in order to avoid a statutory clear-cut adding four and a half inch trees to those you can count means you can cut more trees and larger diameter trees from current clear-cut definition and still not have a clear-cut. This is a step in the wrong direction. If you are a liquidation harvester or a high grader, you will love this change.

Note the next change in clear-cutting law that proponents of this bill claim increases the buffer zones between clear-cuts. The bill says and I quote, "For a parcel of land 100 acres or less, a clear-cut must be protected from any other clear-cut by at least 250 feet." Under current law, clear-cuts that are 5 to 35 acres in size on any size parcel must be separated by an area of forest at least 250 feet deep. This means, under this bill, that only small landowners will be subject to this standard. Medium sized landowners and large industrial landowners will be held to a lesser standard. Here is that lesser standard as written in the bill. I quote, "For a parcel of land over 100 acres, a clear-cut must be separated from any other clear-cut by a defined area equal to at least the area contained within the perimeter of the clear-cut." Under the provisions of this bill, a clear-cut of any size need only have a buffer zone equal to the size of the clear-cut on parcels over 100 acres. Under current law, clear-cuts 36 to 125 acres in size must have a buffer one and a half times the size of a clear-cut. For clear-cuts of 126 to 250 acres, the separation zone must be twice the size of the clear-cut. The 1989 Forest Practices Act set these standards to discourage large clear-cuts and, because currently large clear-cuts must have larger percentage buffers than smaller clear-cuts, the average size of a clear-cut has gone down since 1989. Eighty percent of clear-cuts are now under 36 acres in size. This is an example of forest policy that has achieved its objective. The single act of reducing the buffers between clear-cuts for any size clear-cuts on large and medium sized parcels of land will inevitably lead to larger clear-cuts on these lands. Proponents of this change cite page 2, lines 28-30 of the bill, which says, and I quote, "The commissioner of Conservation may establish, by rule, more stringent separation zone standards for clear-cuts greater than 35 acres."

In other words, with this bill, we will reduce the buffer zones by statute, but we will tell the press and our colleagues and anyone else we feel gullible enough to believe it, that this action actually increases buffer zones because the bill allows the department at some mysterious point in the future to establish some undefined increase in buffers should it choose to do so. If you believe that argument, have I got a bill to sell you. Another point, on page 2, lines 10-12, timber harvesting. You will note that timber harvests used to be defined as cutting or removal of at least 50 cords of timber for the primary purpose of selling or processing forest products. In this bill, we redefine timber harvesting as cutting or removal of any timber for the purposes of selling or processing forest products. If you cut and sell a cord of wood, if you use a portable mill to make your own 2 x 4s or rough boarding, you will be subject to the timber harvesting laws of this state. This is a sad day for the small part-timer, the self-sufficient landowner, the small traditional entrepreneur who gets by how he can. We are slowly creeping toward industrial domination of our woods from top to bottom. We wear our blinders with pride.

As we debate, even as we speak, trucks are bringing pulpwood to our paper mills. The demand for paper is growing daily. Look at your desks and wastebaskets. Our photocopiers, our printers, our mailboxes spew out more and more paper everyday. In one way or another, whether it is our culture, our business practices or our addiction to junk magazines that we don't read to enter sweepstakes that we don't win, we demand more and more paper everyday. While demand is up, the amount of forest acres available worldwide to feed that growing demand, goes down daily. We all know what is happening in Brazil and Indonesia and all over, a world dominated by the economics that feeds the paper industry. Let's not kid ourselves that we, as a people, can continue to grow our population infinitely and increase our demand and production of paper

infinitely. It is a finite resource and so are we. As you picture these trucks driving to the mills, you must realize that more and more of them come from out-of-state because Maine trucks and Maine woods cannot supply all of our growing demand.

On Wednesday, March 11, the industry provided you a free lunch in room 113. With the food, Joel Swanton, presented a short talk to you about the forest. One of his graphs showed that the inventory of wood in Maine's forests was down in the 1930s and 1940s how it reached a peak in 1971, declined considerably in 1982 and was way down in 1995, back to almost the levels of the 1930s and 1940s. Mr. Swanton said the rise and fall of volume available moved in cycles. Then he produced a graph showing that cut volumes have steadily risen from the 1930s to record heights now and are still going up. Demand has not gone down, nor can it go down in the present expanding world economy. If the volume of wood available is cyclical and the volume cut is steadily increasing, then each cycle will get lower and lower until we have a crisis in wood volume available and a collapse of our forest products industries. This bill sounds good, but it doesn't do much. For three months the Agriculture, Conservation and Forestry Committee studied the Forest Practices Act, read the 1996 recommendations of the Executive's Council on Sustainable Forest Management, which established criteria for a sustainable forest and benchmarks to achieve those criteria. Heard from council members, read the 1995 report to the USDA Forest Service with its detailed statistics of changes in the Maine forest over the previous 13 years, including statistics showing that statewide, acreage of balsam fir has declined by 20 percent and red spruce balsam fir mix acreage has been cut in half. Acreage of market size growing stock in both species has declined by 50 percent or more statewide.

For Piscataquis County, the acres in saw timber of balsam fir have declined by 90 percent and the acreage of pole timber of red spruce and balsam fir mix has shrunk from 311,000 acres in 1982 to 37,000 acres in 1995. Removal of softwood have exceeded net growth by 2 to 1 in all softwoods combined statewide. That means we are cutting softwood at twice the rate they are growing back. We are importing softwood for pulp from Canada and from the rest of New England because we can't produce enough from this state for our own paper mills. We are also retooling our pulp mills to use hardwood pulp and stripping our forest of hardwood too without giving them a chance to grow into more valuable saw logs and veneer wood at top dollar. Indeed from 1982 to 1995, we cut more paper birch, aspen, bass wood and elm. All hard wood. We cut more than we grew back. It is not just softwood we are doing this to. We have heard loud and clear the message that our current rate of cutting and methods of cutting are unsustainable. We have the criteria and benchmarks from the council on sustainable forest management to guide us. What are we going to do with this information?

The Majority Report calls for us to spend five more years developing benchmarks, not the benchmarks to implement the sustainability council's report. No. Benchmarks to simply begin to assess the woods. Something we have done already. For instance, in the council's third criteria, productive capacity and quality of the timber resource, the council calls for this goal. "To improve the productive capacity of the forest and the quality of the timber resource to sustain a stable or, if possible, increasing harvest of quality forest products and support a diversified forest products industry." In the council report, criteria three calls for six benchmarks. "Benchmark one states that total and species group harvest activity will not exceed sustainable levels for any rolling 10 year average. Sustainable harvest levels will be determined by computer modeling by the department, projected at least 40 years into the future. Landowners holding more than

50,000 acres will be expected to conduct analyses of total and species group harvest on their individual holdings as part of a certification process. Benchmark two, by 1998, the Maine Forest Service should develop a process for assessing the impact of changes in public policy or land use patterns on the productivity of commercial forest lands. In addition, the Maine Forest Service should review and assess the effectiveness of state laws in encouraging landowners to achieve the benchmarks, such as the Tree Growth Tax Law, Farm and Open Space Law and income and state taxes. Benchmark three, states that by 1997, harvest of commercial forest products should be guided by silvicultural principles that ensure the long-term productivity of the forests, including the use of clear-cutting only when alternative harvest methods will not produce a stand that fulfills sustainability objectives. Benchmark four, by 1998, Maine will implement a penalty mechanism that reduces the incentive for liquidation harvest. Benchmark five, state policy will encourage landowners to implement yield increasing practices that adhere to sustainability principles and are consistent with landowner objectives. As a result, growth rates increase 1 percent per year until potential sustainable harvest levels are doubled from 1996 potential sustainable harvest levels. Benchmark six, landowners use the professional forest management and harvesting will increase to 100 percent by the year 2010."

These are the well thought out benchmarks of just one of seven criteria of the Sustainability Council. What is the next step according to this committee bill? Develop benchmarks to assess the timber supply and quality. That is it. The Sustainability Council enumerated the benchmarks in clear English. I understood it. I thought the committee did. Yet in this bill we are asking the Maine Forest Service to determine benchmarks simply to assess timber supply and quality, but not even to improve it and move it toward sustainability. Is this progress? This is worse than duplication. It is procrastination. We have the information. We have the criteria and benchmarks. Let's act. This is just one of seven areas identified by the council with benchmarks with a plan. A plan that we are ignoring in this bill. We are asking the Maine Forest Service to take five years to duplicate and procrastinate over again. Progress? I doubt it. The only good thing in this bill is the biennial report by the department on the state of Maine's forests. At least that will allow us to keep a better handle on our forest inventory instead of the 13 year survey done by the USDA Forest Service.

When I read the Council on Sustainable Forest Management's 1996 report, I thought, here is the blueprint for us to act. When industry read it, they let the Executive know and their former employees, Chuck Gadzik and Ron Lavoglio now, and the council was suspended. You see its report, and remember Mr. Gadzik and Mr. Lavoglio were members of the council, was not what they had planned. This bill, right here, is what industry wants. It was presented to us by Chuck Gadzik and industry loves it. It looks like it does something, but it really does little. I was hoping that real legislative action would be the next step, the logical step, from the council's report. The council's report was a blueprint. A real solution. Is our next step going to be asking the question again? What will be the next step after that? Waking up in the morning and asking where we are? Rather, we need to progress. This bill sounds good. It is good election year cover.

Those of you who promised to work for meaningful change and tell your constituents that this is real progress even though it isn't because it sounds good. Those of you who promised no new laws can easily argue that this bill is okay because it really doesn't do much and, in fact, reduces clear-cutting standards. You will be right, but for those of your who see through the thin veneer of this bill, I hope you will join me in rejecting it and

passing something better. This is a direct progression from the council report. If all you do you is vote no in protest to the industry that you are tired of doing what they want us to do. Then, even if this passes, if you have held your head high and voted no, you will be able to look your constituents in the eye. I don't have the industry's money and army of lobbyists to twist your arms. I will only appeal to your consciences and your reasoning abilities as you listen to the speakers who will attempt to convince you that this bill is good policy. Thank you.

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Representative KERR of Old Orchard Beach assumed the Chair.

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

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

Representative LANE: Mr. Speaker, Men and Women of the House. We are all sick of this debate. For one thing it is confusing and it is technical beyond our ability to understand. I just want to get up to say that I am in opposition to the Majority Report also, but from an entirely different perspective. I also want to say and I will vent a little bit. I am sick and tired of hearing that the committee did nothing. I would say that on all of these bills I respect my committee members and we worked very long and very hard trying to understand everyone's point of view and trying to simulate the information that was thrown at us. I must say time and time again we left the committee room confused. I sort of want to emphasize the confusion and the point of confusion and bring it back to basis. We ended up with this debate, with a compact, based on one groups agenda only. That was with the ban clear-cutting referendum if you remember correctly. All of a sudden everyone that owned a piece of property, everyone that logged, every paper industry person was a crook, was illegal and is absolutely desecrating our sacred woods. Consider please that in the State of Maine we have 17.1 million acres of forest land. Can you conceive of 17.1 million acres of forest land? None of us can count that many trees. I will warrant that no matter how much clear-cutting goes on, you can still get lost in the Maine woods. Out of that, 473,000 acres or 2.7 percent, to be exact, was cut, harvested, massacred, brutalized, severed or whatever you want to say for commercial purposes to provide jobs for industry and so forth. Out of that 473,000 acres that was harvested, 7.9 percent was clear-cut or, in essence 2 percent of Maine's forests have been clear-cut.

This huge debate, this huge amount of money spent, is predicated upon the proposition that clear-cutting is bad and that our woods are disappearing. We have more woods today, 28 percent more, than we did in 1950s. The woods are not going away. Let's get down to clear-cutting. What was that all about? In all the informational sessions that we sat through, not once did we ever hear someone tell us that clear-cutting was a bad harvesting tool. In fact, we heard in some cases that it was necessary and it was a good harvesting tool. We heard that if we didn't clear-cut at times that mother nature would devastate our woods through old stands and so forth and wind throws or whatever technical words you want to include in the debate. This certainly has been a debate of words, very short on substance and very short on facts and very, very long on words.

Currently in one of the handouts, you will see that we have, for those of you who are afraid of going home and your constituency is saying you don't have to do anything to save the Maine woods. Same old, same old. Let me assure you that we currently have 15 different departments overseeing the condition of our woods. We have the Forest Practices Act, which has

been said to be the strictest forest practices act in the whole country. We have shoreland zoning. We have waste discharge licenses. We have the Natural Resources Protection Act, Land Use Regulation Commission, deer yards, timber theft and trespass, boundary marking law, logging safety, workers' compensation, Endangered Species Act, which we all loved, wood measurement, Forest Insect and Disease Control Program, forest fire control and the Allagash Wilderness Waterway and guess what, we don't have the manpower or the money to even half begin to assess the reports that come in, let alone enforce all these various rules from all these various departments. We also have a law book pertaining to the forestry industry. There are 366 pages of law. One for every day of the year plus one leap year, or whatever. Plus rules attached to those 366 pages of laws. Folks, do we have a problem with clear-cutting? No. Do we have a problem with disappearing trees? No. What we have a problem with here is a war between a radical environmental agenda that would turn Maine into a national park and take our paper industry and make it illegal for every landowner in the State of Maine to own a piece of property. That is what the debate is all about. My Minority Report is not that much different from the Majority Report except it takes out any potential harm caused by the future standard setting, monitoring and benchmark and it also allows the bureau to disseminate more information for the next round of this battle between the environmentalists and the real people. If you want to vote against the Majority Report, consider my Minority Report. The best thing to do for the people of Maine actually, because that is what the no vote said, leave it alone. Fully implement the Forest Practices Act. Let the dust settle. Let the smoke clear. Let's determine the condition of our forest with real facts and information and see if we need to do anything beyond that. If I were you, I would vote Ought Not to Pass against the Majority Report and I would even vote Ought Not to Pass against the Minority Report. Thank you.

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

Representative BUNKER: Mr. Speaker, Men and Women of the House. As you can see by the two prior speakers, we had a lot of issues that we had to deal with. I would disagree with both to say that the Majority Report is a clear plan of action to move us forward in resolving the forestry debate that we have had in the last several years. Number one, for a report that does nothing the first thing as you look at the bill, we authorize rulemaking to address the FPA. Number one, rulemaking. Provisional rules will be in effect by November of this year. Tell me any other report or any other issues you have heard on the floor so far up to this point that takes action this year. It enacts definitions in statute to make enforcement of the current FPA easier. If any of you have ever read the definitions that we place on these kinds of harvesting operations, it is very difficult for all of the enforcement people in the field to enforce the current FPA. We are going to clear that up.

Separation zones, we heard earlier that this bill is going to weaken current rules in law. That is not true. Eighty percent of all clear-cuts in the State of Maine are average at 36 acres. This current Majority Report doubles the separation zones essentially for all 80 percent of the clear-cuts we are doing. We are doing something there. We have management reports now. Plans that are required for anybody doing clear-cuts of 35 acres or more. The assessment, we direct the forestry to set benchmarks and standards. Ladies and gentlemen, we are debating here. The most of what I hear is let's make those big, bad companies follow some rules. Let's regulate them. Let's tell them how to do their business. What we fail to do as a body, ladies and gentlemen, is set the standards and the criteria for them to be

able to achieve that voluntarily because they want to be here tomorrow. They want to be able to continue operating those mills and be profitable into the future and keep our good paying jobs and keep our people working and also to protect the environment and the habitat.

What this does is it sets those standards and goals so they don't have a moving target. Anybody in this chamber that doesn't think that industry has had a moving target for the last four years, please straighten me out here. There is no clear target for anybody. How do you encourage voluntary compliance and encourage people to go in the right direction if we, the State of Maine, fail to do our job first, and that is to set the standards. We are talking about the data in this bill. We are requiring and we are fully funding the FPA and we are also giving the funds to completely do a complete assessment and do the inventory on a current real-time basis. That is with satellite data. That is with inventory data. That is with the modeling data so now that we have set those standards and those benchmarks that we, the State of Maine and the Department of Conservation, determine is our goal for sustainability and good management practices whether it is in water or whether it is in trees or quality of trees or any of the seven or eight benchmarks that we talked about here. We set them clear.

We are going to require the department to report to us against those clear benchmarks that everybody in the State of Maine knows are there now. What everybody has failed to mention up to this point in that state of the state report that is going to come back biennial every two years. It is going to come back next year. It is going to have clear recommendations on how to achieve those targets if those targets aren't achieved. If we set the standards and they are not being held, this document allows recommendations and legislation to move forward to achieve those targets. If it has to be by prescriptive means, ladies and gentlemen, I will be there to support prescriptive means to meet those requirements and that sustainability and protect our environment, the habitat, the fin, fish and water. All of those things. I will be there. If they don't voluntarily comply when we set the targets for them, we have to get prescriptive, we will do it. It is not the time to do that. We have to get our act in order first and move forward from there. I ask for the support on the Majority Report. Thank you.

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

Representative GOOLEY: Mr. Speaker, Right Honorable Men and Women of the House. I stand before you this morning only to say a few words. I think Representative Bunker summed up my thoughts and that we need to move on to the Majority Report. What Representative Volenik talked about as far as benchmarks, standards and commercial activity and timber harvest and everything that he did talk about is encompassed in the Majority Report. With forestry being the largest industry in the State of Maine and it being something that a quick fix is not something that we should be thinking about doing. We need to move slowly in this regard. I would just like to say that the Governor's task force, the Council on Sustainable Forest Management, all of those findings that they came out with two years ago, will be incorporated or discussed in future discussions about where we should be going in the forest area. The Majority Report has a lot in it for setting up a committee and actually I am going to talk about that when we do get into that bill. For now, I really think that this bill, LD 2286, is not the right way to go and that is why I am on the opposing side. Thank you.

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

Representative CROSS: Mr. Speaker, Ladies and Gentlemen of the House. This particular bill, which has been

called in the papers as a do-nothing bill by some of those who are, I consider, environmentalists who say that we didn't do anything. I would like to hopefully refresh your memory a little bit. As far as I know, I have been going to meetings since the first week in January and the main issue has been forestry, which, as far as I am concerned in my neck of the woods, is probably as important as any other industry. To have the papers say that we are a do nothing committee, the report shows that we didn't do anything is, I think, an affront to this body for the 50 or 60 hours work that we put into forestry. There is going to be disagreements, as you can readily tell by the presentation by my colleague, Representative Volenik. We have done what I think is measurable work that is going to benefit the industry totally. My county has been picked out as being one of those that has been mutilated. I would ask those who think so to come to Piscataquis County and see what is left of it. One hundred years of cutting wood and today we have more acres in forests than we had 100 years ago. Progress, if you will, is in the eye of the beholder. I think this bill is a progress in the right direction for the industry, the forests and for the State of Maine. I would ask you to accept Report "A." Approve this bill. It is worth it. Thank you.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. I stand and rise in support of the committee bill. Last night you heard me talk about the four-point plan and it went down. However, let me point out a few things. First of all, I agree completely with the good Representative, Representative Volenik. As we went through the bills that were carried over, I personally, very carefully, ruled out any bill that would not focus on the most important of our problems in sustainable forestry in the State of Maine. Therefore, I concentrated my efforts on trying to move off dead center and reach some kind of a compromise on the committee toward action. That didn't happen. However, Representative Cross is correct in that we did do some things and it is quite notable that we did something toward timber theft, timber harvest notification, a trip ticket, wood measurement laws and we did some housekeeping. We made it easier for the Forest Service to do some of its computations. That is very important. However, we requested five reports. Personally, I rather enjoy reports. I am somewhat of a report junkie, if you will, because I like information. They are very educational. There are five here. There is a report on inventory data. There is an annual report. There is a biennial report. There is also a report on workers' compensation. There is also a report on non-point source pollution from timber harvesting. There are five reports.

Our committee bill is filled with requests for reports. In all likelihood, when we come back here, if we do, we will be presented with excellent data about what is wrong with Maine's forests and what we can do about Maine's forests. I voted for term limits, but this morning and last night, I kind of wished I hadn't because one of the things we had lost here in this body is an institutional memory. Only a few of you who have come back can remember that since the early 1980s, we had required or requested and had returned to us five major studies on Maine forests. We continue that pattern. I am supporting this bill because it does some things. Perhaps we shouldn't have put them all together and it would have made it easier for you. They are about housekeeping. They are about improving harvest notification. They are about trying to eliminate timber theft and those are all very important. We are going to get back some excellent reports. It is not going to do anything toward getting us off dead center in this debate about sustainable forestry. I will be supporting the committee bill, but I wanted you to know the reasons. Thank you.

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

Representative COWGER: Mr. Speaker, Colleagues of the House. I, too, supported LD 1766 last night and truly believe that we can put more reasonable standards on clear-cutting into our state statutes, but I also support this bill and encourage you to support Report "A." Much work was indeed done by the committee and the biennial state of the state forest report will be an important indicator of how our forests are being cared for. I also want you to pay attention later today because I think we are likely to hear amendments to this bill and I encourage us all to listen carefully and to carefully consider these amendments later on as well. Thank you very much.

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

Representative DEXTER: Mr. Speaker, Men and Women of the House. I haven't cut wood quite 100 years as Representative Cross said, but it was 63 years ago last fall that I first went into the woods. I have seen a lot of changes. We worked hard in the committee to come up with a consensus. We had to build a consensus to get out of this referendum that we have every other thing. With consensus comes a little bit of trust. Without trust you don't have anything. There seems to be a lot of shortage of that. I know I must be doing something right. This Majority Report came from my LD 289. I am proud. I must be doing something right because the editorials are all against me. I understand that I have been called a "chowder head" along with my colleagues that voted with me. Don't laugh because that same columnist said you people are "lard heads." This is what I am addressing, not comrades, "lard heads."

Seriously, we don't know if liquidation harvesting is bad or not. Let's find out. We don't know if we have been clear-cutting too much or not. Let's find out. Contrary to what you may read in the papers by someone who buys ink by the barrel and paper by the ton, this is not a new study. I repeat. This is not a new study. It is an attempt to bring all the available data and there is plenty of it out there all into one place. That place is the Maine Forest Service. This is where trust comes in. I am putting a lot of trust into the Maine Forest Service. If they don't do their job, there is a possibility I might be back next year, a small possibility, I shall be looking right over their shoulder. You are in a field now that I know something about. Quite frankly, I am as sick and tired of hearing all these, he said, she said, as you are. Let's give this a chance to work. Let's not try to amend it to death. That would be another attempt to kill the bill. You have heard about his taking away property rights. I am support this. It is my idea, primarily. Lest you forget, I am the prime sponsor of the property rights bill. I had 105 cosponsors. Think about it, as a former Governor said. I could talk here for 20 minutes, but it is getting near lunch time. I just hope you people will follow my light.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. I have to admit that in the last session I think I made a little mistake. That was last session and you don't remember that. Well, I just made one today. I thought I was relating to Representative Volenik's bill. I have to get up and speak to you about the Majority Report and just go over a few things, which I think are very important. This Majority Report is a very good report. It is the way to go. I really think that anybody who thinks that we have done nothing in this session is completely mistaken and that we have come up with something which I think we can all live with. Some of the things which we did was to, the clear-cut definition under the Forest Practices Act begins at five acres. We kept it at that. We kept the basal area for clear-cut definition



at 30 square feet. The only thing we did change was to have four and a half inch trees and up included in the definition rather than six inch trees and one inch trees. The current definition is a little difficult to understand. We have simplified it somewhat.

The separation zones, I think we have strengthened and they will be better for the future. We also had a segment that relates to forest management plans for clear-cuts. Right now, a person or company or whatever, who does a clear-cut over 50 acres in size has to have a management plan. We reduced that to 35 acres. There is also the Forest Resource Assessment Program. This is established in the Bureau of Forestry, this program. The purpose of it is to systematically and continually assess the ability of the state's forest to provide sustainable forest resources and socio-economic benefits for the people of the state. The current status is to assess the current status of the forest resources, project future demands, trends and potential short falls. Also, the director will coordinate the efforts of the program fully with ongoing bureau and federal forestry program planning efforts and with the efforts of the Maine Economic Growth Council to develop a long-term plan for the state's economy.

Under sustainability, the director will establish a process to assess the forest sustainability. Under this, our standards, we did call them benchmarks, but benchmarks will come later, right now, we are calling them standards and they will be for soil productivity, water quality, timber supply, aesthetic impacts, biological diversity, public accountability and traditional recreation. Then, on the determination of supply and demand for timber resources, a forest inventory. The current forest inventory has gone on for about 50 years now, I guess. It is done theoretically every 10 years. That is going to change. Under this Majority Report, the timber inventory would be on a cycle of not more than five years. It would be a continuous, an annual inventory, so that something would be done every year. In the past, there has been such a gap that when we have had problems such as the spruce bud worm that there would have to be an interim report done to show the condition of the forest. That is a step in the right direction. It will also include remote sensing data and timber supply modeling. There will also be an annual report on clear-cutting and the director will summarize clear-cutting statewide by geographic region and by ownership class. That is very important.

For owners owning over 100,000 acres in size, there will be a summary which will include data and frequency distributions on the following information: total area clear-cut, area clear-cut, area clear-cut as a percentage of a landowner's statewide land ownership, the stated purposes for clear-cutting, the number of clear-cuts over 75 acres in size, total acres planted and total acres pre-commercially thinned. It has already been mentioned about a biennial report. I think that is a step in the right direction to keep the public and the Legislature informed. It talks about the content.

Harvest reports are already done for the state and these will continue. It would also call that clear-cuts why an area was specifically clear-cut. It will have information on why areas are clear-cut. I think that is important. Whether it is for salvage cutting or whether it is for blow down or ice damage or whatever. There will be a report on clear-cuts. That summarizes a lot of what is in this report. I think it is a step in the right direction and I ask you to accept this report. Thank you very much.

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

Representative SHIAH: Mr. Speaker, Men and Women of the House. Just a few brief remarks. I wish we would have had this bill last night when we addressed the other bill. You can see how little it really does. A couple of things. The Forest Service already has the authority to do most of what is in this bill. They

don't need it put in statute. They could be moving ahead on this without our say so. Also, we are amending some of the rules that are part of the Forest Practices Act. We are sticking them in statute. That is another minor change. I think the key is if you look at the last five words on the title of the bill, it says regarding enhancing forest resource assessment. That is basically what it is doing. A lot of this is about looking at what is out there now and some of us believe we have enough data to move forward. That is my problem with this bill. These would be nice reports. We can look at them all, but we have a lot of the work from the Sustainability Council as far as setting benchmarks and I think the US Forest Service report on the harvest levels over the last several years gives us a lot of data that really we can move forward now. When you go back home, I wouldn't say we have done a lot for the forest today if this bill does eventually pass. It is a very tepid step. I only wish we could have done a lot more. Thank you.

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

Representative LANE: Mr. Speaker, Men and Women of the House. Just a couple of points because I have been getting questions and I have also been getting faxes. I just want you to be aware that this battle we are embroiled in, what to do with our forests and how to regulate our forests, seems to be targeted at industry and major landowners, but, in fact, it impacts the small landowners, the small loggers in a great way. That is why I am way on the other side of the report. I said to somebody that perhaps I should have been on the Ought Not to Pass report with my two committee members, Representative Shiah and Representative Volenik, and the press wouldn't have been able to figure that out at all, would they? As far as not doing anything, a couple of statements were made and that is it is a step in the right direction and you know the Majority Report will have benchmarks. Those phrases are phrases that triggered a red flag to those small landowners or small loggers and so forth who know only too well that benchmarks and anything coming from the top down is going to involve more rules, more regulations and more frustrations and more nights spent in the woods because the ground is frozen doing your job because you are no longer allowed to log on your land during mud season, even though it is your land and you pay taxes and now you have to work from midnight to six in the morning. Those little kinds of things that we forget when we are here in the hallowed hall of the Legislature making laws. We are law makers, I realize, but please consider when you are voting for the Majority Report that you will be voting in eventual benchmarks and certainly more rules, more regulations and more top down approach. Thank you.

Representative DEXTER of Kingfield **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass pursuant to Joint Order H.P. 1646.**

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is to Accept Report "A" Ought to Pass pursuant to Joint Order H.P. 1646. All those in favor will vote yes, those opposed will vote no.

#### **ROLL CALL NO. 489**

YEA - Ahearn, Bagley, Baker, Barth, Belanger IG, Berry RL, Bigl, Bodwell, Bouffard, Bragdon, Brooks, Bruno, Bryant, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Foster, Frechette, Fuller, Gagne, Gamache, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones SL, Jones SA, Joyce, Joyner, Kane, Kerr,

Kneeland, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, MacDougall, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Sirois, Spear, Stanley, Stevens, Taylor, Tessier, Townsend, Tripp, True, Tuttle, Usher, Vedral, Vigue, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Madam Speaker.

**NAY** - Bolduc, Brennan, Buck, Bull, Fisk, Gagnon, Gerry, Jones KW, Joy, Kasprzak, Labrecque, Lane, Layton, Lovett, Mack, Meres, Pinkham WD, Shiah, Skoglund, Stedman, Tobin, Treadwell, Underwood, Volenik, Waterhouse, Wright.

**ABSENT** - Belanger DJ, Berry DP, Madore, Poulin, Snowe-Mello, Thompson.

Yes, 119; No, 26; Absent, 6; Excused, 0.

119 having voted in the affirmative and 26 voted in the negative, with 6 being absent, Report "A" **Ought to Pass pursuant to Joint Order H.P. 1646 was ACCEPTED.**

The Bill was **READ ONCE** and was assigned for **SECOND READING** later in today's session.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1013)** on Bill "An Act to Allow the Department of Inland Fisheries and Wildlife to Create Lifetime Fishing and Hunting Licenses"

(H.P. 304) (L.D. 368)

Signed:

Senators:

KILKELLY of Lincoln  
RUHLIN of Penobscot

Representatives:

PAUL of Sanford  
DUNLAP of Old Town  
CHICK of Lebanon  
CLARK of Millinocket  
UNDERWOOD of Mechanic Falls  
TRUE of Fryeburg  
USHER of Westbrook  
GOODWIN of Pembroke  
PERKINS of Penobscot

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

Signed:

Senator:

HALL of Piscataquis

Representative:

CROSS of Dover-Foxcroft

**READ.**

Representative PAUL of Sanford moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative PAUL: Mr. Speaker, Ladies and Gentlemen of the House. This amendment replaces the bill and is the Majority Report of the Joint Standing Committee on Inland Fisheries and Wildlife. This amendment authorizes the issuance of lifetime fishing and hunting licenses beginning in the year 2000 to residents from 0 to 5 years of age and to residents 65 years of age or older. The amendment also authorizes the issuance of lifetime fishing and hunting licenses to adults

beginning in the year 2002. Money from the sale of these licenses is dedicated to a lifetime license fund created in the Department of Inland Fisheries and Wildlife. This fund is administered by the State Treasurer who is directed to contract with investment firms as necessary to manage the funds for growth and income over the long term. The department will receive no revenues from the fund until the year 2010, at which time the department will begin receiving annual payments from the fund in an amount equal to 5 percent of the funds principle. All funds received from the department are subject to allocations by the Legislature. Ladies and gentlemen, this is a good bill. It is a very good start. I hope you will support the Majority Ought to Pass Report. Thank you.

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

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

The **SPEAKER PRO TEM**: The Representative may pose his question.

Representative MCALEVEY: Mr. Speaker, Men and Women of the House. I wasn't able to attend the hearings. What is the department's rationale for needing the bill?

The **SPEAKER PRO TEM**: The Representative from Waterboro, Representative McAlevey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative DUNLAP: Mr. Speaker, Men and Women of the House. To answer the Representative from Waterboro's question, the need is not necessarily a pressing one. It is a long-term solution to a long-term problem. As everyone in this chamber is well aware, the finances of the Department of Inland Fisheries and Wildlife have been somewhat erratic in recent years and have experienced periods of significant downturns. What this bill does as Representative Paul so ably outlined is that it sets up, essentially, an endowment fund. There is a significant history that goes along with the lifetime license. Maine, as many of you may well know, had a lifetime license in the earlier parts of this century, which inspired a debate as lengthy as some of the forestry issues that we have had today.

Briefly, what the objections to it were was it was not ever set up with any kind of fiscal responsibility in mind and it was repealed 10 years after it was enacted much to the consternation of many of Maine's sportsmen. What this bill does is actually the exact opposite. It does set up a trust fund that this money will be endowed in and will return a portion of that money in the future to the department. What this does is it will, in effect, offset future costs and enable the department to maintain a level of resource management within its jurisdiction and its constitutional mandate, essentially. Some surveys have shown that the number of people participating in all outdoor sports, not just hunting and fishing, but also canoeing, hiking and camping, could decline as much as 60 percent in the next 30 years. Where the Department of Inland Fisheries and Wildlife is a dedicated revenue agency, it is dependent on funds from hunting and fishing licenses and registrations to support its budget. This is where this legislation came from, to answer the Representative's question, in a sense, put some money away in a nest egg for the future so that we won't have to constantly depend on license fee increases. Thank you.

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

Representative MCALEVEY: Mr. Speaker, Men and Women of the House. I kind of wish I had heard an answer that someone said it was good for the sportsmen. I didn't hear that. I realize the department is over the barrel, so to speak, because they are

limited to dedicated funds, but that is what they asked for a number of years ago. It would change the policy and amend the Constitution of Maine to make all of their revenues dedicated. I don't understand. I have grandchildren, but I won't buy a license for my two year old because he doesn't need one until he is 10 or 12 years old to hunt. I think the department is trying to work on both sides of this funding issue. I think if there are serious funding shortages, they should come to us like everybody else does for the General Fund. I just see this as a way for the department to grab some more money and I don't really think it is a good idea. I understand it has been tried in 21 or 22 other states and it has failed. I don't want to set the department into a position to fail. The department needs to succeed. It needs to be positive. It has new leadership. We need to give the department the resources they need legitimately. If they can't do that through their existing funding, then they need to come to us as policy makers through the General Fund. I think this sets a dangerous precedent. Thank you.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. I did not mention the benefit to the sportsmen, because I feel that is so obvious, it hardly needs mentioning. This department stands to benefit all the people of the State of Maine and its resources are called upon by all the State of Maine. It isn't indeed funded entirely by sportsmen as the Representative truly pointed out by constitutional dedication of funds. The experience has shown that that is indeed a double-edged sword. If we are going to have effective resource management for the benefit of the sportsmen, who pays for this? We must have a continual source of funding. Fewer people are hunting and fishing these days. That is not a secret. It is something like a \$600 million a year industry in this state. It supports many thousands of jobs. The economic benefits, of course to the department, are obvious, but they are also very obvious for the sportsmen. If you do not have a way to maintain resource management in the face of declining revenues, then you will not have resource management. Perhaps it should be a General Fund issue. That is an excellent point, but it is. That issue is not even germane to this bill. It is not even germane to the constitution. It is a non-sequitur. It is a dedicated revenue agency and we have to find, perhaps, creative ways to fund this. I think it is important for me to point out, as I mentioned before, briefly, there is a significant history to this legislation.

In 1919 the first resident license bill was before this chamber and it inspired several hours of debate. The arguments against having a hunting license were very, very many. They were very strong. It was inspired by the fact that we had a non-resident hunting license at the time for \$15 a year. Residents were not required to have a license. If they were not required to have a license and they did not have to show any form of ID to a game warden, thus, a lot of out of staters were posing as residents to avoid paying the \$15 fee. The way to address that problem was to mandate a resident license so that we could have some way of sorting out the residents from the non-residents. It makes good sense. Twenty-five cents a year. That is what they were asking for. You would not believe the huge cry that came from that. Some of the words spoken on the floor of the House were amazing. My sons are fighting in France and they will come back to this country and I will have to tell them that they cannot take their guns into the woods as they always have. They sacrificed their freedoms in their absence. They are pretty strong words. It did pass, but the floor amendment reared its ugly head as it was attached and made that license good for life. The idea was not to generate revenues for the department. The idea was

not to fund resource management as we discussed today. The idea then was to have some sort of husbandry of the resource.

Remember were are the peak of musket hunting days. Caribou were gone. Moose were on the way out. Many species of waterfowl were almost extricated from this land. People were saying that enough is enough. This is not the hunters and fishermen. Although they did wind up leading the charge eventually. This is a crest of public opinion that we were just abusing the resources through musket hunting. Even after the Caribou season was closed, game wardens stopped a train in Portland with three freight cars full of Caribou in it from Maine. By the time they finally got around to setting a season, they were almost gone. The whole idea behind having a license in the first place was to say that if we are going to have resource management, we need to do it on science. Science means data and data means knowing who is out there and controlling what they do. People agreed to this and the hunters really went after this idea. They thought it was a great idea. We put a lifetime license in. As I mentioned before, it was repealed in 1929 because, at that point, then Governor William Gardiner said it is really up to the users to pay for this service. The grandmother in her home in Old Town isn't using a game warden, but the guy who is out hunting is, so maybe he should be paying for that service. That is where that whole thing came from.

The Representative from Waterboro stated that 21 other states are using this. It has been a terrible failure in every other state. That is grossly inaccurate. In fact, about 26 other states have used it and several have seen great success and with mixed success in other states. I know this because I called every Fish and Game Department in the country last summer and found out exactly how they were doing it. There is very little room for comparison. Every state is different. Every state has different resources. Every state has different populations with different aggregate incomes. It is difficult to find a model that could actually match Maine. I mentioned this to the new commissioner who, as you know, spent 14 years in Arizona. They don't really have salmon problems in Arizona and we really don't really have big horn sheep problems in Maine. There is a vast difference. There are several model states, Oklahoma and North Carolina. Of course North Carolina can't really be used as a model because they have five times the population, almost double the aggregate income and they have a six deer limit. This has been an immensely successful program down there. The gauge of success will be in the future. I can't really promise exactly what this will bring. This is not a bill for next year to talk about finances. This is a bill for 50 years from now when we can look at this and the sportsmen of Maine can look at this and say that they contributed positively with their license dollars, not just on an annual basis.

Let's talk about the annual basis for a moment. If the lifetime license in 1919 had been set at a fee of \$10 and they did away with it after a year presuming that the hunting population was roughly the same ratio it is now, roughly 15 to 30 percent, say 125,000 people participated in it. That money had been suitably endowed as is outlined in this bill. That fund would be worth over \$1.47 billion right now. You return 5 percent of that department and you don't even need annual hunting licenses anymore. Further, looking at the infant licenses outlined in this bill at the rate of \$150, take 1,000 people. Say we sell 1,000 of these things, which is a minimum. I am not saying we will sell that many. We may sell five times that many. Say you sell 1,000 of them every year for 50 years. That money grows to over \$153 million. Now, if we don't do this and we kill the bill, where are we then? Well if you take those same 1,000 people because they don't start buying licenses until they are 16 so you have to gauge it 34 years. Over 34 years they buy an annual hunting or fishing

licenses, but they pay an average, adjusting for inflation, \$30 worth. They contributed about \$1.5 million, which is less than 10 percent. There is a big difference.

If you don't think that will benefit sportsmen to not have to be called upon to pay an increase in their license fee every other year and that is why a lot of them drop out. It is not necessarily a sport that is wealthy. These are our neighbors. It is something we first did as children and we have done our whole lives. This bill allows them to be true stewards of the future. It is not an immense amount of money. We gauged it basically on what a good shotgun or a fly rod would cost. That seems to be a general consensus. It is fiscally sound. We have run through the numbers 100 times. It makes good sense. I think it will work. I would like to see it go out there and at least try. I hope you will join with me in supporting the pending motion and Mr. Speaker, when the vote is taken, I request it be taken by the yeas and nays.

Representative DUNLAP of Old Town **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

**ROLL CALL NO. 490**

**YEA** - Ahearn, Baker, Barth, Belanger IG, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Mailhot, Marvin, Mayo, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Taylor, Tessier, Townsend, Tripp, True, Tuttle, Underwood, Usher, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

**NAY** - Bagley, Buck, Fisk, Gerry, Joy, Kasprzak, McAlevey, Pendleton, Stedman, Tobin, Treadwell.

**ABSENT** - Belanger DJ, Berry DP, Dutremble, Madore, Poulin, Snowe-Mello, Thompson.

Yes, 133; No, 11; Absent, 7; Excused, 0.

133 having voted in the affirmative and 11 voted in the negative, with 7 being absent, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1013)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Representative UNDERWOOD of Mechanic Falls moved that the Bill be **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned.

Representative CLARK of Millinocket **REQUESTED** a division on the motion to **TABLE**.

Representative UNDERWOOD of Mechanic Falls **WITHDREW** his motion to **TABLE**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1013)** and sent up for concurrence.

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1005)** on Bill "An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers"

(H.P. 875) (L.D. 1192)

Signed:  
Senators:

CATHCART of Penobscot  
TREAT of Kennebec  
MILLS of Somerset

Representatives:

HATCH of Skowhegan  
SAMSON of Jay  
BOLDUC of Auburn  
CLARK of Millinocket  
STANLEY of Medway

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

Signed:

Representatives:

PENDLETON of Scarborough  
JOYCE of Biddeford  
TREADWELL of Carmel  
LAYTON of Cherryfield

**READ.**

Representative HATCH of Skowhegan moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1009)** on Bill "An Act to Amend the Laws Concerning Participating Local Districts in the Maine State Retirement System"

(H.P. 1524) (L.D. 2146)

Signed:  
Senators:

CATHCART of Penobscot  
TREAT of Kennebec

Representatives:

HATCH of Skowhegan  
SAMSON of Jay  
BOLDUC of Auburn  
CLARK of Millinocket  
STANLEY of Medway  
TREADWELL of Carmel

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-1010)** on same Bill.

Signed:  
Senator:

Representatives: MILLS of Somerset  
 RINES of Wiscasset  
 PENDLETON of Scarborough  
 JOYCE of Biddeford  
 LAYTON of Cherryfield

**READ.**

Representative HATCH of Skowhegan moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Madam Speaker, Men and Women of the House. The Majority Report on this bill is in regards to the PLDs. The the PLDs are participating local districts. They are like Skowhegan people who belong to the Maine State Retirement System. It could be Portland. It could be any of the communities. Individuals who belong there are called participating local districts. Over 4 years ago, we were asked by several of these participating local districts to be able to withdraw from the Maine State Retirement System that they would like to do so. At that point we kept telling them no. Finally, two years ago we put a committee together of labor and management to work out some details on how this could be done to effectively address some of the problems that we saw getting out of the Maine State Retirement System. Unfunded liability problems and all sorts of problems. During the course of this session, participating local districts from Portland went out and met with their labor and management people and came back with a report for us. This is what you see before us. It would allow people, specifically emergency people, who work in Portland to be able to get out of the Maine State Retirement System.

Why is this important? First of all a lot of the emergency personnel, whether they be ambulance or firemen or what not, work for very short periods of time, less than five years. Currently under the Maine State Retirement System, if you work under the Maine State Retirement System and you get out prior to five years, you get to take your share of the contributions. It doesn't matter what plan you are in. That includes the PLDs. This would allow those people who for various reasons moved to other states or moved within the state to other fire departments to get out of the Maine State Retirement System and join a defined contribution plan or deferred contribution plan, either 401K or a 457. We looked at this legislation. We looked for a long time. We talked to the individuals involved. Because there was an affordability issue so they would be able to withdraw their funds and move on. The majority felt that we had put enough safeguards in here telling them they had to have disability insurance. They would have to take care of all sorts of other things the Maine State Retirement System does automatically. There is no fiscal note to the Maine State Retirement System. If those employees went to another district later on and opted to be included in the Maine State Retirement System, they would have to pay all the costs if they wanted to pick up those years. There would be no unfunded liability on us. It is a good report. It was an honest effort by two groups to come to some sort of consensus. It will not hurt the unfunded liability on the retirement system. We feel that they honestly worked together and they worked with the committee to come up with this. I hope that you will vote for it. It is a good plan. It deserves your support and I thank you very much.

The Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1009)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1009)** and sent up for concurrence.

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Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1026)** on Bill "An Act Concerning Sea Urchin Management"

(H.P. 1547) (L.D. 2176)

Signed:  
 Senator:

GOLDTHWAIT of Hancock

Representatives:

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

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

Signed:  
 Representative:

PERKINS of Penobscot

**READ.**

On motion of Representative ETNIER of Harpswell the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1026)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1026)** and sent up for concurrence.

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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1024)** on Bill "An Act to Amend the Laws Governing Secession"

(H.P. 1420) (L.D. 1984)

Signed:  
 Senators:

NUTTING of Androscoggin  
 GOLDTHWAIT of Hancock

Representatives:

AHEARNE of Madawaska  
 DUTREMBLE of Biddeford  
 BAGLEY of Machias  
 SANBORN of Alton  
 GIERINGER of Portland  
 BUMPS of China  
 FISK of Falmouth  
 KASPRZAK of Newport  
 GERRY of Auburn

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

Signed:  
Senator:

LIBBY of York

**READ.**

On motion of Representative AHEARNE of Madawaska the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1024)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1024)** and sent up for concurrence.

\_\_\_\_\_  
The House recessed until 4:00 p.m.

\_\_\_\_\_  
(After Recess)  
\_\_\_\_\_

\_\_\_\_\_  
The House was called to order by the Speaker.  
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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1016)** on Bill "An Act to Encourage Intergovernmental Cooperation"

(H.P. 1617) (L.D.  
2244)

Signed:  
Senators:

NUTTING of Androscoggin  
GOLDTHWAIT of Hancock  
LIBBY of York

Representatives:

AHEARNE of Madawaska  
LEMKE of Westbrook  
BAGLEY of Machias  
SANBORN of Alton  
GIERINGER of Portland  
BUMPS of China  
FISK of Falmouth  
GERRY of Auburn

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

Signed:  
Representative:

KASPRZAK of Newport

**READ.**

Representative AHEARNE of Madawaska moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative KASPRZAK of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative KASPRZAK: Madam Speaker, Men and Women of the House. I realize that I am a lonely supporter of

the Minority Report here, Ought Not to Pass. That is because I happen to believe that efficient government isn't necessarily good government. The arguments we got on this bill were that it would make government more efficient and perhaps less costly. From what I understand from the public hearing and testimony that we received in our committee is that towns and municipalities already have the right to do things together. I understand in my town that they happen to plow certain roads and the town next door does something else in return for us. It is the way we work. We have been doing it on our own for a long time. There is no reason that we need to pass new legislation to encourage what they are already doing. Second of all, this came out of our committee without a huge amount of money attached to it and it has since been amended. I guess I don't understand the logic in less costly government that costs more money. If you can explain that to me, I am listening. Also, this bill gives more power to county government and takes it out the hands of the municipalities. I happen to believe in home rule and local control. If you do, I would ask that you would support me in the Ought Not to Pass vote. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative SAXL: Madam Speaker, Men and Women of the House. I am a sponsor of this bill. It is the result of the Intergovernmental Task Force, which met for well over a year and studied ways in which one could improve the functioning of intergovernmental relations. It was decided that we wanted to maintain all three branches because of the long history of intergovernmental relations. There have been many attempts to abolish county government. This task force specifically assumed that county government was here to stay and the thing that we felt was most important was ways in which we could strengthen it and strengthen its role and make it a healthy member of the tripartite system of government that we have. We examined ways in which municipalities were not affected. We examined ways in which the state was not affected and the perception and mistrust between those various levels of government. This bill is a very modified bill from the report which was issued by the task force. It is very pared down and it is a very small step in the direction of trying to improve intergovernmental relations.

Let me tell you what the bill does. The bill clarifies the authority of counties to develop and contract to provide municipalities and other entities any service that a municipality may perform provided that such contractual services be entered into voluntarily and that all costs associated with a contractual service are borne equitably only by those municipalities and other entities using the service. That is really a very simple, simple concept. That is the first thing it does. Allowing counties to contract for services and people have asked, is that really necessary? It was felt that it was necessary to clarify that responsibility. The second thing the bill does is it requires the appointment of a task force on intergovernmental cooperation because it was felt that issues which came up between the levels of government could have a quicker resolution if there was an ongoing task force and their might be other ways in which the levels of government could cooperate. The third thing it does is that the bill increases the share of the real estate transfer tax retained by counties from 10 to 25 percent phased in over a period of five years. This increase will not affect the share of real estate transfer tax to the Maine State Housing Authority. The fourth thing it does is the bill provides an opportunity for government to provide new municipal joint services. Actually, that is very similar to the first thing I mentioned.

In committee the fiscal note on it and this is all in the Governor's budget, the fiscal note was not increased, but rather decreased. There seems to have been some misunderstanding

there. Of course, this will go down to Appropriations. I thank you and if there are any questions, I would be delighted to help answer them.

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

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. If you recall the Maine Municipal Association's newsletter about two weeks ago, it indicated that the total cost of this package of intergovernmental restructuring took it out of the realm of possibility. The total cost of that package was somewhere in the neighborhood of \$75 million. However, they also said they were going to implement this one little step at a time. This is that one little step that tries to get the toe in the door to regionalize county government. Any time that we take government farther away from the people, we do a tremendous disservice to the people and take away the very foundations that our country was built upon. I realize that it sounds nice to have communities cooperating to provide services, but they already do that. I live in an area where there are 14 communities that all share ambulance services. They all help pay the cost of it. Two of the communities provide the ambulances. As was mentioned earlier, we share road maintenance services with the towns on all sides of us. Ladies and gentlemen, this is a completely unnecessary step to take and one which will have serious ramifications down the road. I urge you to defeat the pending motion and accept the Ought Not to Pass report. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative MUSE: Madam Speaker, Men and Women of the House. Looking at the original bill, Section 5, County Government Pilot Projects, I wonder if we could have an explanation of what those pilot projects are and if there is still a fiscal note attached to those pilot projects?

The SPEAKER: The Representative from South Portland, Representative Muse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from China, Representative Bumps.

Representative BUMPS: Madam Speaker, Men and Women of the House. I will begin by answering the question. The question needs no answer really. The pilot projects have been removed from the bill. They are no longer included in the fiscal note. If I might make a few remarks, Madam Speaker. The Representative from Bangor and some of my friends in the gallery today will tell you that I was the largest skeptic. In fact, I was asked to be a cosponsor of this bill and declined. Now I stand before you and ask that you go on to accept the Majority Ought to Pass Report. The bill has been modified in significant ways and I am very proud to stand before you today and ask that you support this legislation. I can tell you that if you are looking for an opportunity to provide property tax relief for your constituents, this is a chance to do that. The most significant portion of this bill that Representative Saxl referred to is that it allows the counties to retain an increased portions of the Real Estate Transfer Tax at the county level. What that means is that now your county commissioners and county budget committees are going to be able to go on and provide the property tax relief that all of your constituents have been asking for. I would submit to you this afternoon that if you are looking for a chance like this to provide property tax relief, that this is that opportunity. I would urge you to support the pending motion, which is Ought to Pass. Thank you.

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

**ROLL CALL NO. 491**

YEA - Ahearne, Bagley, Baker, Barth, Belanger IG, Berry DP, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Cameron, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Etnier, Fisher, Frechette, Gagne, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, Mailhot, Mayo, McAlevey, McElroy, McKee, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Pieh, Pinkham RG, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Taylor, Tessier, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Belanger DJ, Berry RL, Buck, Campbell, Carleton, Dexter, Foster, Gagnon, Jones SA, Joy, Joyce, Joyner, Kasprzak, Labrecque, Lane, Layton, MacDougall, Mack, Marvin, Meres, Murphy, Nass, Nickerson, Ott, Pendleton, Perkins, Pinkham WD, Plowman, Snowe-Mello, Stedman, Tobin, Townsend, Treadwell, Underwood, Vedral, Waterhouse.

ABSENT - Dutremble, Farnsworth, Fisk, Fuller, Honey, Madore, Peavey, Perry, Poulin, Thompson, True, Winn.

Yes, 103; No, 36; Absent, 12; Excused, 0.

103 having voted in the affirmative and 36 voted in the negative, with 12 being absent, the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-1016) was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1016)** and sent up for concurrence.

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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1023)** on Bill "An Act Requiring Notification of Option to Request Judicial Review" (EMERGENCY)

(H.P. 1618) (L.D. 2245)

Signed:

Representatives:

AHEARNE of Madawaska  
 LEMKE of Westbrook  
 BAGLEY of Machias  
 GIERINGER of Portland  
 BUMPS of China  
 FISK of Falmouth  
 KASPRZAK of Newport  
 GERRY of Auburn

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

Signed:

Senators:

LIBBY of York  
 NUTTING of Androscoggin  
 GOLDTHWAIT of Hancock

Representatives:

DUTREMBLE of Biddeford  
SANBORN of Alton

**READ.**

On motion of Representative AHEARNE of Madawaska the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1023)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1023)** 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. 714) (L.D. 1960) Bill "An Act to Amend and Clarify Laws Concerning Nuclear Safety" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-578)**

(H.P. 1511) (L.D. 2133) Bill "An Act to Establish and Maintain an Immunization Information System" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1021)**

(H.P. 1630) (L.D. 2258) Resolve, Authorizing the Transfer of the Old Hancock County Jail on State Street, Ellsworth from Hancock County to the Ellsworth Historical Society Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1020)**

(S.P. 853) (L.D. 2266) Bill "An Act to Implement the Recommendations of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities" (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-572)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent up for concurrence. **ORDERED SENT FORTHWITH.**

(S.P. 768) (L.D. 2069) Bill "An Act to Improve Public Health Protection Against Rabies Infection" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-577)**

On motion of Representative AHEARNE of Madawaska, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-577)** was **READ** by the Clerk.

The same Representative **PRESENTED House Amendment "B" (H-1015) to Committee Amendment "A" (S-577)**, 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. I ask you for support of House Amendment "B." Under current law, and this is regarding to the rabies bill. It states that if a domesticated dog bites a human being, then the dog must be quarantined for a set number of days so as to determine if that dog has shown any sign of being rabid. Under this proposed Committee Amendment, if a wolf hybrid bites a person or a human being or a domesticated animal, the wolf hybrid must be destroyed. There is no questions. That is it. I have some problems with this because it just seems so draconian to me. What if the wolf hybrid was provoked? What if it was just defending its territory? What if it was defending its owner or its owners family from a burglar who walked into the house? Under this Committee Amendment, the wolf hybrid must be destroyed. I personally feel that this is completely unfair to the owner and to the wolf hybrid itself. That is why I proposed this House Amendment, which simply would put into the amendment that when a wolf hybrid bites or attacks while defending its owner or its owner's property, the wolf hybrid is not suspected of having rabies unless it exhibits symptoms of rabies. I think it is a clarification that goes under the current bill. You can have an animal control officer who has a problem with hybrids and just have it immediately put to death. I ask you for your support and Madam Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-1015) to Committee Amendment "A" (S-577)**.

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 Kossuth Township, Representative Bunker.

Representative **BUNKER**: Madam Speaker, Men and Women of the House. The committee worked very hard on this bill and it was a tough bill to work through. We heard a lot of information from all sides including the state and the state veterinarian and data on wolf hybrids and the wolf breed in particular. The bottom line, ladies and gentlemen, it is a one bite policy. If a wolf hybrid bites, it must be put down. There is no known antidote or inoculation or quarantine or incubation period that this breed of animal has in order to, as the good Representative says, show signs of rabies. The current statute that is written, the current bill as written does say unprovoked. They feel that the current language is more than sufficient and I would ask you to oppose the pending adoption of this amendment.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-1015) to Committee Amendment "A" (S-577). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 492**

**YEA** - Ahearne, Bagley, Belanger DJ, Buck, Bull, Chartrand, Colwell, Desmond, Gerry, Gieringer, Goodwin, Hatch, Jones KW, Labrecque, LaVerdiere, Lemke, Lindahl, Mack, Mitchell JE, O'Neal, Pieh, Pinkham WD, Powers, Sanborn, Sirois, Skoglund, Stedman, Vedral, Waterhouse, Wheeler EM, Wright.

**NAY** - Baker, Barth, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bumps, Bunker, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clark, Clukey, Cowger, Cross, Davidson, Dexter, Donnelly, Driscoll, Dunlap, Etnier, Fisher, Foster, Frechette, Gagne, Gagnon, Gamache, Gooley, Green, Jabar, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Lane, Layton, Lemaire, Lemont, Lovett, MacDougall, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham RG, Plowman,



Povich, Quint, Rines, Rowe, Samson, Savage, Saxl MV, Shannon, Shiah, Snowe-Mello, Spear, Stanley, Stevens, Taylor, Tessier, Tobin, Townsend, Treadwell, Tripp, Tuttle, Underwood, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Winsor, Madam Speaker.

ABSENT - Dutremble, Farnsworth, Fisk, Fuller, Honey, Madore, Perry, Poulin, Richard, Saxl JW, Thompson, True, Winn.

Yes, 31; No, 107; Absent, 13; Excused, 0.

31 having voted in the affirmative and 107 voted in the negative, with 13 being absent, the motion to **ADOPT House Amendment "B" (H-1015) to Committee Amendment "A" (S-577) FAILED.**

Representative AHEARNE of Madawaska **PRESENTED House Amendment "A" (H-1014) to Committee Amendment "A" (S-577)**, 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 is a simple amendment that only changes one word. That word change is from must to may. Why do we need to make this change? Let me just try to make some reasons here. Under current law, when applying for a dog license at your town office or city hall, the owner must provide a rabies certificate showing that that dog has been vaccinated. Under the proposed amendment, a wolf hybrid owner would not have to provide a rabies certificate if the owner declares that it is, in fact, a wolf hybrid. A wolf hybrid can be vaccinated for rabies and can be issued a rabies certificate. There is a great dispute whether a vaccinated wolf hybrid is protected. Clearly on information that I have received, there have not been enough research to determine if, in fact, that is true. My problem falls back to the declaration of the wolf hybrid when applying for a dog license. Currently, there is no genetic test to determine if a dog is a wolf hybrid. It would be perfectly okay if an owner, when registering for a dog license, upon providing the rabies certificate, declare his wolf hybrid a husky malamute. Thereby falling under the statutory laws governing domesticated dogs. If we leave the word must, the owners of the wolf hybrids will know that if their hybrids bite anyone, whether in defense of its owner or being provoked or whatever, it must be destroyed. Because there is no genetic test to determine if a dog is, in fact, a wolf hybrid, the owner will simply just register their wolf hybrid as a dog and thus fall under the laws regarding domesticated animals. Leaving the word must will only drive the owners of wolf hybrids underground.

The Department of Agriculture will therefore have an inaccurate account of the number of wolf hybrids in this state. Changing the word to may will provide wolf hybrid owners a sense of assurance that their animals will not be automatically destroyed if it were to bite someone for whatever reason. If this is adopted, I believe that we will see a more accurate count and actually try to resolve the issue of rabies in the State of Maine. I ask for your support in adopting House Amendment "A."

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

Representative BUNKER: Madam Speaker, Men and Women of the House. Again, we worked this issue. We checked all the ways and musts and did the best we could with the best information available from the state veterinarian and the Department of Agriculture. That is the current language we are asking you to support. The bill is the best route to take. I would ask you to oppose this amendment. I would not disagree with the good Representative that there is some angles that we could be taking out there. This bill is trying to close as many of the loopholes there are in the current law. I am not saying that

creative people won't find other loopholes, but this would just add to it and it would not help clarify it. Thank you.

The Chair ordered a division on the motion to **ADOPT House Amendment "A" (H-1014) to Committee Amendment "A" (S-577).**

A vote of the House was taken. 37 voted in favor of the same and 63 against, the motion to **ADOPT House Amendment "A" (H-1014) to Committee Amendment "A" (S-577) FAILED.**

Subsequently, **Committee Amendment "A" (S-577) was ADOPTED.**

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-577) in concurrence.**

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## CONSENT CALENDAR

### Second Day

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

(H.P. 1561) (L.D. 2192) Bill "An Act to Create a Nonlegislative System to Adjust Municipal Valuations in the Circumstance of Sudden and Severe Valuation Disruption" (C. "A" H-1019)

(H.P. 1595) (L.D. 2225) Bill "An Act to Implement the Recommendations of the Maine Commission on Children's Health Care" (EMERGENCY) (C. "A" H-1008)

(H.P. 1634) (L.D. 2264) Bill "An Act to Promote and Encourage the Cultivation of Cranberries in the State" (C. "A" H-1006)

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.

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## ENACTORS

### Emergency Measure

An Act to Amend the Laws of the Maine State Retirement System

(S.P. 706) (L.D. 1954)

(C. "A" S-550)

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. 128 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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### Emergency Measure

An Act Regarding Personal Care Assistance Services

(H.P. 1469) (L.D. 2060)

(C. "A" H-977)

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 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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### Emergency Measure

An Act Relating to the Protection of Maine Consumers in the Telecommunications Market

(H.P. 1494) (L.D. 2093)  
(C. "A" H-959)

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 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act to Allow Liquor Licenses for Commercial Vessels

(H.P. 1502) (L.D. 2124)  
(C. "A" H-915)

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

Representative KONTOS of Windham **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and specially assigned for Wednesday, March 25, 1998. (Roll Call Ordered)

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**Emergency Measure**

An Act to Repeal the Sunsets on Certain Child Support Enforcement Remedies

(H.P. 1510) (L.D. 2132)  
(H. "A" H-916 to C. "A" H-865)

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. 119 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act to Create the Kennebec Regional Development Authority

(H.P. 1612) (L.D. 2238)

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

Representative **MACK**: Madam Speaker, Right Honorable Men and Women of the House. I just wanted to explain briefly what this bill does and why I was opposed to it. This bill would create the Kennebec Regional Development Authority. A new authority made out of towns from Kennebec, Somerset and part of Waldo County. The towns in this region would be given the opportunity to join the authority. The authority, when formed, would have the ability to add to the local property tax burden between \$15 and \$23 million worth of bonding authority they would have. The first thing they have planned with that money is to spend \$6 million to build a hotel and convention center in Oakland along with a hotel and convention center would be an office part including empty spec buildings trying to get businesses into. I have no problem if people want to build a hotel and convention center in Oakland or an office park, but I think that should be done by the private sector and not by the government. I don't think we should give the authority to these towns to have a new taxing authority. I don't like setting up the new taxing authority to continue to add to the local property tax

burden and to put in another program that reeks of government central planning that most likely will fail. Thank you and I urge you to vote against the Enactment.

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 23 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, Directing the Preparation of a Bill to Make Technical Changes to the State's Criminal Statutes

(H.P. 1384) (L.D. 1938)  
(C. "A" H-943)

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. 119 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, to Provide Accountability in the Probation System

(H.P. 1556) (L.D. 2185)  
(C. "A" H-971)

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 3 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

---

**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 302: Consumer Education Program; Electric Restructuring, a Major Substantive Rule of the Public Utilities Commission

(H.P. 1575) (L.D. 2209)  
(C. "A" H-948)

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. 118 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a Major Substantive Rule of the Department of Education

(H.P. 1601) (L.D. 2227)  
(C. "A" H-978)

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. 118 voted in favor of the same and 6 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Resolve Pursuant to the Constitution  
Public Land**

Resolve, Authorizing Certain Land Transactions by the Bureau of Parks and Lands

(H.P. 1626) (L.D. 2254)  
(C. "A" H-969)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary a total was taken. 109 voted in favor of the same and 12 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act to Increase the Bonding Limits of the Maine Turnpike Authority

(H.P. 535) (L.D. 726)  
(C. "A" H-922)

An Act to Amend the Laws Concerning Juvenile Petition, Adjudication and Disposition

(H.P. 662) (L.D. 915)  
(C. "A" H-970)

An Act to Improve Allopathic and Osteopathic Physician Oversight

(H.P. 1124) (L.D. 1580)  
(C. "A" H-958)

An Act to Promote Professional Competence and Improve Patient Care

(S.P. 571) (L.D. 1728)  
(C. "A" S-543)

An Act to Amend the Laws Relating to Development and Centralized Listing of Municipal Ordinances That Apply to Forest Practices

(S.P. 583) (L.D. 1746)  
(C. "A" S-527)

An Act to Modernize Maine's Fuel Tax Laws

(S.P. 585) (L.D. 1748)  
(C. "A" S-537)

An Act to Amend Certain Motor Vehicle Laws

(H.P. 1385) (L.D. 1939)  
(C. "A" H-930)

An Act to Implement the Recommendations of the Maine Indian Tribal-State Commission Relating to the Names of Geographic Features in Passamaquoddy Territory

(H.P. 1401) (L.D. 1953)  
(C. "A" H-944)

An Act to Expand Access to Employment Security Data to Authorized Agents of Child Support Enforcement Agencies

(H.P. 1433) (L.D. 1997)

An Act to Conform Maine's Safe Drinking Water Laws with the 1996 Amendments of the Federal Safe Drinking Water Act

(H.P. 1441) (L.D. 2005)  
(S. "A" S-559 to C. "A" H-904)

An Act to Implement the Recommendations of the Governor's Advisory Committee on Gambling

(H.P. 1456) (L.D. 2047)  
(C. "A" H-965)

An Act to Ensure Equitable School Funding

(H.P. 1457) (L.D. 2048)  
(C. "A" H-979)

An Act to Improve the Integrity of the Citizen Initiative Process

(H.P. 1483) (L.D. 2082)  
(C. "A" H-938)

An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 1999

(H.P. 1522) (L.D. 2144)  
(H. "A" H-896 to C. "A" H-871)

An Act to Amend the Laws Relating to Archives and the Retention and Admissibility of Electronic Records

(H.P. 1525) (L.D. 2147)  
(C. "A" H-945)

An Act to Establish an Advisory Commission on Women Veterans

(H.P. 1532) (L.D. 2159)  
(C. "A" H-964)

An Act to Implement the Recommendations of the Commission to Study the Certificate of Need Laws

(H.P. 1633) (L.D. 2261)  
(C. "A" H-968)

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.

**Resolves**

Resolve, to Establish a Plan to Enhance the Enforcement of Civil and Criminal Violations

(S.P. 480) (L.D. 1482)  
(C. "A" S-549)

Resolve, to Create the Commission to Study Establishing a Rail Authority to Develop Rail Service from Calais to Eastport and Brewer

(H.P. 1138) (L.D. 1594)  
(H. "A" H-946 to C. "A" H-925)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

An Act to Ensure Long-term Funding of the Maine Agricultural Experiment Station Research Farms Connected with Land Grant Colleges

(H.P. 1440) (L.D. 2004)  
(C. "A" H-929)

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.

**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 (10) **Ought to Pass as Amended by Committee Amendment "A" (S-563)** - Minority (2) **Ought to Pass as Amended by Committee Amendment "B" (S-564)** - Committee on **TRANSPORTATION** on Bill "An Act to Reduce Motor Vehicle Fatalities and Injuries among Young Drivers"

(S.P. 782) (L.D. 2109)

-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-563).**

TABLED - March 23, 1998 (Till Later Today) by Representative DRISCOLL of Calais.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-563)** Report.

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

Representative CHARTRAND: Madam Speaker, Men and Women of the House. I rise to encourage you to vote against the prevailing motion and I will explain why. This bill, I am sure you have heard of it, it was the result of a lot of work through the Secretary of State's Office and the commission over the last year to come up with a set of laws and changes in Maine laws that would help reduce the number of fatalities and injuries among young drivers. There is a lot of good in this bill. If you vote against this Majority Report, you will have an opportunity to pass one very similar to this with a couple of minor changes that I thought were more appropriate. When we receive something this comprehensive with this many changes and suggestions to law in it, I think it is our duty both in committee and in this House to examine it no matter how many people came up with the bill to look at all the aspects of it and see if it really, in all facets, meets the intent of what it was originally intended to do and if the impact of it is indeed appropriate for what we are trying to accomplish. Most of this, I think, meets that test, but there was one aspect of it that I felt received very little publicity and very few people knew about and I objected to it in committee and brought it to the floor so that you too would hear about it and at least have a chance to make a reasonable decision and know what you are voting on. This part of it, I don't believe, has anything to do with young drivers. It has something to do with older drivers and it does change quite drastically the current penalties for older drivers convicted of driving under the influence.

Right now somebody who is driving under the influence with somebody under 16 in the vehicle at that time has a definite three month suspension of license, mandatory 48 hours in jail and a \$400 fine. Should this bill pass, that will remain so except the level will rise to 21 years old and the mandatory suspension will be one year, which basically will quadruple the license suspension time for any adult driver convicted of OUI whether it is first offense. It will quadruple the suspension time if anybody under 21 is in that vehicle. I know the intent of that and I can see it is honorable in that we don't want to have older drivers improperly influencing young drivers or young people in general by driving with them while they are under the influence, especially those who are maybe in their young 20s and are participating in drinking with the younger drivers. The problem with this change, which makes it mandatory that any older driver with anybody under 21 in the car gets a mandatory one year suspension of the license. I think it is also going to hit a lot of people who maybe certainly would be making a mistake that first time they are convicted with somebody younger than 21 in the car. Is it really the intent that every one of those people will receive a mandatory one year license suspension? I think that may be going a little bit too far and I think we are going to find some grandparents who happen to make a mistake and had too much to drink that night and have a small person in the car or a 20 year old person who have no intent of improperly influencing that person. Nonetheless, they are going to lose their license for one year without any questions. There are a lot of people in this state if they lose their license for one year that is going to severely impact their ability to earn a living.

Right now the Secretary of State has the ability, discretionary authority, to add an extra nine months suspension onto anybody on that. The Minority Report would continue to have that discretionary authority. Anybody in the position where it appears they are improperly influencing young drivers in the car can receive the extra nine months, but allowing it to remain discretionary will avoid, in every single case, making a mandatory one year license suspension. If you do go with the mandatory one year license suspension, you are going to find some people who really will be unfairly receiving a one year suspension while somebody else who may actually may be driving faster, who may have a higher alcohol limit, but won't have anyone under 21 in their car will receive a three month license suspension. Meanwhile anybody under 21 in their car receives a year license suspension only for the reason that there is somebody under 21 in the vehicle. I don't think that is quite fair. In some cases they may deserve it. The Secretary of State would be able to enforce that if we left it discretionary. If we make it mandatory, we are going to see an unfair application of that extra nine month suspension in every single case after this bill is passed.

When I asked the Secretary of State's Office what the intent of this section of the bill was, they told me that it was to go after the drivers in their young 20s for influencing people just under the drinking age in their cars. If we could limit it to people in that age group, that would be fine. That is not the way the bill was written and I think if we give the Secretary of State's Office the discretion to enforce it in those cases where they see it is necessary, that is adequate. They have told me that they could accept that and they would enforce it rigorously, which I would encourage. I would like to allow them the discretion in some cases to just go with the standard fine, which is three months suspension, \$400 fine and a mandatory 48 hour incarceration. I think that may be adequate for some people the first time. If you don't agree with that, then vote for the Majority Report and you will go for a mandatory one year suspension in all cases. If you would like to leave it discretionary, then I would encourage you to vote against the prevailing motion. Thank you.

On motion of Representative KONTOS of Windham, **TABLED** pending the motion of Representative DRISCOLL of Calais to **ACCEPT** the **Majority Ought to Pass as Amended** Report and later today assigned.

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An Act to Amend the Laws Regarding Reimbursement to the Counties for Community Corrections (EMERGENCY) (MANDATE)

(H.P. 40) (L.D. 65)  
(C. "A" H-919)

TABLED - March 23, 1998 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative POVICH of Ellsworth, 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-919)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-1022)** to **Committee Amendment "A" (H-919)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Madam Speaker, Men and Women of the House. I hadn't planned to speak on this issue, but because one of our retained technocrats took a look at this bill and needed to tweak a reporting date from January 1 to January 15, I am up. Now that I am standing, I would like to tell you ladies and gentlemen of the House that LD 65 is the Criminal Justice Committee's end of session gift to this body. LD 65 reimburses the counties, once and for all, for expenses incurred by boarding the state's prisoners in county jails. LD 65 now fulfills a promise made by many of you to pay the state's bills that the state owes. LD 65 does just that. I just thought you would like to know that. Thank you very much.

**House Amendment "A" (H-1022)** to **Committee Amendment "A" (H-919)** was **ADOPTED**.

**Committee Amendment "A" (H-919)** as Amended by **House Amendment "A" (H-1022)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-919)** as Amended by **House Amendment "A" (H-1022)** thereto in **NON-CONCURRENCE** and sent up for concurrence.

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

Expression of Legislative Sentiment recognizing the University of Maine Women's Basketball Team.

(HLS 1291)

Which was tabled by Representative **STEVENS** of Orono pending **PASSAGE**.

**READ.**

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

Representative **STEVENS**: Madam Speaker, Men and Women of the House, President Hoff and guests. It is so nice to see you here today. I would just say that as the Representative from Orono, I am tremendously proud to represent this team of women. We are very proud, of course, not only of their victories this season, but also of their team spirit, their school spirit, their strong academic achievements and the manner in which they stand as role models to women and girls across Maine. Thank you for coming. Congratulations.

Subsequently, **PASSED** and sent up for concurrence.

Expression of Legislative Sentiment recognizing Cindy Blodgett, of Clinton.

(HLS 1292)

Which was tabled by Representative **JONES** of Pittsfield pending **PASSAGE**.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Pittsfield, Representative Jones.

Representative **JONES**: Madam Speaker, Men and Women of the House and our very special guests this afternoon. I represent District 104, which includes the Town of Clinton and in case you haven't already heard, the home of Cindy Blodgett. I am pleased to have a part in honoring this outstanding young woman. We have all read of her many accomplishments. Let me remind you of just a few and much of this is repetitious, but she was Division One scoring champion two years in a row. Her

3,005 career total makes her fourth among the NCAA scoring leaders and she was the first University of Maine player to be named to a Division One All American Team. She is also to be commended for her scholastic record at the university. This year she received the award as Outstanding Woman Scholar Athlete among all athletes in all sports at the University of Maine at Orono. Cindy, we congratulate you once again and wish you well.

Subsequently, **PASSED** and sent up for concurrence.

The **SPEAKER**: It is one of the greatest honors that I have had as Speaker to be able to stand here with one of my personal heroines, and she knows this, and I say this because of all that she stands for. I hope that she will forgive me if I gush for just a moment. I think her leadership, not only with this fine team, but for all women and all women's sports is absolutely remarkable and we owe her, all of us here in Maine, a tremendous debt of gratitude. Courage, grace under pressure and all that you would ever want a coach to be. We present to you the great coach of the Maine Black Bears, Joanne Palombo-McCallie.

**JOANNE PALOMBO-McCALLIE**: Thank you very much. I know I speak for the team when I say that we are so very proud to represent the University of Maine. I am so very grateful to have such an amazing group of women to work with every day. I would think that you would agree. I also want to echo the sentiments that have been spoken already that they are amazing role models. At this point it even transcends gender for boys and girls across the state and nationally. I just want to let you know that I do have the greatest job in the world because I do get to work with them on a daily basis. I am very, very proud. I am so proud that I would like the captains to come forward. We have gift that we would like to share with you, the Speaker. Come forward and we would like to present this. Thank you very much for this recognition. We cannot tell you how much your support means to all of us. I know you are very busy and you may stay though, not the wee hours, but hopefully you have a good evening and get a lot of good work done. Thank you very, very much.

Expression of Legislative Sentiment recognizing Sandi Carver, of Beals.

(HLS 1296)

Which was tabled by Representative **BAGLEY** of Machias pending **PASSAGE**.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Machias, Representative Bagley.

Representative **BAGLEY**: Madam Speaker, Men and Women of the House. I would like to congratulate the whole team. You have given me many hours of enjoyment. I stand with pride today to recognize Sandi Carver, a gold winning athlete, co-captain of the 1997-98 Black Bears Women Basketball Team and outstanding scholar. Her accomplishments are a credit to herself, her family and her small community of Beals, Maine. I salute you and wish you well.

Subsequently, **PASSED** and sent up for concurrence.

An Act to Authorize a General Fund Bond Issue in the Amount of \$20 Million to Stimulate the Maine Economy through Research and Development (**BOND ISSUE**)

(S.P. 819) (L.D. 2205)

(C. "A" S-523)

TABLED - March 23, 1998 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative KONTOS of Windham, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

An Act to Expand the Maine Seed Capital Tax Credit Program

(S.P. 814) (L.D. 2196)

(C. "A" S-528)

TABLED - March 23, 1998 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE TO BE ENACTED.**

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-974)** - Committee on **JUDICIARY** on Bill "An Act to Provide for Commitment of Sexually Violent Predators"

(H.P. 1277) (L.D. 1807)

TABLED - March 23, 1998 (Till Later Today) by Representative KONTOS of Windham.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

On motion of Representative KONTOS of Windham, **TABLED** pending **ACCEPTANCE** of the Committee Report and specially assigned for Wednesday, March 25, 1998.

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$36,985,000 to Match Available Federal Funds for Improvements to Municipal and State Roads, Airports, State Ferry Vessels and Terminals, Transit Facilities and Equipment and Rail and Marine Facilities (BOND ISSUE)

(S.P. 611) (L.D. 1812)

(C. "A" S-510)

TABLED - March 23, 1998 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative KONTOS of Windham, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-997)** - Minority (5) **Ought Not to Pass** - Committee on **JUDICIARY** on Bill "An Act to Implement the Recommendations of the Maine Indian Tribal-State Commission Relating to Tribal Land Use Regulation"

(H.P. 1403) (L.D. 1961)

TABLED - March 23, 1998 (Till Later Today) by Representative THOMPSON of Naples.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion of Representative KONTOS of Windham, **TABLED** pending the motion of Representative THOMPSON of Naples to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report and specially assigned for Wednesday, March 25, 1998.

**BILL HELD**

Resolve, Regarding Legislative Review of Chapter 231: Rules Relating to Drinking Water, a Major Substantive Rule of the Department of Human Services (EMERGENCY)

(H.P. 1606) (L.D. 2233)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-993).**

HELD at the Request of Representative GERRY of Auburn.

On motion of Representative GERRY of Auburn, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

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

Representative GERRY: Madam Speaker, Men and Women of the House. Yesterday while we had a Speaker Pro Tem a certain bill came across our desk and I wasn't sure of exactly all of the meaning of the intent. I thought we had voted on one water bill and now I see we have another one come whizzing by. Madam Speaker, may I ask for the committee to explain this bill, which is LD 2233?

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

Representative GERRY: Madam Speaker, Ladies and Gentlemen of the House. This bill deals with the drinking water and the suitable level of MTBE additives that can be in the water. Committee "A" would limit it to 35 parts per billion. I commend the task force and the committee for looking at this issue. I disagree with their finding. I would support a lower threshold. I feel this is very necessary because people's health, not just in my town, but across the state, are in jeopardy with having a higher threshold of this chemical in the water. What people don't realize is even if we lower it, I guess right now the accepted level is 70 percent per billion. By doing 35 percent that is a landmark decision. I think we are one of the few states that are now adopting a threshold for what we will tolerate in the water. What people don't understand is that when people take this water into their house and it sits in their furnace and it churns and it evaporates, the concentration of the MTBE chemical is intensified. Even if we accept this level that is higher than what I would like to see, we are still exposing Maine citizens to this contaminant. We have people across the state, with as little as nine parts per billion, that is getting affected by this. I please ask of you to reconsider the motion that we accept the Majority Ought to Pass Report.

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

Representative ROWE: Madam Speaker, Men and Women of the House. This is the majority. I believe it is a 12 to 1 bill out of the Natural Resources Committee. These are the rules dealing with the maximum contaminant level of methyl tertiary-butyl ether, otherwise known as MTBE, as you have heard. The rules have set that level at 35 parts per billion. We did have a considerable amount of testimony. These recommendations were made by the Department of Health. Maine will only be the third state to adopt an enforceable drinking water standard for MTBE. New York has a maximum contaminate level of 50 parts per billion. New Jersey of 70 parts per billion. This will be 35. We understand the issues concerning MTBE. You will be seeing another bill where we are going to continue to look at this issue with respect to reformulated gas and the MTBE. It is something we have now to comply with the Federal Clean Air Act. As you know, reformulated gasoline with MTBE it gets in the drinking water through leakage and spills. There is testing that goes on now. That will continue. This just sets the maximum contaminant level at 35 parts per billion. I would ask your support of this motion of Passage to be Engrossed. Thank you.

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

Representative MERES: Madam Speaker, Men and Women of the House. There was a Minority Report on that bill. I am on the Minority Report. I think there were two of us out of the committee that are. What I would like to say is that the Majority Report of the bill is a big plus because it does set a standard that is much lower than the original standard. There was a lot of discussion in our committee regarding how we came to that number. It was based on a lot of advice from the Department of Health and it was based on modeling. It is going in the right direction and it does bring us down to a level which is being used in other states.

The reason I am on the Minority Report with a level of 15 is because of the fact that MTBE is unique. It is a manmade chemical, an oxygen. It has some unique qualities. It is very soluble in water. It is a chemical that can be remedied only by diluting it or filtering it out. Therefore, if this contaminant finds its way into the groundwater you have a significant problem. That is because once it is there it is very hard to do anything with. The other significant factor here is the fact that normally when you detect this in the groundwater, you find it is because you have a plume of contamination somewhere. It is extremely important to do remediation work and to find where that is coming from. Once your groundwater is contaminated with MTBE, everyone who is utilizing that resource is in big trouble and it becomes rather expensive.

The thought that we had on the Minority Report was the lower the level the quicker you can see that you are having a contamination problem with and the better off we all are. MTBE is not only sparsely found in water in Maine. It is found everywhere. It is found, from what I gather, in some of the water bottling companies that we have. It is here and it is only going to increase. I think that the significant factor is that we are going to have to learn to accept the fact that it is going to continue to be here in greater and greater amounts. The quicker that we can pick this up, the sooner that we can remediate, the better off that we are in the long run. It is unhealthy and it is something that is very, very difficult to get rid of. 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. It is very rare that I would vote for tougher regulations. Most of the time when more regulations are proposed, the science is not there to back them up. The regulations will be proposed and they will be based on bad science or false data. In this case, the data is real. MTBE is bad. MTBE causes cancer. The numbers will back it up. MTBE, as you know, is reformulated gas. I live down in southern Maine on the shores of Sebago Lake. In the summer you see boats going along the lake. I go down to the marina sometimes and you see boats fill up with gas. Often times you see gas spill over from the gas tank into the lake. It is not done on purpose. It is very unfortunate, but it happens. That reformulated gas, MTBE, is going right into the lake. Not all the boats on that lake are well tuned up as anyone trying to sleep at 6 o'clock in the morning hearing a boat will tell you. Some of those badly tuned boats will drip gas right into the lake. Madam Speaker, men and women of the House, the well I drink out of is connected to that lake. The well my baby sister drinks out of is connected to that lake and a quarter million people in the greater Portland area get their water from Sebago Lake. There are many other water sources in the state and MTBE is bad stuff. MTBE is poisonous and MTBE will cause cancer. I urge you to vote with me and push for the lower standard for MTBE. Thank you.

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

Representative BULL: Madam Speaker, Men and Women of the House. I apologize to the Representative from Auburn. I was caught a bit off guard with this. This bill has had a long history in this body in the Legislature. It actually started out last year in the Health and Human Resources Committee. It was referred to our committee, the Natural Resources Committee. We felt last year that we did not have enough information in committee to make a definitive decision on what a proper maximum contaminant level of MTBE in drinking water should be. We held the bill over and directed the Bureau of Health to come back to us with more concrete studies and answers, which they did. The recommendation that came back was this 35 parts per billion. As the good Representative from Portland has stated, this will be the lowest level in statute in the nation. Out in California they are looking at this issue right now. They have not come back with any pulls at this point. One thing I do urge you to look at is the Committee Amendment. It is filing number 993. You will notice that it also does call for the Department of Health to come back to the committee in January 1, 2000 with further recommendations on whether or not this 35 parts per billion is a proper level. This is not something that we are saying this is it. We are saying let's start at 35 parts per million and hopefully we get more information between now and 1/1/2000. Maybe by that time California, which is looking at potentially lower standards will have put some recommendations in place that will allow us a better basis for which to make a decision.

I do have to correct one statement that the Representative from Standish, Representative Mack made. It is my understanding that MTBE has not been classified as a known carcinogen at this point. Benzene, which is in regular gasoline and reformulated gasoline is a known carcinogen. We are not here to argue about whether or not MTBE is good. It is not something you want to go out drinking. This is something we are doing to meet the federal Clean Air Act. We just need time to study this issue more and to find out if this is the proper level. You will also notice in the Minority Report, which is a filing number of (H-994) there is quite a hefty fiscal note of \$645,000 on that bill to deal with the lower contaminant levels. I know that this is an important issue. This is a substance which has created a lot of controversy. There is a lot of issues on it. I urge you to please accept the Majority Report. I believe this is a 10 to 2 report, the majority of the committee with bipartisan support on this, let us put this in. This is an interim level. Allow the department and the commissioner of health to go back and study this issue more and in 1/1/2000 to come back with us when they have done further studies with a more sound recommendation. At this point, I feel it would be premature to accept a lower standard because there simply is not a basis in science to accept this. I urge you to please pass to Engross this bill from the Majority Report from the Committee on Natural Resources. Thank you.

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

Representative COWGER: Madam Speaker, Men and Women of the House. I urge you to support the pending motion. Maine currently has no enforceable standard for MTBE in drinking water. Only two other states, as you have heard before, have adopted enforceable limits. Both of these enforceable limits are higher than the 35 parts per billion being proposed for Maine by this rule. To date, no other states have adopted standards other than New Jersey at 70 parts per billion and New York at 50 parts per billion. In other words, Maine is proposing an enforceable standard that will be the most strict standard in the entire nation. The Majority Report, which is before you at 35

parts per billion, is a mandate. I urge your support of this. It is a mandate only because some water supplies will be required to test for MTBE. I think as we have heard here tonight whether or not we continue to use reformulated gasoline in this state, we should be testing our water systems for MTBE and assuring Maine residents of a safe drinking water supply. I urge your support of the Majority Report that is before you as a major effort to protect public health and enact a strict, enforceable and defensible drinking water standard for MTBE.

Representative MACK of Standish **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 Standish, Representative Mack.

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. We have had enough studies on this. We know MTBE is bad and it causes cancer. Think of all the children who drink out of the water supplies in Maine. This chemical will be building up in their bodies for their entire lives. We have the data. We know it causes cancer. How can we take this risk? Thank you and please vote against the pending motion.

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

Representative GERRY: Madam Speaker, Men and Women of the House. In a report of the Select Committee to Study the Health of Reformulated Gas, it talks about the effects of the use of RFG and the water quality. One of the things it mentioned is that the EPA recently issued a drinking water advisory for MTBE including consumer availability advice and health effect analysis. The advisory recommends keeping levels of contamination in the range of 20 to 40 milligrams per liter of water, equal to 20 to 40 parts to billion, to protect consumers. Acceptance of the drinking water would also provide a large margin of safety from toxic effects. My reasoning for keeping it to a lower degree than what is now presented is that the sooner we can test for the water at a lower level, the easier it will be to keep the water cleaner. My worst fear is that in the next five to eight years more of this chemical is going to be in the water through sports on the water, cars that are putting it into the air and it is not burnt off right, from spillage or at one time it was said that reformulated fuel ate plastic. If that were the case, it would make more oil tanks leak. I am afraid that in the next 5 to 10 years you will see that it is going to be increased to a point where instead of trying to do bond issues to get rid of our tire stock pile, we will be seeing bond issues to help get this reformulated fuel out of the water. I am afraid that the more we allow it to stay in the water, the more in contact it will get with people. The more that we ingest it, the more chances are that we could develop more complications from this. If we could save even two people that they say might in a million contract cancer from this stuff, whatever the expense that the state would cost, I think it would be worth it. To see people go through the effects of any sort of disease is a horror. Right now we have people who are allergic to this MTBE additive in the water. How many people are we poisoning with this?

It is true that a lot of the side effects of MTBE has not been approved. It hasn't been disapproved either. Some reports say that this could affect your concentration. Some people say that when you breath the fumes in cars that it impairs your driving ability. What more so than if we keep drinking this stuff? I urge you to vote against accepting the Majority Report in favor of the Minority Report.

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. 493**

YEA - Ahearn, Bagley, Baker, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Etnier, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Jones SA, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Mailhot, Marvin, Mayo, McAlevey, McElroy, Mitchell JE, Morgan, Murphy, Muse, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Pieh, Pinkham RG, Plowman, Povich, Powers, Quint, Richard, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Taylor, Tessier, Townsend, Treadwell, Tuttle, Usher, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Wright.

NAY - Barth, Bodwell, Chartrand, Chick, Gerry, Goodwin, Joy, Kasprzak, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, McKee, Meres, Nass, Nickerson, Pinkham WD, Rines, Snowe-Mello, Stedman, Tobin, Tripp, Underwood, Winglass, Winsor.

ABSENT - Dutremble, Farnsworth, Honey, Madore, Perry, Poulin, Thompson, True, Winn, Madam Speaker.

Yes, 111; No, 30; Absent, 10; Excused, 0.

111 having voted in the affirmative and 30 voted in the negative, with 10 being absent, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-993)** and sent up for concurrence.

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

**REPORTS OF COMMITTEE**  
**Divided Reports**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Ensure Indoor Environmental Quality Assessment Assistance for Public Schools"

(S.P. 777) (L.D. 2104)

Signed:  
Senator:

MICHAUD of Penobscot

Representatives:

KERR of Old Orchard Beach  
POULIN of Oakland  
BERRY of Livermore  
STEVENS of Orono  
TOWNSEND of Portland  
LEMAIRE of Lewiston  
KNEELAND of Easton  
WINSOR of Norway  
MARVIN of Cape Elizabeth  
OTT of York

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-539)** on same Bill.

Signed:



Senator:

BENNETT of Oxford

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.  
**READ.**

On motion of Representative SAXL of Portland the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-544)** on Bill "An Act Authorizing the State to Appeal Decisions Granting Preconviction Bail"  
(S.P. 844) (L.D. 2248)

Signed:

Senators:

MURRAY of Penobscot  
O'GARA of Cumberland

Representatives:

MUSE of South Portland  
PEAVEY of Woolwich  
POVICH of Ellsworth  
JONES of Greenville  
FRECHETTE of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-545)** on same Bill.

Signed:

Senator:

MITCHELL of Penobscot

Representatives:

O'BRIEN of Augusta  
McALEVEY of Waterboro  
TOBIN of Dexter  
BUNKER of Kossuth Township  
WHEELER of Bridgewater

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-544)**.  
**READ.**

Representative POVICH of Ellsworth moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative WHEELER: Madam Speaker, Ladies and Gentlemen of the House. I would ask that you follow my light and vote against the Ought to Pass report and let me tell you why. Committee Amendment "A" does nothing more than put into law what is already in the law. It makes it clear that the DA who now already has the option to make a motion to reconsider the conditions of bail to the judge that already has set them. Let me tell you what happens when people are subject to bail in the District Court or the Superior Court. They go in and the DA places his argument before the judge. The defendant's attorney places his argument to the judge on what the conditions of the bail should be. The judge then makes up his mind. If the DA disagrees with him, the only opportunity that the DA has is to ask for a motion before the same judge that has ownership of the bail condition to reconsider. What is the likelihood of the judge overturning the bail that was set by himself?

On the other hand, the defendant has the option to go to Superior Court and appeal the decision of the District Court judge on the bail conditions. They are, in a lot of instances, overturned and new bail is set. My amendment, which is

Committee Amendment "B," would put real teeth into the appeal process for the DAs and would give them the same opportunity that the defendant has. The DA says don't put into law what they already know, but put some teeth into the law and this amendment which would provide the DAs the opportunity to appeal the District Court judge's conditions of bail to the Superior Court and if the Superior Court sets the bail, they can appeal that decision to the Supreme Court. This will give the DAs what we really need and will get them on the same playing field as the defendants. I would ask that you defeat the pending motion and support the Minority Ought to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Madam Speaker, Men and Women of the House. LD 2248, "An Act Authorizing the State to Appeal Decisions Granting Preconviction Bail" is a unanimous Ought to Pass Report, sort of. Although it turns out to be a 7 to 6 Ought to Pass as Amended by Committee Amendment "A." The majority looked at it as an issue of whether we should take drastic measures or take a one step forward and review the process and if we need to take that second step, we can. The reason that we don't want to take two steps instead of the first step is that we were in complete agreement that both the DA and the defendant can and should ask for further review of a decision for bail. Prior to that, only the defendant could ask for a review of the bail decision. That was the issue. In other committees ours is so similar that we tend to pile on a bill. We look at an issue. The issue was, should the DA or attorneys for the state have the opportunity to appeal the decision of a judge regarding bail? We said yes. That is where we want to stay for the moment. When the majority and minority disagree, it is who does. The majority favors a reconsideration process. It is like what we do here now. Have a second look. A period of time passes and then we look at it. I think we do a pretty good job of reconsideration that is fair. The Minority Report seeks to have that review done in a Superior Court. Not that we think that is unnecessary and is that second step. It is a burden and a cost to the counties because quite often the district court does not sit where the Superior Court sits. There is an expense to transport the defendant and the issue and bring it to a second forum. Superior Court is often located far away from the District Court. Superior Court justices can, quite frankly, be reluctant to overturn their colleagues' decision. The majority has a confidence that the presiding judge would give the case careful consideration or reconsideration such as we do here in this body. We think that Report "B" is unnecessary at this time. We would embrace Report "B" if it didn't do the job, but I urge you to support the pending motion.

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

Representative TOBIN: Madam Speaker, Ladies and Gentlemen of the House. I am on the minority side for an important reason that hasn't been mentioned yet and that is the victim. A year ago when this bill began we heard testimony from a young lady whose spouse assaulted her, was arrested, put in jail and was let out on bail. Shortly thereafter he assaulted her and her mother, his mother-in-law. He put them both in the hospital, was arrested and put in jail and was out on bail. Shortly thereafter he violated bail on her. Shortly thereafter he was out on bail again. Finally, he got out on bail. His mother posted \$1,000 bond. Two days later he chased his wife and daughter into another county and shot her. The DAs said that they wouldn't use this very often. We heard from the judge. Very infrequently have we heard from the judiciary in our committee. It was a pleasure to hear the judge say, I welcome the opportunity. Often times they have to stand alone and they admit that sometimes they make a mistake. Mistakes in this

particular area can be very serious. Please vote for Amendment "B." Thank you.

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

Representative MCALEVEY: Madam Speaker, Men and Women of the House. This is kind of an unusual report if you look at it. Quite frankly this committee hasn't brought you many divided reports. That has a lot to do with our leadership of the committee and the willingness of the committee to work out all of the bugs. The final decision on bail still rests with the judiciary. They are the ultimate authority. They are the ultimate decision maker. This bill does not mandate the district attorneys to file appeals, but it does give them the same toolbox that the defense bar has. By giving them that toolbox, it doesn't take away any of the defendants rights. The defendants rights to bail are not diminished by this. In those rare cases when the DA may have more information that the judge needs to hear, it gives them that opportunity to bring that forward to an additional judge, a different judge, at another level. I would urge you to support the second report, Amendment "B."

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

Representative BUNKER: Madam Speaker, Men and Women of the House. I would just agree that the Minority Report is the report that I would recommend, that we move forward and vote against the Majority Ought to Pass Report. Quite frankly, ladies and gentlemen, the issues you heard from Representative Tobin and others are just the tip of the iceberg. We hear the stories over and over and over again and you can read them in the paper. This bill only allows the District Attorney when he or she feels in their best judgment to protect society and the public from one of these people that may be a stalker for women or it may be a sex abuse type of offense and he is a predator type person that has showed a repeated history of not following the bail conditions and following the rules while they are pending adjudication that when they get their bail set and somebody for some reason releases them on some kind of bail that they can immediately take action and find a judge, whether they have to go to the Superior Court or another court or they have to travel halfway across the state to find a judge that is sitting and to plead their case in front of that judge and ask for this bail to be reconsidered. I think that very appropriately that when you are talking about protecting the public, that there are appropriate times for the criminal justice system on the prosecution's side to have an appeal process. Where would you do your appeal? Would you do it with the same person that set the bail the first time? How insulting can that be sometimes? You really put that judge, he or she, into a very difficult situation of ruling against himself, when I heard the facts once why were you insulting me and coming back and telling me to hear the same facts again? I really think that a second opinion in this kind of a case, when it is to protect the public, is very important. I would ask you to vote against the Majority Ought to Pass Report.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

A vote of the House was taken. 31 voted in favor of the same and 67 against, the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (S-545)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (S-545)** in **NON-CONCURRENCE** and sent up for concurrence.

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Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-514)** on Bill "An Act to Clarify the Responsibilities of the Advisory Commission on Radioactive Waste during the Decommissioning of Maine Yankee" (EMERGENCY)

(S.P. 792) (L.D. 2119)

Signed:  
Senators:

TREAT of Kennebec  
NUTTING of Androscoggin

Representatives:

ROWE of Portland  
SHIAH of Bowdoinham  
BULL of Freeport  
COWGER of Hallowell  
McKEE of Wayne  
BRYANT of Dixfield  
MERES of Norridgewock

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

Signed:  
Senator:

BUTLAND of Cumberland

Representatives:

DEXTER of Kingfield  
NICKERSON of Turner  
FOSTER of Gray

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-514) AS AMENDED BY SENATE AMENDMENT "A" (S-540)** thereto.

**READ.**

On motion of Representative ROWE of Portland the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-514)** was **READ** by the Clerk.

**Senate Amendment "A" (S-540)** to **Committee Amendment "A" (S-514)** was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (S-514) as Amended by Senate Amendment "A" (S-540)** thereto was **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-514) as Amended by Senate Amendment "A" (S-540)** thereto in concurrence.

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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Permit the Creation of Cooperative Municipal Fire Districts"

(S.P. 598) (L.D. 1777)

Signed:  
Senator:

Representatives: LIBBY of York  
DUTREMBLE of Biddeford  
BAGLEY of Machias  
GIERINGER of Portland  
KASPRZAK of Newport  
GERRY of Auburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-553)** on same Bill.

Signed:  
Senators: NUTTING of Androscoggin  
GOLDTHWAIT of Hancock

Representatives: AHEARNE of Madawaska  
SANBORN of Alton  
BUMPS of China

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-553)**.

**READ.**

On motion of Representative AHEARNE of Madawaska the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-553)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-553)** in concurrence.

#### REPORTS OF COMMITTEE

##### Ought To Pass Pursuant to Public Law

Representative JONES from the Committee on **UTILITIES AND ENERGY** on Bill "An Act Regarding Telecommunications Regulation"

(H.P. 1661) (L.D. 2288)

Reporting **Ought to Pass** pursuant to Public Law 1997, chapter 276, section 6.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent up for concurrence.

#### BILLS IN THE SECOND READING

##### House

Bill "An Act to Implement the Recommendations of the Majority of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Enhancing Forest Resource Assessment"

(H.P. 1657) (L.D. 2286)

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

On motion of Representative SAXL of Portland, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED** and later today assigned.

#### REPORTS OF COMMITTEE

##### Divided Reports

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as amended by Committee Amendment "A" (H-1028)** on Bill "An Act to Establish a Requirement That Holders of Lobster Fishing Licenses Must Own or Control the Vessel from Which They Conduct Authorized Activities"

(H.P. 1028) (L.D. 1445)

Signed:

Senators:

GOLDTHWAIT of Hancock  
MacKINNON of York

Representatives:

ETNIER of Harpswell  
VOLENIK of Brooklin  
PIEH of Bremen  
PINKHAM of Brunswick  
HONEY of Boothbay

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

Signed:

Representatives:

PINKHAM of Lamoine  
PERKINS of Penobscot

**READ.**

Representative PIEH of Bremen moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative PERKINS: Madam Speaker, Colleagues of the House. I am on the Ought Not to Pass on this one. If there is ever a bill that you are looking for to be able to tell your constituents back home when they say we don't need anymore unnecessary laws, this is a good candidate for that. What this does is it sounds kind of good on the surface that the owner has to be on the boat, but the trouble is we talked about that in committee for about 10 minutes and then somebody said yes, but what about sons and daughters? We added them. I don't know if you got a copy, but everybody should take a peek at this bill. Then, somebody said sons and daughters and sons-in-law and daughters-in-law. That was the next day so we had to add that. If you will take a look at all the different people that are trying to be covered under this bill, I don't think we did add brothers and sisters, which somebody pointed out after it was printed that that could be a very common family member that might want to be included in this. The idea of this bill, there is apparently a large company off shore that owns a lot of boats. This is outside the three mile limit where they don't have to abide by our rules. They can catch oversize lobsters and sell them out of state and so forth. There is a fear that that would spread in shore here that some rich people will own the fishery. They will own too many boats. I think it is an unfounded fear that we had an awful time trying to work out language and I think we are trying to find a weapon to fend off a boogymen that doesn't exist. I have fished in fisheries in other states that have limited entry. Once you get down to where our lobster zones are eventually going to be able to set these lobster trap limits, number of licenses and if there is only one limit allowed per vote, there is really no fear because then the value is in the license, not in the

vote. I think it is an unfounded fear. I think at the last public hearing we had on it, I had one of the officers from the Maine Lobster Association out in the lobby that they agreed if we implement those steps that this is an unneeded thing. I ask you to really take a look at the bill before you vote. Thank you.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I looked at the bill just now. To me it is really an amazing bill especially when you look at section 1, paragraph A. May I pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. To any of the committee members who support this Majority Report, could you please explain to me how somebody would be able to tell if the person on the boat fell under one of these categories? Would they be required to carry some kind of identification or something? It is quite a lot of different type people. Just for those who haven't looked at it, I will read it briefly and then somebody can answer my question. "Family member means a brother, sister, son-in-law, daughter-in-law, parent by blood, parent by adoption, mother-in-law, father-in-law, child by blood, child by adoption, stepchild, stepparent, grandparent or grandchild." Could someone in the committee please tell me how they decided that?

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 Harpswell, Representative Etnier.

Representative ETNIER: Madam Speaker, Men and Women of the House. The warden in the area who knows everybody who goes fishing in the area will have no problem knowing who meets the requirements of this law.

If I could continue, this bill came before us last year, 1997. The committee received a lot of favorable testimony behind it from the department and from the industry for an owner/operator bill relating to lobstering. We felt as a committee that it was a worthwhile concept to investigate further. We didn't need to rush on it. We carried the bill over to this year with the request to the department and to the Lobster Advisory Council to look into it and see if there is a need for it and if there is a need to see if the language in the original bill that we had last year is what does the job. We did look into it and they did report back to us this year as requested. We actually did hold what was a third public hearing on the bill this year, not too long ago. Overwhelming support from one end of this coast to the other for an owner/operator provision in Maine state law regarding lobstering.

Let me explain to you what an owner/operator basically means and what the threat that was mentioned by Representative Perkins, what that means. Maine, as you are probably well aware, has traditionally been an owner/operator state in relation to this fishery. The person who runs the boat, the person who hauls the gear, the person whose gear it is owns the gear and owns the vessel. That has just been tradition. That has just been luck. It has been probably 90 percent of what makes lobstering the great industry it is in the state. What promotes the stewardship and the conservation of this resource that has been the hallmark practically throughout the world of the lobster industry. Let me give you an example of an industry that went non-owner/operator with the advent of the 200 mile limit is the ground fish industry. What we saw there with incentives from the government as well as the finance industries of the nation was that it was a wise investment to invest in ground fish vessels if you were a doctor or lawyer looking for tax write-offs. A lot of big vessels were bought. A lot of big vessels were built and they certainly were non-owner/operator. They outfitted folks who went

out there to do ground fishing. A lot of folks in the fishing industry in general feel like a large part of the reason for the demise of the ground fish industry was the fact that we got away from a traditional small boat owner/operator ground fish industry and headed down the road of being a large investment industry with far less stewardship and concern about the resource.

Given that fact, this is a rare opportunity as a state to do something pro-active. In our committee we always end up in a reactive mode reacting to disasters or catastrophes or depleted resources or gear conflicts that occur on a statewide basis. It is a miserable way to do business, but unfortunately that is the nature of the fisheries management generally in the state. This is, as I said, a chance to do something pro-active. What could easily happen these days and there is nothing to prevent it in law now is the same thing that happened to the ground fish industry. There is a lot of boats out there who have a lot of gear or lobster traps who are going to have to have a lot less lobster traps given some of the federal laws that are coming down. These folks are going to be looking for ways to unload those traps. They are going to be looking potentially to set up other people to fish their gear and all the banner headlines year after year about the record catch in the lobster industry, it could conceivably be seen by a number of investment folks as a wise place to invest your money and outfit several people with boats and gear. Send them out there on a more corporate basis to fish in this industry, which we heard unanimously from the industry is not something they want to see happen. They feel it would be the demise of this industry.

Sorry for the long-winded explanation of the history of this bill, but it has, as I said, unanimous support of the industry. There is a grandfathering clause in here to allow anyone who doesn't meet this current criteria and I think there is only one operation in the state that doesn't continue to operate in a non-owner/operator fashion. Nobody viewed that as a threat. That is the gist of this bill. I will gladly answer any of the questions anyone may have. Thank you.

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

Representative PERKINS: Madam Speaker, Colleagues of the House. Just a couple of more points. When we were working this bill and the commissioner was usually over there, every time we would throw in another family member every couple of days, would say, how are you going to figure this all out? There was no discussion that the warden was going to have any responsibility to figure this out. The discussion came down to at the end it was going to be, and he told us this, the acting commissioner, that in order to implement this just to handle all the genealogy and the pedigree, they would have to hire a full time person for one year. One man year person. The debate was then a fiscal note, how are we going to deal with this? I ask you to please look at the paragraph just before the summary. If this isn't a gimmick, it is pretty close to it. Apparently section 1 takes place affect in August after dedicated revenues have been allocated by the department. In other words, it looks to me with all due respect to the hardworking people that don't agree with me on the committee, it looks to me like this was a gimmick. If they had put the price tag on here of \$55,000 plus 30 percent benefits or whatever, I think this would put this in a different light. What you are asking is you are going to have a full-time position added to the department in order just to be there in the office so that people can come with their pedigree and get a certificate saying that they are indeed what they say they are as far as blood relatives and so forth. I am telling you that we are giving more power to these zones all the time. This is a state law that we don't need. The zones are going to be able to set the trap limits. They are going to be able

to cap the licenses. We know that is coming. We can already do part of this. All they have got to do is say one trap limit per boat in that zone and you don't have to worry about these big corporate takeovers. Thank you.

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

Representative PIEH: Madam Speaker, Men and Women of the House. This bill came about at the request of the industry. As trap limits have been coming down, there have been some fishermen in my district and I have had many calls about this saying you must do something to stop this guy. He is going to buy another boat and hire someone to fish it and we are going to see the end of our community fishery. They are saying, please prevent this problem. Let's try and stop it. The 117th, I believe, Legislature passed a 1,200 trap limit. Many people went out and bought traps. What we are trying to do is do something proactive. That ended up being a reactive kind of a law. I didn't stop with just the phone calls I got. I did a lot of research and talked to a lot of people and without exception, they said we need an owner/operator law. What they don't want to do, which has happened in some other states, such as Alaska, is if you want to get into the fishery, you go to a broker and you buy in. We are trying to have that not happen in Maine. We are trying to protect our fishing community family. In terms of the fiscal note, I think just for clarification and perhaps the good Representative from Penobscot wasn't there at that time, what was stated by the acting commissioner of Marine Resources was that this was kind of the straw that broke the camel's back. We are beginning to manage our industries, elvers, urchins, lobsters, scallops and every fishing industry that we have, we are managing. At some point, they are going to need to add a person to be able to do certifications for these different industries. The reason we put a later fiscal note on is because we would have to amend the management council of each one of those industries to share the cost. I urge you to support the Majority Ought to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Pinkham.

Representative PINKHAM: Madam Speaker, Men and Women of the House. I will be the first to admit that this probably isn't a perfect bill, but this was, in fact, a bill that the industry wanted and we had a lot of testimony and I have heard Representative Perkins, I think this is his third or fourth time that I have heard what he has had to say about this. I guess perhaps some of it is good and some of it is bad, but you can't dislodge it from his head once it is in there. I don't know. Anyway, there was an awful lot of work that went into this and I guess I would just say that I wish you would support the Ought to Pass report. Thank you.

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

Representative KANE: Madam Speaker, Men and Women of the House. The calls I get are from the little guy, the recreational lobster fisherman or the fellow that goes out and fishes with the friends or helps out. It may not be a family member. May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative KANE: Thank you Madam Speaker. To anyone who can answer, how is this going to affect these kinds of folks who obviously are not in the category you are attempting to protect against? Will it handicap them from being able to continue to fish? Thank you.

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

Representative ETNIER: Madam Speaker, Men and Women of the House. In response to the good Representative from Saco's question, I am not exactly sure I understand the question, but if you are on a more recreational scale and are assisting somebody else fishing on their vessel, if that is the question, there is no law against that now. There is no law against that. This would not change that. The person who owns the vessel would still need to be on the vessel. He could have whoever he wants help them. It doesn't have to be just a family member. He could have any number of stern men or guests or whatever. The owner of the vessel would at least have to be on the boat.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

A vote of the House was taken. 69 voted in favor of the same and 28 against, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1028)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1028)** and sent up for concurrence.

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Six Members of the Committee on **STATE AND LOCAL GOVERNMENT** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-1033)** on Bill "An Act to Provide Computers for Use in the Legislature"

(H.P. 416) (L.D. 566)

Signed:

Senators:

NUTTING of Androscoggin  
GOLDTHWAIT of Hancock

Representatives:

DUTREMBLE of Biddeford  
SANBORN of Alton  
BUMPS of China  
GERRY of Auburn

Six Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senator:

LIBBY of York

Representatives:

AHEARNE of Madawaska  
BAGLEY of Machias  
LEMKE of Westbrook  
GIERINGER of Portland  
KASPRZAK of Newport

**READ.**

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

Representative BUMPS of China **REQUESTED** a division on the motion to **ACCEPT** Report "B" **Ought Not to Pass**.

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

Representative BUMPS: Madam Speaker, Men and Women of the House. The timing of this bill is both striking and uncanny. As we sit in this chamber hour after hour, day after day, as this legislative session comes to a close, we all quickly become buried in the mounds of paper making it difficult to both be prepared and organized. This bill could, in time, if you take the first step tonight, improve the efficiency of this institution and at

the same time reduce the paper. LD 566 says, as amended, that it simply requires that the legislative council exercise their wisdom in introducing personal computers to the desks of legislators in both chambers. I will read to you the simple instructional language that this bill proposes. From the amendment, "The legislative council shall expeditiously approve and implement a plan to provide an automated integrated computer system for managing legislative activity and information. Information made available through this system must be in a format compatible with other major computer systems in state government."

This bill in concert with the information technology plans of the legislative branch, the council, its staff and many current legislators, the committee solicited the desire of the council in this matter and Speaker Mitchell kindly responded in writing that the council has even agreed in principal to providing automation available with desktops in the chamber.

Please, I ask you, defeat the pending motion so that we can go on to accept Report "A." Please update the statutes by adding this simple language that will help the Legislature achieve the efficiencies that our friends in the private sector have made commonplace. Thank you.

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

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. First of all, I would like to state that by no means do I oppose what this bill tries to accomplish in terms of trying to bring this chamber and the other body into the 21st Century. My only concern and my objection to this bill is the fact yes, we did, as a committee, send the letter to council and question them on how we should proceed on this bill knowing that there is a committee studying how to implement a plan and that is what we received back from council. Yes, they initially said that this is something they are going to be following up on. In my opinion, that is good enough for me to see that the council will initiate on this bill. Therefore, the bill is not necessary. I don't see a reason why we need to put in statute more paperwork, more laws on the books, while there is a commitment from council to move on this piece of legislation. We constantly hear that we don't like seeing new laws passed for no reason and I see no reason to put into law something, a reminder to council, of something that they are already committed to do. I ask you to support the Ought Not to Pass report.

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

Representative BUMPS: Madam Speaker, Men and Women of the House. I think it is obvious that the composition of the legislative council is about to change. Let's be sure that when that composition changes that the intent to automate these chambers stay in place. Thank you.

Representative CLARK of Millinocket **REQUESTED** a roll call on the motion to **ACCEPT** Report "B" **Ought Not to Pass**.

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 Wells, Representative Carleton.

Representative CARLETON: Madam Speaker, Men and Women of the House. I am the vice chair of the committee that was referred to or appointed by the legislative council to study computerization in the Maine House and Senate. There was a committee composed of members of this body and the other body as well as some of the staff people who spent several months discussing this and several other issues. Without getting into a lot of the details, because, believe me, there are a lot of details with all of this, I think it is fair to say that everybody on that committee felt that the introduction of laptop computers on

the desk would vastly improve the process that we go through. I will bet that most people in this body do not have this bill in front of them. It is buried in a notebook some place. It is buried under other papers. We are talking about something that you do not have a chance to read in the ordinary course and it is understandable because there is so much paper in this place that it is almost impossible to try and rush around and take a look at everything that we discussed. You would not have to be a computer whiz in order to use this equipment. It would sit down inside the desk and for those who didn't want to take advantage of all of the other things that you could do, and there are plenty of them, all you would need to do is to turn on the machine and when a bill is under discussion the text of that bill or the text of the amendment could be pushed onto your screen so you could see it. All of this paper that is passed out, 95 percent of which we don't read because it is routine stuff. We could do away with.

I think we should send the message to the leadership, whoever the leadership is going to be in the next Legislature, expressing our will on this matter. Maybe you don't want to do it. Our committee thought it was a good idea. We think that most people would like it if it was implemented, but it is up to you to decide. I urge you to vote against the pending motion so that we can go on to express our opinion that this should be done. Thank you.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Vedral.

Representative VEDRAL: Madam Speaker, Men and Women of the House. I also served on the Legislative Information Technology Committee. I believe this bill is good. This bill would require an allocation of money that would ensure that this project goes forward. We heard talk about reduction and paper that is on this desk. I hope that would not cause any problem in the pulp and paper industry, but I am sure they could absorb the reduction with other business. I think that the true savings that we would experience would not be in the cost of paper and printing, but would be through savings and productivity. We have been spending a lot of late nights here. We wait around for an amendment to come back from the printer. We are going past Friday when we had hoped to be out. It is my understanding that each additional day that we are in costs somewhere in the neighborhood of \$18,000. I think those are big numbers that we can see adding up quite quickly that are enough in themselves to justify any methods that are possible to increase our productivity here on the floor of the House. I do hope that you would vote against the pending motion and look for more efficiency in state government.

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

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

The SPEAKER: The Representative may pose his question.

Representative TUTTLE: Madam Speaker, Men and Women of the House. To anybody who could answer, is there a fiscal note on this bill? If so, how much?

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

Representative VEDRAL: Madam Speaker, Men and Women of the House. Unfortunately, I don't have the authoritative answer on this, but what I understand is this bill only directs the council to order this to be done. I assume an allocation would have to be made once it is determined what the exact job is that needs to be implemented.

Representative TUTTLE of Sanford asked the Chair if the Bill was properly before the body.

The Chair **RULED** that the Bill properly before the body.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Madam Speaker, Men and Women of the House. I fully appreciate the fact that the Representative from Sanford had to ask the question because the bill was probably buried somewhere on his desk and he could not reach it quickly. There is a fiscal note to the bill. It would depend on what kind of plan the legislative council came up with and just what the details were. The estimate that is given is that it would be about \$1.385 million, which is a lot of money. Think how much money we would spend per day, \$30,000 to \$40,000, every day that we are in session here. For me, think of the quality of work that we will have if we are able when we are discussing bills like this to actually be able to read what it is that is being discussed on the floor. You can't measure that productivity. You can measure some of the other costs. I suggest that it is a very inexpensive cost to pay.

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

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. I would like to stress again that I believe those who are not supporting this bill or the amended version of the bill, we are not opposed to trying to bring laptop computers to this body. We are trying to modernize the equipment. My only problem is that we have a commitment from the legislative council and I believe the next council, most likely the leadership is in this body currently. They understand the need for modernization and the amount of paperwork we have here. I don't understand why we need to put something in statute, a reminder of something that everybody already knows. To me, this is just a waste of paper.

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

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

The SPEAKER: The Representative may pose his question.

Representative VIGUE: Madam Speaker, Men and Women of the House. My question to the body, anybody who is willing to answer it, is what is the cost of our printing that we are now seeing come by and we file it as quickly as we receive it? What is the cost on a per year basis?

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

The Chair recognizes the Representative from Lewiston, Representative Shannon.

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

The SPEAKER: The Representative may pose his question.

Representative SHANNON: Madam Speaker, Men and Women of the House. Does the fiscal note of \$1.38 million include technical support personnel to keep these units up and running on our desks so we are not delayed by members not having the paper in front of them, whether it is electronic or fiber?

The SPEAKER: The Representative from Lewiston, Representative Shannon has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Buxton, Representative Vedral.

Representative VEDRAL: Madam Speaker, Men and Women of the House. In response to the question as the Representative from Wells had said, we are trying to avoid the

details of this issue because it is quite extensive and we have found a long multi-page report on paper to the legislative council. There are provisions in the plan for technical support and training. In fact, training is in the plan considered to be mandatory before a person is issued access to the computer systems.

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

Representative GERRY: Madam Speaker, Ladies and Gentlemen of the House. This is my bill. This is the second year I put it in. I thought it was a good bill and I still do. The reason I put it in was so that we could become more efficient, keep better track of things, to be on the same page no matter if we are out in the hall and come running so we will know exactly where we are and know how to vote. I get frustrated when I am in committee and we are having a public hearing and session is going on and I have to run from committee and come here and not know where I am at. I know I am in the House, but I don't know what the bill is and I don't know what the amendment is and sometimes the closing of the vote is so short that at least with a computer I know right where I was and I knew what the amendment was and I could vote and honestly say I did a good job at voting on a bill that I sort of knew all about because I had it right in front of me. I would have no excuse for not knowing what I was voting on.

Supplements to the calendar would come across our desk and would be there so we couldn't lose track of them and say, oops, did this one get passed out? I was sent here to do a job, to be the best and most efficient legislator possible. I feel by passing this bill, which I am not in dispute with our good chair of the committee, I feel that we needed to have the discussion tonight to find out exactly how much concern and interest there is in the fact that we are going to have computers. It is a reality that is going to come. When I first put it in my first term in, the bill was upgraded to a study committee. That followed through to this year. The study committee and also the designer of our web page have gone a lot further in the development than I thought possible. It would be totally unbelievable to have a computer on the desk and to be able to look at the amendments and to look at the LDs and find out parliamentary procedure rules at the touch of a hand. That is what we will have the capability of, right on hand.

From what I am understanding is that when they renovate the chambers, when they put a new public address system in and do the wiring, they are going to wire for the computers. The technology is going to be there. All we need to do is put in the other wiring and have the laptops. I think it is good to have this vote. I urge your support of the Ought to Pass and vote down this Ought Not to Pass.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. I had not intended to address this. Despite all of these kind notes and letters apparently coming in throughout the state congratulating me on my 61<sup>st</sup> birthday, I am still going to rise and address this. I would like to support the good Representative from Madawaska. I would urge you to vote for the pending motion. I think it is a prudent approach as he has already stated. We are not against computer utilization, but I think there is a prudent approach to this. There is a right way and a wrong way. I believe that Report "B," at this point in time is the right way. I urge you to support the pending motion.

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

Representative CARLETON: Madam Speaker, Men and Women of the House. In answer to a question that was asked a few moments ago, we checked with the Executive Director the cost of printing paper that we see for fiscal year 1997 was \$635,000.

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

Representative O'NEIL: Madam Speaker, Men and Women of the House. Really briefly, that \$635,000 naturally doesn't include all the affiliated costs that go along with it. I just want to make a point. If all of you, like me, go to Boston a lot, you see on Storo Drive that series of free signs that say that if you live here you would be home now. Ever since I first saw that, it just struck me as very impressive. If I could paraphrase it, I would say that if we had this system, well you finish it.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Report "B" Ought Not to Pass. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 494**

YEA - Ahearn, Bagley, Baker, Berry RL, Bodwell, Brooks, Bunker, Chizmar, Clark, Colwell, Cowger, Desmond, Driscoll, Dunlap, Fuller, Gamache, Hatch, Jones SL, Kasprzak, Kontos, Lane, Lemaire, Lemke, O'Brien, O'Neal, Paul, Peh, Povich, Powers, Richard, Saxl JW, Saxl MV, Shannon, Sirois, Skoglund, Stanley, Stevens, Tobin, Townsend, Tuttle, Usher, Vigue, Wheeler GJ, Wright, Madam Speaker.

NAY - Belanger DJ, Belanger IG, Berry DP, Bigl, Bolduc, Bouffard, Bragdon, Brennan, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carleton, Chartrand, Chick, Cianchette, Clukey, Cross, Davidson, Dexter, Donnelly, Etnier, Fisher, Fisk, Foster, Frechette, Gagne, Gagnon, Gerry, Gieringer, Gooley, Green, Jabar, Jones KW, Jones SA, Joy, Joyce, Joyner, Kane, Kerr, Kneeland, Labrecque, LaVerdiere, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Neil, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Quint, Rowe, Samson, Sanborn, Savage, Shiah, Snowe-Mello, Spear, Stedman, Taylor, Tessier, Treadwell, Tripp, Underwood, Vedral, Volenik, Waterhouse, Watson, Wheeler EM, Winglass, Winsor.

ABSENT - Barth, Dutremble, Farnsworth, Goodwin, Honey, Madore, Meres, Perry, Poulin, Rines, Thompson, True, Winn.

Yes, 45; No, 93; Absent, 13; Excused, 0.

45 having voted in the affirmative and 93 voted in the negative, with 13 being absent, Report "B" **Ought Not to Pass** was **NOT ACCEPTED**.

Subsequently, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1033)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1033)** and sent up for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Require Abutting Landowners to Pay a Fair Share of the Costs of Maintaining a Private Road"

(H.P. 1410) (L.D. 1974)

Signed:

Senator:

LIBBY of York

Representatives:

DUTREMBLE of Biddeford  
GIERINGER of Portland  
BUMPS of China  
FISK of Falmouth  
KASPRZAK of Newport  
GERRY of Auburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1031)** on same Bill.

Signed:

Senators:

NUTTING of Androscoggin  
GOLDTHWAIT of Hancock

Representatives:

AHEARNE of Madawaska  
LEMKE of Westbrook  
BAGLEY of Machias  
SANBORN of Alton

**READ.**

Representative AHEARNE of Madawaska moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1032)** on Bill "An Act to Ensure Access to Confidential Records"

(H.P. 1514) (L.D. 2136)

Signed:

Senators:

NUTTING of Androscoggin  
GOLDTHWAIT of Hancock

Representatives:

AHEARNE of Madawaska  
LEMKE of Westbrook  
DUTREMBLE of Biddeford  
BAGLEY of Machias  
SANBORN of Alton  
GIERINGER of Portland  
BUMPS of China  
FISK of Falmouth  
GERRY of Auburn

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

Signed:

Senator:

LIBBY of York

Representative:

KASPRZAK of Newport

**READ.**

Representative AHEARNE of Madawaska moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative KASPRZAK: Madam Speaker, Men and Women of the House. I would ask that you would vote against the pending motion and for the very reason that it seems there is



no good reason for this bill. The auditor seems to have the same privileges of any other auditor at any other time. I don't understand what the need is. I ask 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. I just read this amendment. I would have agreed with Representative Kasprzak prior, but I am currently in the process of trying to get an audit of one of our departments and the auditor cannot access the records. This has been a serious ongoing problem. We called for the audit because we could not get the auditor. So, I urge your support of this report. Thank you.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

A vote of the House was taken. 95 voted in favor of the same and 22 against, the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1032)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1032)** and sent up for concurrence.

Watson, Wheeler EM, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Bodwell, Joyner, Layton, Lindahl, Mack, Underwood.

ABSENT - Barth, Davidson, Dutremble, Farnsworth, Goodwin, Honey, Madore, Meres, Perry, Poulin, Rines, Thompson, True, Winn, Winsor.

Yes, 130; No, 6; Absent, 15; Excused, 0.

130 having voted in the affirmative and 6 voted in the negative, with 15 being absent, 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**.

**SENATE PAPERS**

**Non-Concurrent Matter**

Resolve, Charging the Children's Cabinet Agencies to Support Efforts of Parents as First Teachers of Their Children (H.P. 1632) (L.D. 2260)

**PASSED TO BE ENGROSSED** in the House on March 19, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-568)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

**ENACTORS**

**Acts**

An Act to Reduce Income and Property Taxes

(H.P. 1589) (L.D. 2219)

(C. "A" H-876)

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

On motion of Representative SAXL of Portland, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

**ROLL CALL NO. 495**

YEA - Ahearn, Bagley, Baker, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Etnier, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Jones SA, Joy, Joyce, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Lemaire, Lemke, Lemont, Lovett, MacDougall, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Pieh, Pinkham RG, Pinkham WD, Plowman, Povich, Powers, Quint, Richard, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Taylor, Tessier, Tobin, Townsend, Treadwell, Tripp, Tuttle, Usher, Vedral, Vigue, Volenik, Waterhouse,

**Non-Concurrent Matter**

Bill "An Act to Establish the Office of Mental Health and Human Services Ombudsman"

(H.P. 1573) (L.D. 2207)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-935)** in the House on March 19, 1998.

Came from the Senate with the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-936)** in **NON-CONCURRENCE**.

The Chair moved that the House **RECEDE AND CONCUR**.

Representative BRAGDON of Bangor **REQUESTED** a division on the motion to **RECEDE AND CONCUR**.

Representative MITCHELL of Portland **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Recede and Concur. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 496**

YEA - Ahearn, Bagley, Baker, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bunker, Cameron, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Fisher, Fisk, Frechette, Fuller, Gagne, Gamache, Gerry, Gieringer, Green, Hatch, Jabar, Jones KW, Jones SL, Kerr, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lovett, Mailhot, Mayo, McAlevey, McKee, Mitchell JE, Murphy, Muse, O'Brien, O'Neal, Perkins, Pieh, Povich, Powers, Quint, Richard, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-

Mello, Stanley, Stevens, Tessier, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler EM, Wright, Madam Speaker.

**NAY** - Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Buck, Bumps, Campbell, Carleton, Cianchette, Clukey, Cross, Dexter, Donnelly, Foster, Gagnon, Gooley, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kneeland, Lane, Layton, Lemont, Lindahl, MacDougall, Mack, Marvin, McElroy, Morgan, Nass, Nickerson, O'Neil, Ott, Peavey, Pendleton, Pinkham RG, Pinkham WD, Plowman, Savage, Spear, Stedman, Taylor, Tobin, Treadwell, Vedral, Waterhouse, Wheeler GJ, Winglass.

**ABSENT** - Barth, Dutremble, Farnsworth, Goodwin, Honey, Madore, Meres, Paul, Perry, Poulin, Rines, Thompson, True, Underwood, Winn, Winsor.

Yes, 83; No, 52; Absent, 16; Excused, 0.

83 having voted in the affirmative and 52 voted in the negative, with 16 being absent, the House voted to **RECEDE AND CONCUR**.

**Non-Concurrent Matter**

Bill "An Act to Amend the Uniform Health Care Decisions Law"

(H.P. 51) (L.D. 76)

**FAILED** of **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-942)** in the House on March 23, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-942)** in **NON-CONCURRENCE**.

Representative AHEARNE of Madawaska moved that the House **ADHERE**.

Representative KONTOS of Windham moved that the House **RECEDE AND CONCUR**.

Representative WATERHOUSE of Bridgton **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. We went over this debate. We had a great deal of debate. You have a lot of patience on it. I thank you for that. I am not going redebate it. All I ask you to do is remember the vulnerable, disabled and the handicapped and stick to your previous vote. I would really appreciate it. Thank you.

On motion of Representative KONTOS of Windham, **TABLED** pending her motion to **RECEDE AND CONCUR** and later today assigned. (Roll Call Ordered)

**REPORTS OF COMMITTEE**

**Ought to Pass As Amended**

Report of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Authority of the Adjutant General to Sell Armories, to Increase the Authorized Size of the Veterans' Memorial Cemetery and to Authorize the Department of Administrative and Financial Services to Purchase Land in Houlton for a New Public Safety Facility"

(S.P. 823) (L.D. 2212)

Reporting **Ought to Pass As Amended by Committee Amendment "A" (S-556)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-556) AS**

**AMENDED BY SENATE AMENDMENT "A" (S-581)** thereto and **SENATE AMENDMENT "B" (S-582)**.

Report was **READ** and **ACCEPTED** and the Bill was **READ ONCE**.

**COMMITTEE AMENDMENT "A" (S-556)** **READ** by the Clerk. **SENATE AMENDMENT "A" (S-581)** to **COMMITTEE AMENDMENT "A" (S-556)** was **READ** by the Clerk and **ADOPTED**.

**COMMITTEE AMENDMENT "A" (S-556) AS AMENDED BY SENATE AMENDMENT "A" (S-581)** thereto was **ADOPTED**.

**SENATE AMENDMENT "B" (S-582)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-556) AS AMENDED BY SENATE AMENDMENT "A" (S-581)** thereto and **SENATE AMENDMENT "B" (S-582)** in concurrence.

**Divided Reports**

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee "A" (S-589)** on Bill "An Act to License Interpreters for the Deaf and Hard-of-hearing"

(S.P. 481) (L.D. 1483)

Signed:

Senators:

JENKINS of Androscoggin  
MacKINNON of York  
RAND of Cumberland

Representatives:

VIGUE of Winslow  
BODWELL of Brunswick  
MURPHY of Kennebunk  
FARNSWORTH of Portland  
CAMERON of Rumford  
SIROIS of Caribou  
SHANNON of Lewiston  
MacDOUGALL of North Berwick  
WRIGHT of Berwick

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

Signed:

Representative:

MACK of Standish

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-589)**.

**READ**.

On motion of Representative VIGUE of Winslow the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-589)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-589)** in concurrence.

**ENACTORS**

**Acts**

An Act to Implement the Recommendations Relating to the Review of the Department of Professional and Financial Regulation's Office of the Commissioner, Office of Consumer Credit Regulation and Office of Licensing and Registration under the State Government Evaluation Act

(H.P. 1565) (L.D. 2198)  
(H. "A" H-982 to C. "A" H-952)

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

On motion of Representative VIGUE of Winslow, was **SET ASIDE**.

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 House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-952)** was **ADOPTED**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **House Amendment "A" (H-982)** to **Committee Amendment "A" (H-952)** was **ADOPTED**.

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

Representative VIGUE: Madam Speaker, Men and Women of the House. Yesterday we inadvertently took the plumbers out of the licensing and put them into the plumber's board. How it got there, I don't know because we never really accepted the amendment, but it did get there and what we had to do was back it up. We are really correcting a problem that should not have occurred. If there is any more explanation needed, I will be glad to oblige.

On further motion of the same Representative, **House Amendment "A" (H-982)** to **Committee Amendment "A" (H-952)** was **INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (H-952)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-952)** in **NON-CONCURRENCE** and sent up for concurrence.

**REPORTS OF COMMITTEE  
Ought to Pass As Amended**

Report of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Protect the Privacy of Genetic Information"

(S.P. 384) (L.D. 1243)

Reporting **Ought to Pass As Amended by Committee Amendment "A" (S-584)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-584) AS AMENDED BY SENATE AMENDMENT "A" (S-594)** thereto.

Report was **READ** and **ACCEPTED** and the Bill was **READ ONCE**.

**COMMITTEE AMENDMENT "A" (S-584)** was **READ** by the Clerk.

**SENATE AMENDMENT "A" (S-594)** to **COMMITTEE AMENDMENT "A" (S-584)** was **READ** by the Clerk and **ADOPTED**.

**COMMITTEE AMENDMENT "A" (S-584) AS AMENDED BY SENATE AMENDMENT "A" (S-594)** thereto was **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-584) as Amended by Senate Amendment "A" (S-594)** thereto in concurrence.

**Ought to Pass As Amended**

Report of the Committee on **MARINE RESOURCES** on Bill "An Act to Implement a Reorganization of the Maine Sardine Council by the Maine Sardine Industry" (EMERGENCY)

(S.P. 726) (L.D. 1968)

Reporting **Ought to Pass As Amended by Committee Amendment "A" (S-557)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-557) and SENATE AMENDMENT "A" (S-595)**.

Report was **READ** and **ACCEPTED** and the Bill was **READ ONCE**.

**COMMITTEE AMENDMENT "A" (S-557)** was **READ** by the Clerk and **ADOPTED**.

**SENATE AMENDMENT "A" (S-595)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-557) and Senate Amendment "A" (S-595)** in 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. 407) (L.D. 1302) Bill "An Act to Amend the Aid to Families with Dependent Children Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-588)**

(S.P. 542) (L.D. 1661) Bill "An Act to Implement the Recommendations of the Blue Ribbon Commission on Hunger and Food Security" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-587)**

(H.P. 1395) (L.D. 1949) Bill "An Act to Allow Maine Technical College System Employees Represented by the Maine Education Association Faculty and Administrative Units to Participate in a Defined Contribution Retirement Plan" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1027)**

(S.P. 761) (L.D. 2068) Bill "An Act to Permit Off-label Use of Prescription Drugs for Cancer, HIV or AIDS" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-580)**

(S.P. 843) (L.D. 2247) Bill "An Act Relating to Dam Abandonment" (EMERGENCY) Committee on **NATURAL**

**RESOURCES reporting Ought to Pass as Amended by Committee Amendment "A" (S-579)**

(H.P. 1639) (L.D. 2272) Bill "An Act to Implement Recommendations of the Fire Marshal Study Group" Committee on **CRIMINAL JUSTICE reporting Ought to Pass as Amended by Committee Amendment "A" (H-1030)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent up for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

**REPORTS OF COMMITTEE  
Divided Report**

Majority Report of the Committee on **NATURAL RESOURCES reporting Ought to Pass as Amended by Committee Amendment "A" (H-1037)** on Bill "An Act to Opt out of the Federal Requirement to Use Reformulated Fuel"

(H.P. 489) (L.D. 660)

Signed:

Senators:

TREAT of Kennebec  
NUTTING of Androscoggin

Representatives:

ROWE of Portland  
SHIAH of Bowdoinham  
BULL of Freeport  
COWGER of Hallowell  
McKEE of Wayne  
BRYANT of Dixfield  
DEXTER of Kingfield  
NICKERSON of Turner  
MERES of Norridgewock  
FOSTER of Gray

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-1038)** on same Bill.

Signed:

Senator:

BUTLAND of Cumberland

**READ.**

Representative ROWE of Portland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. This bill is about the use of reformulated gasoline. We had a debate earlier tonight about the parts per billion that we will accept if MTBE gets in drinking water. We ended up having a study for MTBE. We are all acknowledging it is bad, exactly how bad it is this body has yet to decide. I have two main points in why I think we should defeat the pending motion and go with the Minority Report.

Reformulated gas is bad both economically and it is bad for the environment. First economically, reformulated gas two facts about it is it gets less miles per gallon than regular gas so it costs more to go the same number of miles. It costs more per gallon of gas and you get less mileage per gallon of gas. You take both of those factors in and to go the same distance it would

be using regular gas, you have two factors that increase the cost. Who does this hurt? Besides hurting all shippers and raising the costs of all goods because it is more expensive to get them to market, besides costing more every time any of us would take a trip in our automobile, this hurts most Maine's working family. Maine's working men and women who are working hard and trying to make ends meet. One cost everybody has is getting to and from work. When they drive to and from work, they have to spend more money on that. If they happen to be at a minimum wage job, this will erase all the gains they just got with the raise in the minimum wage. These working families are trying to make ends meet. They are trying to put food on the table for their children. They are trying to put clothes on their children. They are trying to put roofs over their own heads and their children's heads. This is yet another cost we are imposing on them.

Also, what about the environmental costs? What about the environmental cost of reformulated gas has on the planet? I hold in my hand an article from my good friends at the Sierra Club. There should be one coming to your desk soon. You will probably get it right after we finish with the vote. In it the Sierra Club says, "Objections, exemptions to Dallas Fort Worth non-attainment area from NOX, MTBE use in Texas Reformulated Gasoline Plan will impose millions of Texans to more toxic chemicals and may be worse than ozone." The Sierra Club acknowledges that reformulated gas is bad. They acknowledge that this is toxic. We know this is a toxic substance. There is science backing up that this is a toxic substance. Yet, we expose the men, women and children of Maine to this substance every day. Every time you fill up your gas you breath in some of the fumes. Gas station attendants, they have to continually breathe in these fumes. What is the effect on the drinking water supply or the gas leaking directly into the lakes and rivers that we get our drinking water from? These carcinogens building in the bodies of the animals that drink the water. The carcinogens building in the children who drink the water. Can we afford to take the risk with the children of Maine with this carcinogen? Can we afford the economic impact that this will raise the cost of all gasoline? We will end up burning even more gasoline than with non-reformulated gasoline because of the worse mileage.

Ladies and gentlemen, this is bad economic policy. This is bad environmental policy. I urge you to defeat the pending motion. Thank you. I ask that when the vote is taken, it be taken by the yeas and nays.

Representative MACK of Standish **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Representative ROWE: Madam Speaker, Men and Women of the House. First of all, this 12 to 1 Ought to Pass as Amended report does not opt out of the federal requirement to use reformulated fuel. What it does is the committee replaced it, we amended the bill with a resolve that directs the Department of Environmental Protection to evaluate and develop recommendations regarding alternative fuels to reformulated gas. I think there is agreement that we ought to look for replacements for reformulated gas or MTBE. You must understand that the reformulated gas with MTBE is a critical part of our compliance with the Federal Clean Air Act back in 1991. The Chief Executive, at that time, Governor McKernan petitioned the EPA to opt in the entire State of Maine to the federal reformulated gasoline program. In 1995, the current Chief Executive announced his 15 percent Volatile Organic Compound Reduction Plan that included reformulated gasoline. It is the

cornerstone of the plan. We have it. Reformulated gasoline with MTBE is an oxygenate. It causes the fuel to burn cleaner. It replaces benzene. There are probably some issues with it. There may be people getting sick. I am not saying people aren't getting sick. I don't know. What I am saying is our own Bureau of Health within the Department of Health and Human Services has done a lot of work on this. We had a bill earlier tonight that set a maximum contaminant level of 35 parts per billion. You might be interested to know that of the 380 public drinking water resources that are examined on a regular basis, we can test down to .5 parts per billion. That is what we are doing now. We can test for MTBE. Again, this is not to opt out. I think that is what the good Representative from Standish wants to do. It does direct the department to study this and if we can find an alternative that will assist us in complying, you may remember the reason we have this is because the folks didn't like the CarTest Program. That is the Tailpipe Testing Program. This was one way we were able to opt out of that and use reformulated gas. I would ask you to support the 12 to 1 Ought to Pass as Amended report so that we can move on and have the Department of Environmental Protection continue to look at this issue and hopefully we can find out if perhaps there are alternatives out there that will work. Thank you.

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative MACDOUGALL: Madam Speaker, Ladies and Gentlemen of the House. I would urge you to vote against the pending motion and accept the Minority Report. I believe we have an unacceptable paradox before us in that we are compromising water quality in the name of air quality. Water supplies are vulnerable from leakage from fuel storage tanks from refueling spills, small engines from boats on lakes and so forth. MTBE is highly soluble in water. It does not absorb well in soil particles and is does not readily biodegrade. It can also percolate through the ground and into underground aquifers at rates similar to that of water. MTBE also remains in water a long time and there is currently no way to get rid of it.

In the State of California if I sent out a handout earlier in the evening with a corporation called TOSCO is currently able to improve gasoline quality to reduce air pollution throughout the United States without using the MTBE additive. At the present time there is no consistent federal standard for sulfur in gasoline, but the average for all gasoline sold in the US is over 300 parts per billion. TOSCO has a proposal for a new standard that would set that upper limit at only 8 parts per billion or a reduction of approximately 75 percent. The American Automobile Manufacturers Association has indicated that sulfur is one of the major barriers to achieving clean air goals of the EPA. There seems to be broad consensus that reducing sulfur levels in gasoline on a national basis will result in much lower emissions. This company or this corporation is going to make that investment necessary to produce what they considered to be the environmental fuel of the future, low-sulfur gasoline.

This body has debated several issues this week dealing with the environment. From time to time I have heard from several folks that we need to take a leadership role. I agree and I urge you to take a leadership role tonight and vote against the pending motion. Thank you.

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

Representative COWGER: Madam Speaker, Men and Women of the House. The state implementation plan that we have in place includes the use of reformulated gas to meet our state's requirements under the Federal Clean Air Act. If indeed we choose to try to opt out of the use of reformulated gas and we do not have an enhanced car testing program similar to CarTest

we will indeed be subject to several EPA sanctions. It is important to know that right now alternatives to reformulated gas with MTBE are not readily available in the state and indeed many of the gas stations throughout our entire state are selling reformulated gasoline whether they are required to or not. I want to stress that most of us on the committee felt strongly that we do want to look for alternatives and that is why our committee directed the additional study to look for alternatives including, as Representative from North Berwick has stated, low-sulfur fuel that are indeed, I think, the fuels of the future, but they are not available today and they are not economically feasible. I urge you to support the pending motion and we will go on to study alternatives in the future. Thank you.

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

#### ROLL CALL NO. 497

YEA - Ahearne, Bagley, Baker, Belanger IG, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Driscoll, Dunlap, Etnier, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Goodwin, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lindahl, Mailhot, Mayo, McAlevey, McElroy, McKee, Mitchell JE, Morgan, Murphy, Muse, Nickerson, O'Brien, O'Neal, O'Neil, Paul, Peavey, Perkins, Pinkham RG, Povich, Powers, Quint, Richard, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Taylor, Tessier, Townsend, Tuttle, Usher, Vedral, Volenik, Watson, Winglass, Wright, Madam Speaker.

NAY - Belanger DJ, Berry DP, Bodwell, Buck, Chartrand, Clukey, Donnelly, Gerry, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lovett, MacDougall, Mack, Marvin, Nass, Ott, Pendleton, Pinkham WD, Plowman, Snowe-Mello, Stedman, Tobin, Treadwell, Tripp, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Barth, Dutremble, Farnsworth, Honey, Madore, Meres, Perry, Pieh, Poulin, Rines, Thompson, True, Underwood, Vigue, Winn.

Yes, 100; No, 36; Absent, 15; Excused, 0.

100 having voted in the affirmative and 36 voted in the negative, with 15 being absent, the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1037)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1037)** and sent up for concurrence.

#### ORDERS

On motion of Representative DONNELLY of Presque Isle, the following House Order: (H.O. 43)

#### HOUSE ORDER PROPOUNDING A QUESTION TO THE JUSTICES OF THE SUPREME JUDICIAL COURT

WHEREAS, it appears to the House of Representatives of the 118th Legislature that the following is an important question of law and that this is a solemn occasion; and

WHEREAS, the Constitution of Maine, Article VI, Section 3 provides for the Justices of the Supreme Judicial Court to render their opinion on such a question; and

WHEREAS, there is now before the 118th Legislature for its consideration House Paper 1631, Legislative Document 2259, "An Act to Preserve the State House and to Renovate State Facilities"; and

WHEREAS, if Legislative Document 2259 becomes law, there may be serious questions regarding its constitutionality and effect; and

WHEREAS, it is important that the Legislature be informed as to the question raised in this order; now, therefore, be it

ORDERED, that in accordance with the provisions of the Constitution of Maine, the House of Representatives respectfully requests the Justices of the Supreme Judicial Court to give the House of Representatives their opinion on the following question of law:

Question. If Legislative Document 2259 as amended by Committee Amendment "A" becomes law, do the provisions of that document violate the provisions regarding the authority and procedure for issuance of bonds under the Constitution of Maine, Article IX, Section 14?

**READ.**

On motion of Representative DONNELLY of Presque Isle, **TABLED** pursuant to House Rule 513 pending **PASSAGE** and specially assigned for Wednesday, March 25, 1998.

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

An Act to Ensure Long-term Funding of the Maine Agricultural Experiment Station Research Farms Connected with Land Grant Colleges

(H.P. 1440) (L.D. 2004)  
(C. "A" H-929)

Which was **TABLED** by Representative KONTOS of Windham pending **PASSAGE TO BE ENACTED**.

On motion of Representative GREEN of Monmouth, 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-929)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-1029)** to **Committee Amendment "A" (H-929)** which was **READ** by the Clerk.

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

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

The **SPEAKER**: The Representative may pose his question.

Representative DONNELLY: Madam Speaker, Men and Women of the House. I was just curious if the Representative could tell us what the amendment does?

The **SPEAKER**: The Representative from Presque Isle, Representative Donnelly has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Monmouth, Representative Green.

Representative GREEN: Madam Speaker, Men and Women of the House. Certainly. It makes a change of approximately two words or so. The original document, I am not sure how it got by the Revisor's Office, asked that two members be chosen for a particular committee jointly by the Speaker of the House and the President of the Senate. The common practice is that the Speaker chooses a member from the House and the President chooses a member from the other body. The change needed to be simply that rather than doing it jointly that they would do it separately. That is all it is.

**House Amendment "A" (H-1029)** to **Committee Amendment "A" (H-929)** was **ADOPTED**.

**Committee Amendment "A" (H-929)** as Amended by **House Amendment "A" (H-1029)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-929)** as Amended by **House Amendment "A" (H-1029)** thereto in **NON-CONCURRENCE** and sent up for concurrence.

On motion of Representative DONNELLY of Presque Isle, the House **RECONSIDERED** its action whereby Bill "An Act to Allow the Department of Inland Fisheries and Wildlife to Create Lifetime Fishing and Hunting Licenses"

(H.P. 304) (L.D.  
368)  
(C. "A" H-1013)

Was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-1013)**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED** as Amended and specially assigned for Wednesday, March 25, 1998.

On motion of Representative PERKINS of Penobscot, the House **RECONSIDERED** its action whereby Bill "An Act Concerning Sea Urchin Management"

(H.P. 1547) (L.D.  
2176)  
(C. "A" H-1026)

Was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-1026)**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED** and specially assigned for Wednesday, March 25, 1998.

On motion of Representative BELANGER of Wallagrass, the House adjourned at 9:00 p.m., until 9:00 a.m., Wednesday, March 25, 1998 in honor and lasting tribute to the Honorable John P. Daggett, of Manchester.