

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

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ONE HUNDRED AND EIGHTEENTH LEGISLATURE
SECOND REGULAR SESSION
40th Legislative Day
Wednesday, March 25, 1998

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

Prayer by Reverend Richard Ray, The Vineyard Christian Fellowship, Mechanic Falls.

Pledge of Allegiance.

Doctor of the day, Donald Hankinson, D.O., Cape Elizabeth.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Encourage Regionalization of Municipal Services"

(H.P. 297) (L.D. 361)

Majority **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-782) AS AMENDED BY HOUSE AMENDMENT "A" (H-989)** thereto in the House on March 20, 1998.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Representative **AHEARNE** of Madawaska moved that the House **INSIST** and ask for a **COMMITTEE OF CONFERENCE**.

Representative **CAMPBELL** of Holden moved that the House **RECEDE AND CONCUR**.

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

Representative **AHEARNE**: Madam Speaker, Ladies and Gentlemen of the House. I ask you not to vote to Recede and Concur. Very briefly, not to prolong this issue any further, but this is a good piece of legislation. One of the aspects of it is it could create a major efficiency among municipalities. I think it is the best. It is the decision of the local municipalities. They are not going into it blind. They will understand the costs that there possibly could be. They also would see the savings and at any time they can dissolve their agreements and if they see that this is going to be a costly venture, they can get out. I think it would create better efficiency and I think it is an option that is deserving. I ask you to vote against the pending motion so we can Insist and ask for a Committee of Conference. I request a roll call, Madam Speaker.

Representative **AHEARNE** of Madawaska **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 Buxton, Representative **Vedral**.

Representative **VEDRAL**: Madam Speaker, Men and Women of the House. I don't know if you are aware of this, but there is a \$100,000 fiscal note attached to this bill that is supposed to fund grants to municipalities to study and develop regional service delivery programs. I don't believe that we need to study this issue at all. We certainly don't need to spend \$100,000 to do so. We can just look to the towns that already are cooperating. The two towns that I represent, Buxton and Hollis, share a dispatch center. We also share a dispatch center. We also share a rescue and we have much cooperation between our fire departments. If we just look around the state at the examples of cooperation that we currently have, I believe that we will be able to avoid spending \$100,000 to study something

that we are already well aware of. I do hope that you would vote to Recede and Concur.

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. 498

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bouffard, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Goodwin, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, Murphy, Muse, Nass, Nickerson, O'Brien, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Rines, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Usher, Vedral, Wheeler GJ, Winglass, Winsor.

NAY - Ahearne, Bagley, Baker, Berry RL, Bolduc, Brooks, Bruno, Bryant, Bull, Bunker, Chartrand, Chizmar, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Frechette, Fuller, Gagne, Gagnon, Gamache, Gooley, Green, Hatch, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Mailhot, Mitchell JE, Morgan, O'Neal, O'Neil, Paul, Perry, Pieh, Povich, Powers, Quint, Richard, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Townsend, Tripp, Tuttle, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Winn, Wright, Madam Speaker.

ABSENT - Brennan, Dutremble, Fisher, Jabar, Madore, McElroy, McKee, Meres, Ott, Plowman, Poulin, Thompson.

Yes, 65; No, 74; Absent, 12; Excused, 0.

65 having voted in the affirmative and 74 voted in the negative, with 12 being absent, the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **INSIST** and ask for a **COMMITTEE OF CONFERENCE**. Sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Require All Regulated Public Utilities to Report to the Public Utilities Commission the Sale, Lease or Other Transfer of Assets Paid for by Ratepayers"

(H.P. 1477) (L.D. 2076)

Majority **OUGHT TO PASS AS AMENDED** Report of the Committee on **UTILITIES AND ENERGY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-906)** in the House on March 23, 1998.

Came from the Senate with the Minority **OUGHT NOT TO PASS** Report of the Committee on **UTILITIES AND ENERGY** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 462)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

March 24, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 289 Resolve, to Establish the Committee to Study
Maine Forest Practices

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

Sincerely,

S/Sen. Marge L. Kilkelly

Senate Chair

S/Rep. George H. Bunker, Jr.

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 463)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

March 24, 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 bill out "Ought Not to Pass":

L.D. 2063 An Act to Create the Partnership to Rebuild
Maine's Schools

We have also notified the sponsor and cosponsors 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.

The Following Communication: (H.C. 464)

STATE OF MAINE

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

March 24, 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 Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2035 An Act Regarding the State Valuation of the
Town of Ashland

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

Sincerely,

S/Sen. Richard P. Ruhlin

Senate Chair

S/Rep. Verdi L. Tripp

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 465)

STATE OF MAINE

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

March 24, 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. 1436 An Act to Amend School Construction Laws

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.

The Following Communication: (H.C. 466)

STATE OF MAINE

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

March 24, 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. 2231 An Act to Implement the Minority Report
Recommendations of the Commission to Study
the Unemployment Compensation System

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.

The Following Communication: (S.C. 665)

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

March 24, 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 Natural Resources the nomination of George A. Smith of Mt. Vernon for reappointment as a Member of the Outdoor Heritage Fund Board.

Thank you for your attention to this matter.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 666)

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

March 24, 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 Education and Cultural Affairs the nomination of Kent Lyons of Calais for appointment as the Student Member of the Maine Technical College System Board of Trustees.

Thank you for your attention to this matter.

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

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative CIANCHETTE of South Portland, the following Joint Resolution: (H.P. 1664) (Cosponsored by Senator AMERO of Cumberland and Representatives: MORGAN of South Portland, MUSE of South Portland)

**JOINT RESOLUTION CELEBRATING THE 100TH
ANNIVERSARY OF THE CITY OF SOUTH PORTLAND**

WHEREAS, the City of South Portland, ideally located on the southern shore of Casco Bay and favored with a beautiful coastline, excellent harbor facilities and beautiful countryside, is one of the fastest growing cities in Maine; and

WHEREAS, the City of South Portland, originally a part of the early Town of Falmouth and then the Town of Cape Elizabeth, was first settled as early as the 1600's and its citizens endured many battles and much loss of life during the French and Indian Wars; and

WHEREAS, the City of South Portland originally consisted of farms and small pockets of residential areas and has kept the uniqueness and individuality of its distinct neighborhoods, Ferry Village, Knightville, Willard Beach, Pleasantdale, Cash Corner, Ligonias, Meeting House Hill, Thornton Heights, Redbank, Sylvan Heights, Mountain View, Stanwood Park and Peary Village; and

WHEREAS, the City of South Portland, directly across the harbor from Portland, was greatly changed by World War II, as thousands of workers came to build Liberty Ships in the South Portland shipyards, and is still home to the State's largest Coast Guard base; and

WHEREAS, the City of South Portland best exemplifies the positive commercial growth and development in Maine in recent years with the tremendous growth of the Maine Mall, the largest shopping complex in northern New England, in addition to numerous industrial parks, hotels and office buildings; and

WHEREAS, in 1895 South Portland was set off from the Town of Cape Elizabeth and on March 22, 1898 was granted its city charter; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Regular Session, take this occasion to recognize the Centennial of the City of South Portland, to commend its inhabitants and city officials for the success they have achieved during this last century and to extend our sincere hopes and best wishes for continued achievement for the future; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the city officials of this proud community in honor of this occasion.

READ and ADOPTED.

Sent up for concurrence.

On motion of Representative PIEH of Bremen, the following Joint Resolution: (H.P. 1662) (Cosponsored by Senator KILKELLY of Lincoln and Representatives: CAMERON of Rumford, CHICK of Lebanon, LORING of the Penobscot Nation, MITCHELL of Vassalboro, Senators: GOLDTHWAIT of Hancock, HARRIMAN of Cumberland, NUTTING of Androscoggin, PINGREE of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.)

**JOINT RESOLUTION MEMORIALIZING THE UNITED STATES
DEPARTMENT OF AGRICULTURE TO REWRITE
AND REISSUE RULES FOR ORGANIC FOODS**

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 United States Department of Agriculture, as follows:

WHEREAS, the State has seen rapid growth in the number of certified organic farms in the past 3 years, increasing from 85 farms to 172 farms; and

WHEREAS, more than 2% of the total number of farms throughout the State use organic practices and a substantial number of the State's dairy farmers use organic production systems; and

WHEREAS, the proposed rules for organic foods released by the United States Department of Agriculture in December are not consistent with definitions of organic used in Maine law, by private certifiers of organic foods and by organic farmers throughout the nation; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the United States Department of Agriculture to rewrite and reissue its proposed rules for organic foods to:

1. Recognize the importance of this consumer-driven market for food;

2. Eliminate from consideration for organic labeling materials not traditionally used in organic food production, including genetically modified seeds and ingredients; food that has been irradiated; vegetables and other foods grown on fields treated with sludge; antibiotics used on livestock; and highly soluble fertilizers;

3. Recognize the importance of local farmers supplying local consumers;

4. Allow labeling to provide better consumer understanding of production systems;

5. Charge fees on an equitable basis, based on the size and scale of the operations being regulated; and

6. Continue to encourage new farmers to enter organic production systems; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to Dan Glickman, United States Secretary of Agriculture, and to each Member of the Maine Congressional Delegation.

READ.

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

On motion of Representative SKOGLUND of St. George, the following Joint Resolution: (H.P. 1663) (Cosponsored by Senator PINGREE of Knox and Representatives: CHARTRAND of Rockland, PIEH of Bremen, POWERS of Rockport, SAVAGE of Union)

**JOINT RESOLUTION RECOGNIZING THE
SESQUICENTENNIAL
ANNIVERSARY OF SOUTH THOMASTON**

WHEREAS, the present Town of South Thomaston was included in the land grant issued to Beauchamp and Leverett by the Council of Plymouth in 1629, later known as the Waldo Patent; and

WHEREAS, historical evidence indicates that Philip Swaden might have lived at or near the present Wessaweskeag Village as early as 1651; and

WHEREAS, Thomas Lefevre had a habitation at South Thomaston in the early 1700's, then perhaps the westernmost French settlement on the coast; and

WHEREAS, Ebenezer Thorndike settled in what is now South Thomaston in 1750, was driven out during the French and Indian War and returned later to live to be over 100 years old; and

WHEREAS, Oliver Robbins built the first framed house on the St. George River in 1762 and began the permanent settlement of the St. George River side of town; and

WHEREAS, the permanent settlement at Wessaweskeag Village was commenced by Elisha Snow and John Matthews in 1767; and

WHEREAS, the first vessel built in Old Thomaston was built at Wessaweskeag in 1787; and

WHEREAS, the first Baptist church organized east of the Kennebec was established by Isaac Case in 1783, and the meetinghouse, built in 1796, was struck by lightning and burned in the Portland Gale of November, 1898; and

WHEREAS, the people of South Thomaston have made a living at different times cutting timber, burning lime, farming, shipbuilding, shipping, cutting granite, fishing and lobstering; and

WHEREAS, a relatively large number of Finnish families settled in South Thomaston, particularly along the St. George River during the first decades of this century, leaving as a memorial the still active Finnish Congregational Church; and

WHEREAS, the People's Methodist Church and Harmony Church also lie within the Town of South Thomaston; and

WHEREAS, the people of South Thomaston have lived in peace and harmony for over two centuries among a beautiful, varied landscape of seashore and islands, farmland and forests, hills and marshes; and

WHEREAS, the Town of South Thomaston separated from the Town of Thomaston, of which it had been a part since 1777, and was incorporated July 28, 1848; now, therefore, be it

RESOLVED: That We, the Members of the 118th Legislature, now assembled in the Second Regular Session, take this occasion to recognize the sesquicentennial anniversary of the Town of South Thomaston and extend our best wishes as the good citizens of South Thomaston celebrate this special anniversary; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens of South Thomaston in honor of this occasion.

READ.

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

**REPORTS OF COMMITTEE
Divided Reports**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Establish Ethical Standards for the Office of Governor" (S.P. 786) (L.D. 2113)

Signed:
Senators:

CAREY of Kennebec
FERGUSON of Oxford

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
BIGL of Bucksport
GAGNE of Buckfield
TUTTLE of Sanford
GAMACHE of Lewiston
TRUE of Fryeburg
BELANGER of Wallagrass
TESSIER of Fairfield
FISHER of Brewer

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-586)** on same Bill.

Signed:
Senator:

DAGGETT of Kennebec

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-586)**.

READ.

On motion of Representative TUTTLE of Sanford the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent up for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Resolve, to Reimburse Cable Companies for Expenditures Made while Participating in the Business Equipment Tax Reimbursement Tax Program

(H.P. 1475) (L.D. 2074)

Signed:
Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec

Representatives:

TRIPP of Topsham
MORGAN of South Portland
SPEAR of Nobleboro
LEMONT of Kittery

TUTTLE of Sanford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1043)** on same Resolve.

Signed:
Senator:

MILLS of Somerset

Representatives:

GAGNON of Waterville
CIANCHETTE of South Portland
BUCK of Yarmouth
GREEN of Monmouth
ROWE of Portland

READ.

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

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative O'Neal.

Representative O'NEAL: Madam Speaker, Ladies and Gentlemen of the House. Cable companies were invited to be part of the BETR Program and in 1996 a major investment was over \$15 million in their infrastructure. The administration dropped cable companies from the program because of a budget crunch when we were here in the 117th. Some of the companies were reimbursed while others were not, thus the reason for this bill. In a review in Taxation yesterday, the director of the Bureau of Taxation admitted that claims have been filed in a timely manner and would revisit the claims if the Minority Report passed. These cable companies do not want to be reinstated in the BETR Program. This only applies to those who filed in a timely manner and is a one-time reimbursement. Because business in the state expects state government to honor commitments they make, I hope this program is revisited. I would like to thank the Taxation Committee for their work on this and also the chairman for moving the Minority Report.

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

Representative TRIPP: Madam Speaker, Men and Women of the House. I am sorry, I was caught off guard. I wanted to explain why I moved the Minority Report. The BETR Program was passed by the 117th Legislature to reimburse business for personal property taxes paid to communities. Because this program appeared to be too costly, the Taxation Committee was asked to revise the program and it recommended and the Legislature agreed to eliminate cable companies from this reimbursement. This was the second half of the 117th Legislature. Before this happened, some cable companies received a reimbursement and were able to keep this. Others were in the process of submitting paperwork when the program ended. Those companies who already received the reimbursement sort of had an advantage over the others because they were able to keep it. The fiscal note on the Minority Report addresses some of the companies which filed properly, but were penalized by the BETR Program. I would urge that you support the Minority Report.

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

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. If you will notice, I am on the Ought Not to Pass Report, but since this report has been signed out, we kept getting updates and things have changed from my understanding, so I am going to be voting for the Ought to Pass report today. I think it is the right thing to do to take care of these people that did file in a timely manner. Thank you.

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

Representative MORGAN: Madam Speaker, Men and Women of the House. I would like to inform you that I will be changing my vote to the Minority Report. I later learned that the cable firm did file on a timely manner and that was all that was necessary for me to change my vote.

The SPEAKER: The pending question is the Minority Ought to Pass as Amended Report.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1043)** 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-1043)** and sent up for concurrence.

ENACTORS

Emergency Measure

An Act to Improve the Efficiency of the Maine Public Drinking Water Control Program

(S.P. 776) (L.D. 2103)
(C. "A" S-547)

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. 117 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Rules Governing the Implementation of Hypodermic Apparatus Exchange Programs, a Major Substantive Rule of the Department of Human Services

(H.P. 1607) (L.D. 2234)
(C. "A" H-940)

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

On motion of Representative WATSON of Farmingdale, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Acts

An Act to Implement the Recommendations of the Judicial Compensation Commission

(S.P. 322) (L.D. 1062)
(C. "B" S-542)

An Act to Authorize Additional Adjustments to the State Share of School Funding

(H.P. 1250) (L.D. 1769)
(C. "A" H-955)

An Act to Protect Students of Barbering, Cosmetology and Other Proprietary Schools

(S.P. 727) (L.D. 1969)
(C. "A" S-565)

An Act to Amend the Laws Regarding the Consensus Revenue Forecasting Process

(S.P. 783) (L.D. 2110)
(C. "A" S-554)

An Act to Improve Public Sector Labor Relations

(H.P. 1503) (L.D. 2125)
(S. "A" S-569 to C. "A" H-937)

An Act Concerning Enforcement of Parking Spaces for Persons with Physical Disabilities

(S.P. 813) (L.D. 2195)
(H. "A" H-961 to C. "A" S-538)

An Act to Require Expeditious Action in Child Protection Cases

(S.P. 838) (L.D. 2246)
(C. "A" S-560)

An Act to Implement the Recommendations of the Interagency Task Force on Homelessness and Housing Opportunities

(H.P. 1651) (L.D. 2283)

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, Directing the Judicial Department to Develop Recommendations to Implement Court Unification

(H.P. 992) (L.D. 1372)
(H. "A" H-962 to C. "A" H-861)

Resolve, Compensating Dan Corey and Nu Seed Corporation of Monticello for Claims Against the State

(H.P. 1461) (L.D. 2052)
(C. "A" H-933)

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 Adopt Long-range Changes in the Methods by Which Whitewater Rafting Trips Are Allocated among Licensees

(S.P. 604) (L.D. 1801)
(C. "A" (S-530)

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.

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

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

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

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

TABLED - March 24, 1998 (Till Later Today) by Representative ROWE of Portland.

PENDING - Motion of same Representative to **RECEDE AND CONCUR**.

On motion of Representative ROWE of Portland, **TABLED** pending his motion to **RECEDE AND CONCUR** and later today assigned.

SENATE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (S-501)** - Minority (2) **Ought to Pass as Amended by Committee Amendment "B" (S-502)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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)

- 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-501)** and **SENATE AMENDMENT "A" (S-551)**.

TABLED - March 24, 1998 (Till Later Today) by Representative CAMPBELL of Holden.

PENDING - Motion of Representative BUNKER of Kossuth Township to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-501)** Report.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-501)** was **READ** by the Clerk and **ADOPTED**.

Senate Amendment "A" (S-551) 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 JOY of Crystal **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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 Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 499

YEA - Ahearne, Bagley, Baker, Belanger DJ, Berry RL, Bigl, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bunker, Cameron, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Gooley, Green, Hatch, Honey, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Madore, Mailhot, Mayo, McAlevy, McElroy, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pendleton, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger IG, Berry DP, Bodwell, Bragdon, Buck, Bumps, Campbell, Carleton, Cianchette, Clukey, Dexter, Donnelly, Foster, Gerry, Goodwin, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lovett, MacDougall, Mack, Murphy, Nass, Nickerson, O'Brien, Peavey, Perkins, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, Underwood, Vedral, Waterhouse, Wheeler EM.

ABSENT - Bolduc, Dutremble, Jabar, Marvin, Meres, Ott, Plowman, Poulin, Tessier, Thompson, Winsor.

Yes, 94; No, 46; Absent, 11; Excused, 0.

94 having voted in the affirmative and 46 voted in the negative, with 11 being absent, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-501)** and **Senate Amendment "A" (S-551)** in concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-1005)** - Minority (4) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers"

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

TABLED - March 24, 1998 (Till Later Today) by Representative HATCH of Skowhegan.

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

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

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 24, 1998 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Motion of Representative DRISCOLL of Calais 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, Ladies and Gentlemen of the House. As you may remember, we were interrupted in discussing this bill last evening before the visit of the University of Maine Girls Basketball Team. I won't read my entire speech from last night because it wasn't written down anyway, but I did want to remind you of a few of the facts of why I was against the Majority Report on this bill. As you know, this is the Secretary of State's Young Drivers Task Force bill. There is a lot of good in it in terms of increasing some of the fines for young drivers and making some of the driver training requirements a little tighter. We will, hopefully, eliminate or reduce the number of fatalities and injuries among young drivers. The one part of the bill that I had an objection to, as I said, dealt only with older drivers, drivers over 21 years old whose suspension time was going to be quadrupled by this bill if they had anyone under 21 in the vehicle at the time they were convicted of an OUI. I don't support people being drunk and driving with younger people in their car. I am not sure of the fairness of making every driver over 21, who has a younger person in their car, have quadruple the suspension time on their license solely because of the presence of somebody under 21 in their car. It could be a parent with a 20 year old son or daughter or a grandparent with a two year old who will make that mistake one time of being over .08 and instead of facing a 3 month suspension and a \$400 fine and 48 hours in jail, they are now going to face a one year license suspension. I don't think that part of this bill was adequately disseminated by the Secretary of State and in the hearings it wasn't really discussed much because it wasn't anything to do with young drivers really. It was to do with older drivers and only peripherally associated with younger people at all in that they might be present in the car.

Even in the Secretary of State's Report on this bill, the yellow booklet that probably many of you received, it did mention this change. It said any person who operates a vehicle under the influence of alcohol or drugs with any passengers under the age of 21 years will be subject to an additional suspension of 275 days. It mentions that currently this provision applies to operators who operate vehicles with passengers under 16. The one thing that is not mentioned there is that currently with passengers under 16 it is discretionary. In other words, the Secretary of State can add on the extra nine months suspension, which I think is a good idea. The change that is not mentioned here is that with passage of this bill and the Majority Report, that change will be mandatory in all cases without question. The difference, as we have seen on some other bills and some people can reduce it to a question of shall or may. The amendment actually has a number of other words that it changed, but, in effect, the difference is between shall or may. You can say that is not a big difference, but that difference extends to every case of this sort that will be prosecuted in Maine after this bill passes. I would submit that there will be some cases where perhaps the extra nine months suspension isn't really appropriate.

You could end up with some drivers who are actually are going faster and have a higher level of alcohol with only getting a three month suspension and another one only because there is somebody under 21 in the car getting a one year suspension. I am not sure that is really the intent of us in this Legislature or the people who wrote this bill to enforce fines set unfairly. It is easy on a bill like this to take a moral pedestal if anybody criticizes and says that I am against people being prosecuted for drunken driving. That is not true at all, but I think if we are going to take a stand and enforce stricter laws, they have to be fair and consistently applied. I don't think this bill as it is written in the Majority Report will do that. If, on the other hand, you vote against the Majority Report, the Minority Report has everything in this bill that the Majority Report does except for this change. In that case, the Secretary of State's Office would have the discretion to give an extra nine months if there is younger people in the car. In those cases where the intent really wasn't to unduly influence those young people of where their presence was not a real strong factor in the case, I think they should be subject to the same fines as somebody else without a younger person in the car. If you agree with me, I urge you to vote against the prevailing motion.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. I ask you all to think back for a minute. Think back when you were a teenager. Did you look up to your elders? Did you look up to what they were doing, whether it was right or wrong? This is why this part of the bill is in there. Teenagers look up to their elders. They look at who is ahead of them in life and if they see somebody older than them drinking and driving or driving while drunk, they will think that this is okay. I will give you a few statistics that we got during our hearing on this bill. The number one cause of death among American teenagers is motor vehicle crashes. The teenage death rate for 100,000, the population in Maine, is the third highest in the country according to information provided by the National Association of Independent Insurers. Statistics kept by that organization also show that Maine is the highest ratio of teenage accident involvement in the country. Remember these folks when you are voting.

Next, the finding of the report of the task force on young drivers indicate that on an average one person between the ages of 15 and 24 is killed each week in a motor vehicle crash in

Maine, each week. Just open up the paper and look at the teenagers that are dying in automobile crashes, not all alcohol related, but most are. I think the number one thing the committee did when we voted this bill out was read the title. It is an "Act to Reduce Motor Vehicle Fatalities and Injuries Among Young Drivers." If we send a clear message to the elders of these teenagers that the state will not tolerate OUI at all and the penalty will be stiff, this will hopefully reduce the alcohol among teenagers in driving accidents. I didn't even think this was strong enough personally. I have no sympathy at all for anybody who drives under the influence. It is totally uncalled for. If you lose somebody because of alcohol related accidents, I think you will have a little change in how you feel if you don't feel this bill is right. I urge you to support the committee. I ask the clerk if he would read the report please.

Representative WHEELER of Eliot **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. I have been following this bill with a little bit of interest. I am not on the committee and I haven't attended any of the hearings or the public hearing, but being a mother of five children and one who just received his license and one about to embark on this, I am very, very happy. I want to thank very much the committee and all those who have worked so hard to put it together.

I am compelled to speak today in response to the good Representative Chartrand in regards to the so-called unintended consequence of this bill. I feel it may be unintended, but I think it is wonderful. If anyone has ever ridden as a child in the car with somebody under the influence, it is a terrifying experience. I think not only are they putting the children at risk or anyone under the age of 21 at risk, that is a given, just look at the statistics that we have been given this morning. The terror that occurs in the heart of children when they are in a car knowing that someone is under the influence. It is unimaginable. I think it may not be an intended consequence, but I think it is great and I would certainly urge you to accept the Majority Ought to Pass Report.

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

Representative LINDAHL: Madam Speaker, Men and Women of the House. The Secretary of State has assured me that it is going to be his policy to impose this mandatory extra nine months of suspension. He is going to do this. That is going to be his policy. All this is going to do is cause more appeals to the Secretary of State and have more hearings so people can keep their license. He is going to deny them all. He has assured me. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Madam Speaker, Ladies and Gentlemen of the House. I hope you will support the Majority Ought to Pass Report. This was a task force study. It was done during the summer. The task force was composed of, I believe, five members of this body. We had a public hearing and two or three work sessions. There was no opposition to the Majority Report. It was supported by the Maine Medical Association, Emergency Nurses Association, Department of Human Services, State Farm Insurance, Traffic Manager for AAA Northern New England, Maine Transportation Safety Coalition, US Department of Transportation and a group that I didn't even realize existed, Parents Against Speeding Teens. The only difference in agreement, as you have been told, is to what extend are we

going to protect young passengers in their vehicles. As you should know the current law allows for an enhancement of suspension if there was a teenager 16 years or younger in the vehicle.

I will read from Subchapter 3, Article 3. This is suspension, revocation of motor vehicle law book. It says, "If the Secretary of State determines that a person operating a motor vehicle at the time of the offense with a passenger under 16 years of age an additional suspension period of up to 275 days may be enforced." That is already in the law. All we are doing in this bill is raising it to 21. Instead of saying may, we are saying shall.

I asked the State Police if they had given me information, let's say for the past three years of how many motor vehicle accidents were involved with drivers of this age group. I found out in the last three years there were 91 fatalities in the State of Maine that involved drivers in this age group. I checked further and found out that 41 of these fatalities were passengers. I would like to read down here some of the passengers involved who were killed in these accidents in the last three years. Passenger 11 month infant, passenger 16 year old male, passenger 11 year old female, passenger 16 year old male, passenger 17 year old female, passenger 16 year old female. This was a triple fatal involving three teenagers, two males 18 years old and one female 19 year old passenger. Passenger 19 year old female, passenger 11 year old male, passenger 19 year old male, passenger 12 year old female, passenger 15 year old male, passenger 17 year old male, two passengers both 17 year old males, passenger 17 year old male, passenger 14 year old male, passenger 17 year old male, passenger one year old son. I suggest to you the only difference was age between these two amendments. I suggest to you ladies and gentlemen of the House that the word may is not working. It is time to say shall. Please vote for the Majority Report.

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

Representative SAVAGE: Madam Speaker, Men and Women of the House. I think I am told that Maine has one of the toughest OUI laws in the country. For that, we should make no apology. Bear that in mind. I also would like to remind you that the Secretary of State did visit many schools across the state with this task force report. To my knowledge, he didn't get driven out of any of the schools. He had the support of the young people. They want to see these laws incorporated so that they don't lose any more of their friends. I wish you could all have a copy of that report that Representative Clukey just read excerpts from because it would make tears run down your eyes when you read that several page report for fatalities, caused by young drivers 16 through 20. Please accept the Majority Report and tell our young people that we did it for them. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative FISHER: Madam Speaker, Men and Women of the House. I have been asked what the hardest thing about being a school teacher was. I don't even have to think about it. It was going to funerals. Funerals of my kids. This is a bill that will perhaps prepare our young people to drive better. The issue that has been brought up today perhaps this is a bill that will give a message to those who supply the young people with alcohol and who drive them around that they aren't going to get away with it. I would urge you to support the bill. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Waterboro, Representative McAlevy.

Representative MCALEVEY: Madam Speaker, Men and Women of the House. I was privileged to sit on this task force and this question was thoroughly vented both at the task force

table as well as through a series of public hearings in the state and numerous, numerous visits to high schools all over the state. The Secretary of State articulated a very specific need and that need is that we have people over the age of 21 driving around drunk on the weekends with their cars loaded with kids under 21. They have no business doing that. My good colleague talks about unintended consequences. Make no mistake, this is a bill to deter that activity. You are 21 and out of school and the most important thing to you in your life is to get back and forth to work is your driver's license. I would ask you this and it simply comes down to a policy decision. Do you want any of your children or your grandchildren riding around on a Friday, Saturday or Sunday night in a car with someone driving drunk in it? That is the bottom line. It is all free will. An individual who makes a decision to get behind a wheel and drive drunk has made that decision and they are weighing the consequences of not getting caught against getting caught. If they want to subject themselves to the danger, that is one thing. That is their free will. They have no business putting other motorists at jeopardy or putting the passengers in their car at jeopardy. I would urge you to support the Majority Ought to Pass Report and help our people keep our streets a little bit safer. The thing that wasn't mentioned tonight was that not only do we have children being killed, but we have thousands of people being maimed and injured in accidents. It is a problem. The Secretary of State articulated that problem and we found a legitimate way to hopefully answer that problem. Thank you.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Driscoll.

Representative DRISCOLL: Madam Speaker, Men and Women of the House. The Majority Report is probably one of the finest reports that have come out of Transportation this year. It is going to do an awful lot to correct drunken driving in this state and to help our teenagers. I am awful proud of the committee for coming out with this Majority Report. It sends a strong message. Thank you.

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

Representative BODWELL: Madam Speaker, Ladies and Gentlemen of the House. This subject really hits home for me. Back in 1984 when I was a junior in high school a girl that I dated for about a year and a half that I loved a great deal was killed in an alcohol related crash less than a month after she graduated from Brunswick High School. I know first hand the pain that that can create for certainly the people in her family, her friends and schoolmates in a town. Ironically this morning, I am the coach of Lacrosse at Mt. Ararat High School, I had about a half dozen boys that had to leave practice early today to attend a funeral for a young girl that was killed on Route 201 in Bowdoinham. She was 17 years old. It just kind of seemed funny to me that we are discussing this bill today after I had my boys leave early for that funeral. I would like to thank the committee for their hard work and would like to urge people's support of this measure. Thank you.

Representative WHEELER of Eliot **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 Scarborough, Representative Lovett.

Representative LOVETT: Madam Speaker, Ladies and Gentlemen of the House. I truly commend the people on this committee. I appreciate the work that the Secretary of State has done on this issue. We have lost too many of our young people due to alcohol related crashes. Being a grandmother of four

grandsons who now are in the process or who have gotten their license, I have taken the liberty to talk to them and their friends. You know, they are supporting this. They do not want to see their friends driving drunk. I think this is going to send a good message to the youth of the state that we love them and that we want to keep them alive. We know that some of these youngsters feel that they are immortal. I think this is going to turn that track for us. I hope you will join me in voting this out Ought to Pass. Thank you.

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

Representative MUSE: Madam Speaker, Men and Women of the House. I also would like to applaud everyone involved in this. I think it is wonderful that we are discussing this this morning with the audience in the gallery that we have. Proof that young adults want to hear this and I am sure that there are some of them probably, unfortunately, looking down at us thinking that boy, I can't believe you are doing this to us. This is a good bill. It is going to change behaviors of young people. I know as a young adult, many years ago, I owned a vehicle that wouldn't go straight down the road unless there was a can of beer between my legs. That was a long time ago. I know when I went off to school in Canada, I tried to do the same thing there going to the store and I remember the first time that happened and a bunch of the boys there said, what are you doing? They sat down, took off their coats and said they would wait for me. They have very strict alcohol laws in Canada. They would never consider drinking and driving. That is habitual behavior. It is learned behavior that they have there because they do have strict laws regarding drinking and driving. I have a younger sister who is about 12 years younger than me and every weekend when she goes out, she and her friends will get together at one girl's house and they take a cab in town. They take a cab back home. They would never consider drinking and driving. It is habitual behavior. It is learned behavior and that is what a law like this will do. People will learn a new behavior and that new behavior will save lives.

For anybody who may be sitting on the fence on this issue, let me just point out one other factor. About 25 years ago when some of you or your parents would drink and drive, that was somehow, for some reason, socially acceptable. It is no longer socially acceptable. One of the large reasons and perhaps this is something for the young adults in the gallery to consider, back then automobiles could go off the road and hit a couple of trees and cut the trees in half or a telephone pole in half and people would get out and walk home. Unfortunately, today we are all driving around in recycled aluminum that sometimes a good gust of wind can total your car. It is simply not acceptable and this is a law that will go a long way in saving lives and helping all of us. I would urge you to support the pending motion.

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

Representative BOUFFARD: Madam Speaker, Men and Women of the House. I will be very brief, but I am going to take a different angle on this because during the discussions in the work session it was brought out that probably some adult driver who happens to be picking up his son or daughter from school activities or what have you, might have had a few drinks and it would be disastrous, in a sense, if he was to lose his license for an extra year because of the fact that he got stopped for OUI with someone under the age of 21 as a passenger. Gee, I wonder if it might have some parents stop and think about the fact that they have to go pick up their daughter or son, I have had a few drinks too many maybe I should just call a cab for them and have them safely home and my license will not be jeopardized. If we save that adult's life as well as the young

adults, I think this is the direction that we should be taking. This bill will certainly have people thinking twice. Thank you.

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

Representative PAUL: Madam Speaker, Ladies and Gentlemen of the House. I just want everybody to know that I spent a good part of my lifetime, 27 years, as a law enforcement officer. I have seen all kinds of carnage on our highway as a result of drinking and driving. I want to be brief. I just urge you, all of you, to support this bill. 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. 500

YEA - Ahearne, Bagley, Baker, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, 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, Jones KW, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Paul, Peavey, Pendleton, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Taylor, Tessier, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Usher, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Chartrand, Fisk, Gerry, Kasprzak, Lane, Perkins, Underwood.

ABSENT - Dutremble, Jabar, Meres, Ott, Poulin, Thompson.
Yes, 138; No, 7; Absent, 6; Excused, 0.

138 having voted in the affirmative and 7 voted in the negative, with 6 being absent, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-563) was READ** by the Clerk.

Representative MACK of Standish **PRESENTED House Amendment "A" (H-990) to Committee Amendment "A" (S-563)**, which was **READ** by the Clerk.

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

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. I too share a distaste and have absolutely no respect for anyone who drives drunk. I had friends in high school and even after high school who were killed by drunk drivers. My amendment leaves in place all the penalties against drunk drivers. It also leaves in place the tougher training required in Drivers Ed to get your driver's license. I, however, do have a couple of problems with the bill in front of us. The bill changes the time of provisional licenses from one year to two years when you first get your license. What a provisional license is is not a permit, you can drive like anyone else, but if you do get a speeding ticket in that time, you are treated much harsher. The current law is if you get one ticket during the first year you have a license, you lose your license for 30 days. That is quite a tough penalty. You could be driving through a speed trap in the

middle of the night, get a ticket and lose your license for 20 days. What this bill would do is change that provisional time from one year to two years and the time you lose your license from 30 days to 60 days. My amendment would keep the current law. Instead of going from two years and 60 days for getting one ticket, 23 months after getting your license, instead of losing it for 60 days, you would only lose it for the current 30 days in the one year provisional period. There are a lot of bad drivers out there who are young, but most kids are good drivers. They are excited to have the freedom to get a driver's license. They help out their parents. They are gaining driving experience. I don't think we should have age discrimination. If you get a speeding ticket, you should pay the fine and get the ticket. You should not be treated harsher because of the age that you are. My amendment would still keep the current law that does that for a year. What my amendment again would do is change it so that the initial license is for a one year period where you lose it for 30 days instead of a two year period where you would lose your license for 60 days. Most kids are good drivers. You should not crack down on the majority of the kids too harsh to catch a few bad apples. Thank you.

Representative JOYNER of Hollis moved that **House Amendment "A" (H-990) to Committee Amendment "A" (S-563) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-990) to Committee Amendment "A" (S-563).**

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 Eliot, Representative Wheeler.

Representative WHEELER: Madam Speaker, Men and Women of the House. I think that the lack of about 20 people jumping up will give you the indication of which way we would like to see you go on this. I appreciate your support.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-990) to Committee Amendment "A" (S-563). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 501

YEA - Ahearne, Bagley, Baker, Barth, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Dexter, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jones KW, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Paul, Peavey, Pendleton, 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, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Taylor, Tessier, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Usher, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Belanger DJ, Desmond, Lane, Mack, Underwood, Vedral.

ABSENT - Dutremble, Jabar, Meres, Ott, Poulin, Thompson, Winn.

Yes, 138; No, 6; Absent, 7; Excused, 0.

138 having voted in the affirmative and 6 voted in the negative, with 7 being absent, **House Amendment "A" (H-990) to Committee Amendment "A" (S-563) was INDEFINITELY POSTPONED.**

Representative DRISCOLL of Calais **PRESENTED House Amendment "B" (H-1017) to Committee Amendment "A" (S-563), which was READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Driscoll.

Representative DRISCOLL: Madam Speaker, Ladies and Gentlemen of the House. This is simply a technical amendment to change a couple of words. It will not change the LD. Thank you.

House Amendment "B" (H-1017) to Committee Amendment "A" (S-563) was ADOPTED.

Committee Amendment "A" (S-563) as Amended by House Amendment "B" (H-1017) 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-563) as Amended by House Amendment "B" (H-1017)** thereto in **NON-CONCURRENCE** and sent up for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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 24, 1998 (Till Later Today) by Representative KONTOS of Windham.

PENDING - PASSAGE TO BE ENACTED.

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

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 24, 1998 (Till Later Today) by Representative KONTOS of Windham.

PENDING - PASSAGE TO BE ENACTED.

Representative KONTOS of Windham moved that the Bill be **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Representative WHEELER of Eliot **REQUESTED** a division on the motion to **TABLE.**

The Chair ordered a division on the motion to **TABLE.**

A vote of the House was taken. 81 voted in favor of the same and 16 against, the Bill was **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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)

TABLED - March 24, 1998 (Till Later Today) by Representative SAXL of Portland.

PENDING - PASSAGE TO BE ENGROSSED.

Representative COLWELL of Gardiner **PRESENTED House Amendment "E" (H-1042) which was READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative COLWELL: Madam Speaker, Men and Women of the House. I rise to offer this amendment, not because I am dissatisfied with the work of the Agriculture, Conservation and Forestry Committee, I am very pleased. I am not one of those that sees their report as just another study group. I think it is a very important recommendation. We need a scientific blueprint and a way to plan for our long-term needs in the forestry industry. I do think that as a result of this long debate and I don't want to prolong it too long, but the people of the State of Maine really feel that we should come up with some sort of agreement, consensus, on the areas that all the major landowners already agreed upon. That is why I am putting this amendment forth. A couple of days ago, I opposed LD 1766, which was the Minority Report, even though there were parts of that report that I felt were really good policy. The problem and the reason I opposed it at the time and still do is that parts of it I could not agree with. They were just plain onerous and in effect, micromanaged the forest industry in Maine.

One of the pieces of LD 1766 that does make a whole lot of sense to me and I think to a great number of the people of the State of Maine and it would be beneficial to both our forest industry and our precious Maine environment is the sustainable harvest levels piece. That is what my amendment deals with. Who can argue about the common sense recommendation of the Maine Council on Sustainable Forest Management? Simply stated, it says that harvest levels should not exceed growth and then it gives the Maine Forest Service the flexibility to decide how to implement that. A very reasonable and achievable goal. That is the one that is put forth by this amendment. Harvesting activities for landowners with more than 100,000 acres may not exceed sustainable harvest levels for any rolling 10 year average as defined in rules adopted by the commissioner of Conservation. That addresses all the concerns of what if we have another spruce bud worm epidemic? What if we have an ice storm? If you take this over a 10 year period and take a rolling average, I think this is a very practical and realistic way to manage this.

You can debate this aspect and that detail of this particular proposal, but really this is no more than the old Yankee adage that a successful farmer does not eat their seed corn. If you want to stay in business, you don't eat your seed corn and you keep it for next year so you can plant a new garden. That is all that sustainable harvesting is about. In some counties in the State of Maine right now, the US Forestry Service data shows cut to growth levels 10 to 1. Cutting 10 times wood as they are growing. You don't have to be a scientist or that word that I can't pronounce and no one else can, a silviculturalist or what ever it is. You don't have to be a scientist to see that that is a dead end street. That is what the people of the State of Maine see. They know that you can't keep that up. This is a street that neither the industry nor the State of Maine should really want to travel down.

From the beginning of this forestry debate two years ago or three years ago, this debate, to me and the people that I represent, hasn't just been about trees. It is about trout. It is about partridge and it is really about jobs. It is about holding onto the jobs that we have and it is also about recapturing a lot of the forest products jobs that we have lost because we don't have trees big enough to do value added manufacturing. This debate and this proposal is about the people of Gardiner and Portland as much as it is about the people from Fort Kent and Wesley. We need to balance the needs of the people who work the forest for the needs of the people who play in the forest. Everybody has got a part here, the hunter, the hiker, the logger, the campers, the fishermen. We need to make sure that the balance in our forest is maintained so that we can hold onto the jobs that we have and make new jobs, new value added jobs as the trees get bigger. The industry says that they are doing this now. I say great, congratulations. I have seen some of that. I have a camp Downeast, Champion lands. I have seen it. They are doing it. I say great. The committee says we need a scientific blueprint or a road map of how to accomplish our goals and I say great. I also say and the people in my district and the people in the State of Maine say let's pass this common sense proposal to not cut more trees than you are growing. Let's pass it and give the people of Maine some concrete action so they can view this body as acting on this really important issue that they care about. Let's do that so that all reasonable folks and all reasonable people in Maine can agree on this. Thank you.

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

Representative CROSS: Madam Speaker, Ladies and Gentlemen of the House. Representative Colwell has been very gracious and very eloquent in his assaulting what has been done or saying what hasn't been done. Again, it was brought up that one county the count was 10 to 1 and if that was the case, you would think that possibly, that happened to be my county, Piscataquis County, that there is nothing up there but clear-cuts. I have lived there 72 years and I am telling you that that is not the truth. This amendment, again, is just another way of trying to put in one of the four-points that everybody heard about that was defeated soundly here in the House. I certainly hope that this would continue to be what everybody or the majority wanted in regards to the forestry. Madam Speaker, I move that House Amendment "E" be Indefinitely Postponed and all its accompanying papers.

Representative CROSS of Dover-Foxcroft moved that **House Amendment "E" (H-1042) be INDEFINITELY POSTPONED.**

Representative COWGER of Hallowell **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-1042).**

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. Just to be very clear on this amendment, the intent of this amendment, I am not opposed to. The members in committee know that I really moved in the area of this amendment in trying to come to compromise. Unfortunately, that did not happen. The problem with this amendment is it clearly identifies that we want to make state policy the big guys and the little guys separately. I think that is poor policy. The committee bill that you have before you directs the Forest Service to set standards and criteria and to measure the inventory in all the modeling that they are doing against that so that we can say that we are doing all of this on a statewide basis

and we believe forestry is important. I would disagree with trying to separate those groups.

Also, the 10 year rolling average in this is a problem. We have directed the Forest Service to do the modeling for 40 to 50 years to see the nature of the forest regeneration. We can see a clear picture of the long-term affects. The large landowners, as you must agree, with this long debate in the last several years, is voluntarily doing good things as the good Representative before me has indicated. I have no belief that they are going to change that in light of the fact that we have a Resolution coming forward. They voluntarily agreed to SFI, the Sustainable Forestry Initiative, and in that Resolution we are requiring them to report back by March of next year. I don't have any ideas that they are not going to continue along in that process at least until they are required to report back to us. When they are required to report back to us, remember that between now and then that we do have the department doing a lot in the original committee bill and the data that they are going to collect and the report that we are going to get back is going to be before the big land companies come back and tell us what they think they have done. I think when you take those two pieces together, we can see very clearly whether some kind of legislation of this nature is going to be required because they are not playing ball properly. Thank you.

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

Representative SHIAH: Madam Speaker, Ladies and Gentlemen of the House. Just a few brief comments. Some of you spoke the other day about the bill that was already referred to as the four-point bill and LD 1766 and you said you couldn't support all four points, but wanted an opportunity to possibly support one or more of the points. This is one of the ones that I think is the easiest one to understand and the one that has the most long-term merit to it. I just want to adjust one comment about the cutting ratio. If you look at the US Forest Service inventory the last one that was produced, it is really the larger landowners that are doing the over-cutting. The people under 100,000 acres in ownership are cutting at about a one to one ratio. The same amount that is growing each year. Smaller landowners are not the problem. The good Representative from Gardiner eloquently laid out the thinking behind this amendment. It gives us a good sense that we all want sustained yield from our forest industrial lands. Again, you have a 10 year rolling period so that maybe one year you need to cut a little more spruce and the next year you got to cut some hardwood. There are exceptions for that in there. I really think it is an excellent amendment and it really could improve the bill before us now. I would just urge you to vote for it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative COLWELL: Madam Speaker, Men and Women of the House. Just a couple of very brief points. I don't want to belabor this. The good Representative from Kossuth Township said he didn't like the dichotomy between the large landowners and the small landowners. I don't either, but the fact of the matter is there is agreement among the large landowners. This Sustainable Forestry Initiative shows agreement and says that they are doing it now voluntarily. I do not understand why anyone would object to codifying that, putting that into statute. I think it is something that the people of the State of Maine want to be reassured about. I have no doubt that these fine companies are doing it. The reality is that I don't think everyone in the State of Maine feels the same level of trust that I do. That is what this is all about. Let's pass this amendment that all the large landowners agree to, that they are doing now, and let's give the people something positive and concrete along with this very

important long-term scientific study and game plan, which I do believe is essential. Let's give them both these things. Thank you very much.

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

Representative GOOLEY: Madam Speaker, Men and Women of the House. I wasn't planning on getting up on this particular amendment because I think we have three more to go, but I did want to say that LD 2286, which we passed by a large margin yesterday, it does give the landowners responsibilities and the State of Maine, Maine Forest Service responsibilities to come up with a plan to show that we are headed down the right road. I really think we need to address this, we talked about the growth versus strain of 10 to 1. I know there are some charts out there that show spruce and fir over cut by two and a half to one. I find those statistics and charts to be very misleading because if we look at the survey, the US Forest Service Survey of 1982 through 1985 that period, it does show a downside for spruce and fir. However, it does not include the trees in the clear-cuts from 1982 to 1985 that will be in the next survey. It will show a dramatic turnaround on spruce and fir, especially. This was caused primarily by spruce bud worm, not completely. There has been some cutting out there that even I wouldn't agree with. Primarily, it was spruce bud worm salvage. One of the things that LD 2286 does, the committee Majority Report, it calls for an annual survey and reports for every five years. Every five years there has to be a report on the health of the forest and this is going to be a real big step in the right direction. I don't think that we need to have this current amendment. I would hope that you would vote for the Indefinite Postponement. Thank you.

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

Representative BULL: Madam Speaker, Men and Women of the House. I stand in opposition to the pending motion on the floor right now. As the good Representative from Gardiner very well put it, if this is already happening, it simply makes sense to codify this in statute to make sure that this does happen. What we are trying to do here is make sure that these forests are here for future generations. To support future generations of foresters and also future generations of recreational users. People who go out there and use the forests for hiking, camping, fishing, hunting and what have you. We want to make sure that these forests are here for future generations so I urge you to vote against the pending motion so that we can make sure that the forests remain. Thank you.

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

Representative CROSS: Madam Speaker, Men and Women of the House. Again, I would remind everybody that all of the fishing and hunting and hiking all of that stuff is done by the goodwill of the paper companies or industry if you will. It is their land.

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

Representative VOLENIK: Madam Speaker, Men and Women of the House. I just want to comment on a few statistics. I know my good friend from Farmington likes statistics and so do I. I just want to compare a few notes with him. One on the issue of the spruce bud worm. The spruce bud worm principally affects balsam fir and the amount of acres that have declined in balsam fir, the total acreage has gone down from 2, 233,000 acres down to 1,830,000 acres. Part of that can be attributed to the spruce bud worm. If any of you have the 1995 survey, you can check page 12 and 13 to compare this. If you notice, red spruce, which is not subject to the spruce bud worm also showed serious declines during the period of 1982 to 1995. Total

acreage declined from 1 million to 900,000 acres. Also, what is even more telling is the mixture of red spruce and balsam fir declined from 2.7 million acres to 1.4 million acres. That is a 2 to 1 decline in acreage. That accounted for the principle decline from 7.5 million acres down to 6 million acres over that period of time. It is not just the spruce bud worm.

I also want to go over some other statistics in cut to growth ratio. If you will check on page 35 of the same report, if you happen to have it, you will notice that there is a total decline in a large number of species, not just softwood, but hardwood too, during this period of time. The way to determine the decline is if you add the in growth and the accretion together, you get the gross growth and if you subtract the mortality out of that, you have what is left in the total volume of trees. If you take from that figure the removal, which is the cut, you have the net change. For balsam fir, you have a gross growth total of 91 million cubic feet over this period and a mortality of 102 million cubic feet. Just growth less mortality of that species, you have a decline. There is a problem there. At the same time, this is on an average annual basis, at the same time, we have been taking out 104 million cubic feet so what we are doing is we have a net loss even without harvesting. Once we harvest, we have harvested out a net amount of 104 million cubic feet loss of balsam fir. Part of that can be attributed to the spruce bud worm. There is a definite there. It is part of the problem. Then if you look at red spruce, again, this is not subject to the spruce bud worm, you see a gross growth of 74 million cubic feet average. Mortality of 34 million cubic feet and this is an annual average. You have a net growth there of 43 million and yet removals were 127 million cubic feet, which means that you have a positive net growth, but you have taken out three times that net growth in removals in harvesting, which is a 3 to 1 cut. This is an average statewide.

If you look at individual counties and areas, it is much more serious. Piscataquis County especially. If you look down this list, those are two of the most serious cases. Besides balsam fir, red spruce, white spruce, black spruce, red pine, hemlock, paper birch, black ash, bass wood and elm all of these showed net loss. The net loss is we are cutting more than we are growing back. I don't think anyone would debate that this is happening. I would like to just call your attention to an analysis of this report. This is done by Lloyd Erlins, who some of you may know, and Will McWilliams who is actually involved in these statistics. I just want to quote a couple of things for you from this report, which tend to indicate that we do have a problem. It says, "In growing stock terms, commercially usable trees five inches and larger, softwood growing stock fell by 18 percent." In 1995, the state had 93 percent as much timber as it had in 1982, considerably less. This makes Maine the first northern state to show a loss in growing stock since surveys were started in this region. The first state, ever. Again, here is another point. "We know that the age class structure of the spruce fir forest is highly imbalanced. The resource is starved for stands that will come to harvestable size in the coming decade or two." It says right in this report, the availability of mature stands in the near term will be poorer than Maine has seen in many decades. I can believe that. Outlook, Maine will have a very difficult time sustaining mid 1990s cutting levels for spruce fir in the coming decade or two. This has been predicated since the early 1980s. No other northern state is in such a situation emerging from such a substantial softwood inventory reduction and maintaining a high level of total drain on the resource. This one is a good one. It is not easy to see how a large number of landowners bolstered by state policies can see to it that future spruce fir cut levels do not rise once again by compromising future sustainability. The problem is there. This is a very simple way to solve it. Thank you.

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

Representative FOSTER: Madam Speaker, Ladies and Gentlemen of the House. There is one thing about trees. They keep on growing regardless of the politics, the economics and of almost anything. They keep on growing. One of the problems with the US Forest Service Report that has essentially been ignored by the press and even to some degree this body is the fact that they did not take into consideration the growth of trees under five inches in diameter. Those trees are going to keep growing for the next 10 years and they get bigger. What you are going to find in the next report, if it is five years from now or 10 years from now, is that the volume of spruce and fir is going to take a sudden jump. The other thing that is going to happen and you have to understand that spruce and fir and particularly the fir are very tolerant to shade. It is a very prolific cedar. The other thing that will happen as a result of this is the acreage of spruce and fir forests is also going to increase as a result of this particular specific thing about that species. So, before you get carried away with saying we are going to run out of trees or we have a dire situation, that is not going to happen. You can take statistics and do all kinds of things with them, but the only way we are going to keep the spruce and fir volume down in Maine and the acreage down in Maine is to cut the trees, hire a crew of people to go around with brush cutters and hand clippers and cut the little ones, bulldoze the stumps and pave it. If we do that, we will be successful, perhaps, in stopping the growth of trees. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "E" (H-1042). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 502

YEA - Ahearn, Bagley, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bouffard, Bragdon, Bruno, Buck, Bumps, Bunker, Cameron, Campbell, Carleton, Cianchette, Clark, Clukey, Cross, Desmond, Dexter, Donnelly, Driscoll, Fisher, Foster, Frechette, Gamache, Gerry, Gieringer, Gooley, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Labrecque, Lane, LaVerdiere, Layton, Lemont, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, Paul, Pendleton, Perkins, Perry, Pinkham RG, Pinkham WD, Plowman, Richard, Sanborn, Savage, Shannon, Sirois, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tessier, Tobin, Treadwell, True, Underwood, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

NAY - Baker, Berry RL, Bolduc, Brennan, Brooks, Bryant, Bull, Chartrand, Chick, Chizmar, Colwell, Cowger, Davidson, Dunlap, Ethier, Farnsworth, Fisk, Fuller, Gagne, Gagnon, Green, Hatch, Jones KW, Kane, Kontos, Lemaire, Lemke, Lindahl, McKee, Mitchell JE, Morgan, O'Neil, Peavey, Pieh, Povich, Powers, Quint, Rines, Rowe, Samson, Saxl JW, Saxl MV, Shiah, Skoglund, Stevens, Townsend, Tripp, Tuttle, Volenik, Watson, Winn, Wright, Madam Speaker.

ABSENT - Dutremble, Goodwin, Jabar, Meres, Ott, Poulin, Thompson.

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

91 having voted in the affirmative and 53 voted in the negative, with 7 being absent, **House Amendment "E" (H-1042)** was **INDEFINITELY POSTPONED**.

Representative ROWE of Portland assumed the Chair.
The House was called to order by the Speaker Pro Tem.

Representative DAVIDSON of Brunswick **PRESENTED House Amendment "B" (H-1039)**, which was **READ** by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Davidson.

Representative DAVIDSON: Mr. Speaker, Men and Women of the House. I want to first off echo the comments by the Representative from Gardiner. I have a tremendous amount of respect for the committee process in this chamber and also what happened on this issue in committee. I was proud yesterday to vote for the Majority Report out of this committee and like Representative Colwell, I look forward to hopefully adopting this amendment as something that will really help our forest and conservation practices throughout the state. This is not my normal committee work and there are certainly a number of members on the Agriculture, Conservation and Forestry Committee who know a lot more about forestry issues than do I. I have bought hook, line and sinker into the notion that we should take advantage of the opportunities before us every day here while sitting in these seats. When the executive first convened the stakeholders group that would become the compact, I really thought that I had seen it all. To have Audubon and the Natural Resources Council of Maine sitting down with some of the large landowners and members of industry at the same table and coming up with a compromise that I thought would gain widespread support across the state. I thought it was one of the best opportunities that we would see down the pike for a long while. While the compact was defeated through public referendum, I think that that doesn't give us the notion that we should shirk our responsibilities on this floor and that while people are saying and pulling away from some of the major parts of the compact, I think that we have a compact with the people of Maine, which is why I have this amendment before you today.

Too often this debate gets knocked down into issues of north versus south, liberals versus conservatives and environmentalists versus industry. These arguments never have held much water with me at all. This summer was one of the best experiences in my legislative career. I went around the state and traveled to a lot of the mills in eastern Maine and Western Maine and some in Northern Maine. I took tours and did fly overs and tried to get a better grip on the compact, not having much experience with those issues. I tell you, I stand before you today as someone who was angered by a lot of the protests. I hate walking out these chamber doors, like most of you do, being called an eco-terrorist or someone who is in the pockets of corporations. I think that is trash. I think that we are called upon many times as stewards of this state to talk about policies that affect our major industries. Think about what we have done in the last few weeks, shipbuilding, lobstering, fishing, tourism. The paper industry deserves to be in and is in the category of the backbones of our state. Often we are asked to change the rules. It should rarely or never be punitive. It should be to stimulate growth. It should be to help the people in our towns. It should be to protect our natural resources. That is exactly in my mind what the compact did.

I am a huge fan of representative democracy. I thought that the debate that we had after the compact or during the compact and during question 2A was a positive one. It was a healthy one. To tell you the truth, I don't want to have it again. I want to take care of this right here where I feel, there will be people in this room that disagree with me, that this debate should happen. Let me tell you something, I will bet the farm or I will bet you any amount of money that these amendments, which I think are moderate compromises that are right out of the compact that are things that parties across the political spectrum agreed to this

last fall get defeated and get your referendum shoes on. We are going to have millions of dollars from out of state coming back in. The issues are going to be distorted from both sides. I don't want to have that debate again. I don't want to have this issue swallowed up in passion, which is the reason why we are here.

I would challenge anyone who says as we have seen in certain articles that just studying the issues is wrong. Studying the issues isn't wrong. Studying the issues isn't wrong, I agree with the Representative from Gardiner. It is fantastic. That is not all we should do here today. I guess what I am talking about today is our chance at establishing some kind of legacy here. Taking care of a decision that I know will come somewhere down the line and might come as much more of an extreme position than I would normally take. I don't support banning clear-cutting. It is not what this amendment does.

I will tell you a little bit about what this amendment does. This affects the large, large, large landowners. It would ensure that the landowners who own more than 100,000 acres don't clear-cut more than .25 percent of their ownership in a single year. It would change the definition for clear-cutting to 30 square feet basal area to 45 square feet and it would reduce the allowable clear-cut size from the current level of 250 acres to a new level of 75 acres. Something that is up from the original 35 acres that I just simply couldn't support when that number was first being kicked around. It also has in it the permitting process for each proposed clear-cut that would require a silvicultural justification for it. It was something that was also agreed to in the compact. You don't need any more numbers. I might have Representative Volenik stand up and repeat his speech from a few minutes ago.

Under current law, there is nothing that affects any landowners. They can clear-cut areas that are 250 acres in size. I will let my colleagues talk about, I have pages and pages and pages of information on the 70 percent of the clear-cutting that occurs in the state is done by the 15 large landowners and all those issues. You are smart people here. You are people that have been given a great public trust. I guess my frustration is that we are really missing the boat here. We are really missing an incredible opportunity. That is no one's fault but our own. The committee as a whole if we don't jump on board with this. Is it extreme? Absolutely not. Is it moderate? Absolutely yes. Is it something that you can take home and be proud of? Is this amendment something that you can take home and be proud of? Absolutely. It is not about north and south. It is not about east and west. It is not about environmentalists versus industry. It is about what I think people across the state are looking for from this body and that is some leadership. I think we have that opportunity to do that here today.

I thank you. I thank the committee for its hard work. I really hope you will take this opportunity and this crack at history and adopt this amendment because I think it is something that you will look back on, maybe not necessarily tomorrow, although I hope you would. Twenty years from now you can look back and say that I was a part of that. That was something really special that we had the foresight to do that for our environment and for our economy and our people. It didn't necessarily make me comfortable at the time, nor does a lot of the things we do here, but it is a type of vision that I think this body shows every day and this issue shouldn't be any different. Thank you Mr. Speaker.

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

Representative LANE: Mr. Speaker, Men and Women of the House. I will not prolong the agony of debate. This particular amendment is seriously flawed. On page 3 under number 16, what it would do, in effect, is require a permit to cut any trees that

you are going to consider a clear-cut. On one acre of land and you had a few trees that you wanted to cut, you would have to go through a long extensive permitting process just to cut those few trees. What this is, in effect, is I realize that some of you are probably realizing as well the incredible amount of information that we had thrown at us from all directions. Forget the debate of forestry by trying to debate it with statistics because you can twist those statistics to mean anything you want to mean. You can quote from people that want to support your cause in any way you want to. The truth of the matter is what the good Representative Foster said earlier, trees grow back in Maine. In fact, you have to mow them. This particular amendment is particularly onerous to the foresters of the State of Maine. I urge you, in fact, I will move to Indefinitely Postpone this amendment. Thank you.

Representative LANE of Enfield moved that **House Amendment "B" (H-1039) be INDEFINITELY POSTPONED.**

Representative DAVIDSON of Brunswick **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-1039).**

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Davidson.

Representative DAVIDSON: Mr. Speaker, Men and Women of the House. I am glad that the Representative from Enfield did bring up the permitting process. She is right on one issue. Statistics can be used in any way in this debate, which is specifically why I didn't use them. One thing I will leave here knowing, that trees do grow back. I think that one of the major issues that shouldn't be lost on this and I think it is a major point of why you are seeing these amendments come from very much outside of the area of expertise of these legislators, in my case, admittedly so. The permitting process is an exact example of why we should be taking these amendments and passing them. The permitting process was a step that all of these parties in good faith, when the compact was being discussed, embraced. When I was going back through this stuff, if you look at stuff that has come out of the industry brochures, it just says that the compact will set strict new limits on clear-cuttings and only be used to reduce disease. "The compact will require large paper and timber companies to comply with the new permit process to make a clear-cut under this process. The Maine Forest Service will only allow large landowners to use limited clear-cutting if it is needed to reduce disease, increase productivity, create habitat for wildlife and require forest openings to survive."

My point is that these are things that we agreed on. Now that that is done we are saying that all bets are off. All I am asking you to do is take the things that there was large consensus throughout the state and okay it didn't pass with referendum. I think we had large consensus here on these issues a year ago. To take these things and just put them behind the Majority Report of this committee and not lose this opportunity. That is all I am saying. I just really think that we are missing a great opportunity here for things that we have agreed upon. We have agreed upon in the past. We have had people stand up in the past and fight for. Not in some back room saying that I could probably buy that. On TV and on the radio, at Rotary clubs and Kiwanis clubs throughout the state pushing this and advocating this. Now, all bets are off. I never put my money down on that bet. I don't think the people in my district put the money down on that bet. I just think we have a great opportunity here. I think this is a really positive thing. I hope you all will defeat the pending motion.

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

Representative BUNKER: Mr. Speaker, Men and Women of the House. Just to be clear here. The amendment "B" has many of the points that we voted down the other night on the four-point plan. Just to be clear, many of these items are again being spoken on the floor here today. What I want to respond to and be clear to everybody in this body is the Representative is exactly right. There were many people who came to the table and came to an agreement including the Natural Resource Council of Maine and the large landowners and obviously that fell apart in two votes out here in the public. Unfortunately, that agreement is no longer standing. What is really troublesome in this amendment is that the small landowners of Maine, the 100,000 small landowners of Maine weren't part of that package as you all heard in that forestry debate. It is not part of this amendment either. That is why we had to work so long and diligently in committee to develop a plan to hopefully get all the players to the table and to make some of these changes that the good Representative wants to make. What is really clear in the Majority Report is we have opened, gave authority to the Forest Service to open the FPA and to go to rulemaking. They will adopt provisional rules by November of 1998. That is an open door policy. A public policy where some of these issues can be addressed in that rulemaking authority. I am pretty confident that with the players that we have in this state that it will be, many of those items. What isn't part of that is that we are moving the basal area 50 percent. We are reducing the basal area 50 percent. The small landowners in Maine have not weighed in on that. They weren't part of the compact. They will be very upset if you allow this amendment to go through because they weren't a player in that agreement that was mentioned just shortly before this. I think a lot of these issues that the good Representative is concerned about, I have great hopes that it will be dealt with in the rulemaking that we are authorizing in the Majority Report, but there is a couple of things in here that will really be very hard to deal with from a small landowner perspective at this point. Thank you.

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

Representative VEDRAL: Mr. Speaker, Ladies and Gentlemen of the House. Please vote for this motion to Indefinitely Postpone the amendment. I ask you to do so not for the forestry industry, but for the Maine endangered species, the golden eagle. According to the Department of Inland Fisheries and Wildlife there is only one nesting pair of golden eagles remaining in the State of Maine. With the leave of the House, I would like to read one short paragraph from the latest report from the wildlife division regarding the research and management report. "Certainly the outlook is grim for the golden eagle. There are natural habitat limitations on the species in the east, which have made them rare throughout recorded history. Golden eagles are relatively numerous in the west where open terrestrial habitats favor their normal lifestyle of preying upon small mammals. The extensive forest lands in Maine cannot be used as hunting areas by golden eagles." It asks you to keep the golden eagles in mind when you vote on this measure. We do need some open space in order to make sure that the species, such as the golden eagle, can continue and can once again thrive in the State of Maine. Please vote to Indefinitely Postpone this amendment.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. On this particular amendment, I would hope that you would vote to Indefinitely Postpone. I would like to say a few words. Representative Volenik got up and eloquently addressed the House regarding forestry. He knows. He is well learned. I

just want to say one thing about spruce bud worm. It is a very misnamed thing. It should be called the fir bud worm. Its primary host is balsam fir. However, the bud worm does like white spruce. Red spruce and black spruce is not susceptible or resistant to spruce bud worm. I think that is an important point. Yes, red spruce has been a deficit cut versus growth there.

During 1980s there was a lot of salvage that went on. There was a lot of dead balsam fir out there. Some of the spruce was harvested along with the dead fir. I guess the main point that Representative Foster made just a few minutes ago is that all those areas that were salvage cut back in the 80s, they have 1 to 4 inch trees on them now and they will show up in the next survey that is done by the US Forest Service.

I would also like to point out that the situation with Maine forests today as regards to all woods that the percentage change is a minus 6.3 percent. Then we have to look at softwoods. In softwoods it is a minus 17.7 percent. In hardwoods, however, it is a plus 13.5 percent. Although we are down a little bit for all woods, the next survey will show a real jump in the volume of timber that is out there. So, I think you needed to know those statistics. I would just like to say that our committee discussed at great length whether or not to reduce the maximum size of a clear-cut to 75 acres as opposed to the current 250 acres. Everybody must know by now that the average size of a clear-cut in Maine is about 33 acres now. We did not want to reduce it from the 250 acres because and I should say this that the largest companies, over 100,000 acres, they have adopted the policy, in fact, they have adopted a lot of policies and one of them is that they won't have clear-cuts over 75 acres. We don't want to put it into statute at this time because we would rather keep it out of statute and deal with that at a later date. The small woodland owners around this state, they are managing their lands and I think we need to keep this out of statute at this time. We discussed also the aspect of going to 45 square feet of basal area for clear-cuts. Currently it is 30 square feet. After a long discussion, we felt it was in the best interest of everybody concerned in the State of Maine that we don't go to 45 square feet. I guess the other thing that was mentioned that we may be missing the boat. Well, not really. I think that our LD 2286, the Majority Report is a real good report and it is a real compromise for everybody. There is something in it for everybody. I think that is a real important point. You know the Forest Practices Act is currently in place and that does deal with clear-cutting. We have programs in place and I think with our changes that we hopefully are going to come up with here, that we will be headed down the right road. 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. One of the previous speakers seemed to be a little bit put out because there may be another referendum on this down the line. I, myself, if I come back by the grace of God and the votes, don't mind that. That is the process. If that comes, let it come. I wouldn't use that as a reason to vote this in because let them come. Again, the companies, on their own, after the compact, have agreed and have done and have kept their word that they wouldn't cut over 35 acres of clear-cut. I asked three of them yesterday if this is, in fact, what they said they will honor. They said they will honor that commitment. I believe them. I don't believe there is a big hurry to make and cut the clear-cuts down to 75 when they, who are in agreement, say 35. Again, if they want to cut more than 35 acres, they have to get a permit. I ask you, again, those 100 odd votes that we received yesterday continue to keep intact the forestry act by Indefinitely Postponing this particular amendment. Thank you.

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

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. The amendment which is asking for 45 feet of basal area as a minimum before you get to a clear-cut has some ramifications which probably should be considered. One is, it is beginning to micromanage the land be perhaps people who don't understand things about trees. I am just going to illustrate one thing. Forty-five feet of basal area, when it comes to some hardwood stands, would essentially mean you couldn't do anything to it. Maybe that is what you want, but forestry has progressed to the point in Maine where the stands are getting better, believe it or not. Forestry is generally getting better. Due to the fact that there is an awful lot of demand out there for paper and plastics and houses and chairs and tables and beds, we need to have some forest that can produce those things. To make those things as well as sport wildlife and other things. I ask you when you begin to meddle with the basal area and the types of trees that come back. An example, if you want to get white birch back, which is a valuable tree, you should clear-cut. I mean a silvicultural clear-cut, which removes everything if you want to get white birch back. It is not only a valuable tree, but a nice one to look at. Before you vote for these things, you really ought to go and talk to somebody who knows something about it. You could even come and talk with me. Thank you.

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

Representative VOLENIK: Mr. Speaker, Men and Women of the House. I just wanted to thank the Representative from Farmington for his comments. I, too, appreciate his vast experience and his knowledge in the woods. I do, however, have a few disagreements. One of them being the nature of the buffer zones. The debate here is if we add this amendment, we will be increasing standards for clear-cutting, but if we reject this amendment and simply pass the bill, we will be reducing the buffer standards on clear-cuts. I just want to point out to you how that will occur. I made this point yesterday, but I am not sure all of you were here. For clear-cuts under 35 acres, under current law, you have to have a buffer 250 feet deep. Under this bill, if it passes, you would have to have a 250 foot wide buffer in a parcel of land that is under 100 acres. That is certainly similar. If you look at larger size clear-cuts under current law, for clear-cuts of 36 to 125 acres, you have to have buffer that is 1.5 times as large as the clear-cut. For clear-cuts of 126 to 250 acres in size, you have to have a buffer that is twice the size of the clear-cut.

Under this bill, without this amendment, but under just the bill as it stands, we would be reducing that to a 1 to 1 ratio such that if we passed this bill, that large clear-cut of 126 to 250 acres would be surrounded by a buffer only half the size of the buffer that has to exist now. I can't understand at all why the papers have been saying that this is an increase in buffer size and maybe some of the members of the committee can help me with this. Maybe I am missing something in the language. I understand their argument that the commissioner of Conservation may establish by rule more stringent separation zones, but to take the larger buffer zone out of law now on the assumption that the commissioner will increase those standards at a later date, to me, is irresponsible.

I also want to bring up another point which it has been mentioned, that you cut the trees and they will grow back. That is obviously true to some extent. They will not grow back as well with reduced nutrients, obviously, but also, again, if you look at the statistics for the last 13 years from 1982 to 1995 from the Forest Statistics USDA, you will notice that balsam fir, for

example, declined in total acreage, like I said before, but it also showed a huge shift in the acres of large diameter saw timber and medium diameter pole timber toward seedling and sapling acres. Specifically, if you look at the numbers, the acreage and saw timber declined from 431,000 acres down to 177,000. The acreage in pole timber declined from 1.2 million down to 600,000. That is a cut in half. The amount of sapling acres doubled. If we continue at those rates, soon all we will have will be the saplings. That is true for all the other species too. Again, if you look at red spruce and balsam fir, the pole timber acreage went from 1.4 million acres down to 594,000 acres. That is almost a 3 to 1 decline. In that species, red spruce species statistic, there wasn't a corresponding increase in acres of saplings. The acreage of saplings only went from 425,000 acres to 458,000 acres, which means those acres are simply gone. They have moved into hardwoods. They have moved into something else. They could grow back as anything. They may not grow back as marketable timber. A lot of that is growing back as junk wood. If you look at the statistics there is a serious problem. I know my friend and I will debate the statistics forever. We probably will and I will leave it at that. I know all of you are not fond of statistics, but my friend from Farmington and I am. I just wanted to share that with you. Thank you.

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

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House. This is the first time that I have decided to speak on this issue. I think if we kept track of it, that that is true. As I have sat here to listen and I haven't gone out of the chamber very rarely, the thing that seems to be cropping up in my mind and I want to commend the young fellow from Brunswick for this amendment. I think he knows I think a great deal of him. I would like to point out two things. One is, one of the proponents that I listened to when many people were speaking about this issue and this lady said there is no compromise. It is this way or not at all. I think those of you who were at that can probably identify that person. Another person said that the four points are so necessary, there is no compromise. As I sat here listening and because only of my age, much to my chagrin, that I have always tried to look at people and try to decide why they are wanting what they are. The only thing that I can think of is two analogies. That is, if you can remember when your mother put out on a plate the most delicious cookies that she could produce and because you had a lot for supper she said, only one bite. If you can remember those days or the days when you asked your father for keys and only stay out until nine o'clock. A week later you would say, mom, how about two bites and you would say to dad, instead of nine, how about ten. We have got to be careful of the little bites because they always seem to grow to very larger bites and they hurt.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "B" (H-1039). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 503

YEA - Ahearn, Bagley, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bouffard, Bragdon, Bruno, Buck, Bumps, Bunker, Cameron, Campbell, Carleton, Chick, Cianchette, Clark, Clukey, Cross, Desmond, Dexter, Donnelly, Driscoll, Farnsworth, Fisher, Foster, Frechette, Fuller, Gagne, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, Morgan, Murphy, Muse, Nass, Nickerson, O'Neal, Ott, Paul, Peavey, Pendleton,

Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Povich, Richard, Sanborn, Savage, Saxl JW, Shannon, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tessier, Tobin, Treadwell, True, Underwood, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

NAY - Baker, Berry RL, Bolduc, Brennan, Brooks, Bryant, Bull, Chartrand, Chizmar, Colwell, Cowger, Davidson, Dunlap, Etnier, Fisk, Gagnon, Jones KW, Kane, Kontos, McKee, Mitchell JE, O'Brien, O'Neil, Powers, Quint, Rines, Samson, Saxl MV, Shiah, Sirois, Skoglund, Stevens, Townsend, Tripp, Tuttle, Volenik, Watson, Winn, Wright, Madam Speaker.

ABSENT - Dutremble, Jabar, Meres, Poulin, Rowe, Thompson.

Yes, 105; No, 40; Absent, 6; Excused, 0.

105 having voted in the affirmative and 40 voted in the negative, with 6 being absent, **House Amendment "B" (H-1039)** was **INDEFINITELY POSTPONED**.

Representative O'NEIL of Saco **PRESENTED House Amendment "C" (H-1040)**, which was **READ** by the Clerk.

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

Representative O'NEIL: Mr. Speaker, Colleagues of the House. It is good to see us all back in our seats. Before your eyes glaze over or you get up to go to lunch, I ask your indulgence. I ask you to call your attention to the remarks of Reverend Ray this morning where he said if this is routine for you, then open your hearts. Give me about four minutes and I think I can make a compelling case as to why this amendment ought to be adopted. We go back to 1996 when clear-cutting was a big issue when we were out there campaigning. We all know it. We can't dispute it. People wanted to talk about it even down in Saco and Dayton. There were large landowners and small landowners. The issues were often confusing, overlapping and contradictory, but the one the that was clear and it still is is people want some change. Last year, when it came around for round two, I was one of the folks that said send it back to the Legislature and let them do their work. You know I supported what we did in the last couple of days and I supported the good committee bill. I liked that bill. I love this amendment. What I think is, this amendment makes that good bill a great bill. The voters gave us the opportunity. We have begun to take it. I just suggest that we mop up a little bit.

This amendment addresses, not clear-cuts, but those harvests that are not clear-cuts. Clear-cuts account for only 10 percent of all the harvested acres each year in Maine. We are talking about the partial harvest or the heavy harvests. If harvesting on these partial harvests is done right, which it isn't always, enough trees will be left behind for regeneration. In 15 years time, the area can be harvested again productively or sustainably. If the harvesting, on the other hand, is done poorly, it can take 50 or 60 years before that is a viable woodlot again. With a quarter a million acres each year that are either clear-cuts or very heavy harvests here in Maine, that is where the cause for concern is. We can skirt around the clear-cutting. We just talked about it for a half an hour. The focus of this is on those cuts that are just about as damaging, but are perfectly within the limits set forth by the various entities who regulate it. Rather than have the forest start over on a 60 year cycle, the idea behind this is to keep a sustainable forest. It is good for jobs and good for the forest. There is no doubt that we have all acknowledged that there are times when that forestry practice for a given area is to cut everything down and start it all over again. More often, the better practice is to cut some of the trees and leave the rest as stock for further regeneration and sustainability.

This amendment sets the policy requiring the large landowners, not the little guys in my district, but the large

landowners with over 100,000 acres. We all know who they are to leave adequate residual stocking based on science. That is enough trees based on science after harvest for regeneration. This amendment nicely compliments the committee bill. It is not prescriptive. It is not one size fits all. As a matter a fact, it doesn't dictate what adequate residual harvesting is. It starts with a benchmark. It allows for the various forest conditions, which can be found in the various parts of the state, say a woodlot in Calais may have different growing conditions than one in Bethel. It allows for local examination of those various issues. It sets the general policy that the Maine Forest Service would, through rulemaking again, determine what adequate residual harvesting is for non-regeneration harvests. If you go back to the Executive's Maine Council on Sustainable Forestry, the predecessor of the compact, it strongly embraced this action. Again, until people bailed out on it.

Bob Seymour from the University of Maine, a very respected forester in Maine, said he told the committee that this recommendation should be the Legislature's top, number one priority, when it comes to the forest management issues. Chuck Gadzik, the Director of the Maine Forest Service concurred. He said that the biggest problem was that in the last 13 years 43 percent of Maine's forests have been cut with poor harvesting practice. Not necessarily clear-cuts, we are away from that now. At that rate, in about 30 years time, pretty much the entire forest of this state will have been heavily cut and left largely unsustainable. Thirty years, this is far less time than it would take to regrow the entire thing. To allow for the differences between one woodlot and another and to allow for the differences among various regions and climates within the state, this amendment gives the landowner a way to legally exceed the guidelines and their guidelines are set forth by the US Forest Service guidelines, not prescriptive. The Maine Forest Service, right here in Maine, would grant a permit. Again, they have already submitted to permitting on clear-cutting. This would grant a permit where a heavy harvest is scientifically justified. Harvests that exceed those guidelines could be scientifically justified. We talk about disease and other factors like ice storms and so forth. Protection for the land and for the landowner is addressed here. It is based on science and it is administered right here in Maine. I think we are getting to the point now where we can amend the bill to something meaningful that the people back home are going to like.

I will finish up by telling you what happened in Vermont because I don't think we have heard about that. They implemented a similar policy in 1996. They called it their heavy harvesting bill. It requires landowners who want to or have to cut more than the benchmarks or the recommendations that require them to get a permit. Permits are granted where they are needed and scientifically justified. You know what has happened since then? This heavy harvesting has become abated and the quality of the harvesting has improved over in Vermont. Those landowners or foresters who simply want to get the most wood off the land in the least amount of time have largely disappeared from the scene. Either that or they have cleaned up their acts. Don't look now, but they could be headed this way, unless maybe we make them unwelcome. Responsible harvesting based on science and it is working over there. This is very similar.

Again, I support the unenviable tasks that the committee tackled in the last few months and they began before we even convened. I support the bill. Without this amendment heavy harvesting, I think, could catch up to us. We will have a hard time and the forest will have a hard time catching up to the demands that are on it. If Maine experiences a projected gap of about 20 years where there aren't good trees to harvest, what is

the combined economic impact? Will the jobs wait around and come back 20 years later when the trees are ready? Again, I was one of those folks who said to bring it back to the Legislature so that they can get it right. I think this helps us get it right. Please help me adopt this amendment.

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

Representative CROSS: Mr. Speaker, Ladies and Gentlemen of the House. There again, if you look at the summary and I appreciate what the good Representative from Saco has stated, it says with respect to stocking standards and harvest levels, the amendment requires that all harvests by large landowners leave adequate residual stocking. My problem is what makes you think they aren't doing that now. They have millions of dollars invested. They aren't going to cut off their leg in the feeder to the whole operation. My problem with this particular amendment is I don't think it is necessary. Therefore, I move that we Indefinitely Postpone this amendment.

Representative CROSS of Dover-Foxcroft moved that **House Amendment "C" (H-1040) be INDEFINITELY POSTPONED.**

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

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. A little bit about stocking guides. That is exactly what they are, guides. For example, there is no stocking guide for hemlock. There is no stocking guide for poplar. Stocking guides are to be used for guides. For example, very often reproduction is already present under many, many stands. The reason it is present is because we have many trees which are tolerant to shade, which means they can germinate and grow in the shade of other trees. The best prescription, in many instances, if you want to continue the growth of those young trees when you have a commercial stand of saw timber is to eliminate the over story. That means cutting the trees. In that way, the young trees get to grow. It is as simple as that. It is one thing to say that stocking guides may save the forest, but actually they are not if you are going to fine tune and you are going to manage the land, you have to use them as guides and adjust those guides with the conditions you find in the woods. You don't simply go out and say this is the way we are going to do it. It does not work well. The other thing that I would like to mention is that the heavy cutting law in Vermont hasn't even had a year to work yet. Nobody really knows whether it is working over there or not. Thank you.

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

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House. Partial cuts have been mentioned here and I tried to make it clear the other day in debate that a partial cut done scientifically can become a heavy cut or even a clear-cut because of what mother nature does. Witness the ice storm. Many of the acres on my land were partially cut, scientifically, according to a management plan, mother nature came along with the ice storm and now I have some heavy cutting and, again, very much damage that unfortunately I can't recover. Forestry is agriculture or should be. Unfortunately it is not seen that way and because it is not, again, people deal in perceptions. A corn field growing in the bottom land along the Androscoggin River in Bethel is harvested in the fall. That is a clear-cut. The next year it becomes a potato field and grows. It is then clear-cut the next year. There is really no difference between that and a clear-cut in a forest, except 40 to 70 years. Unfortunately, too many people who don't understand forestry can't wait that long. The perception is that all clear-cutting is bad, therefore, we have to stop it entirely. If you draw a 25 mile radius with Bethel as the center, you would find that area today is 80 percent woods and

20 percent cleared land. Fifty to 75 years ago it was just the opposite. It was all farmland. That farmland has grown back. Nature does take care of its own. Thank you.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. Representative Foster was right on in talking about the situation over in Vermont. You can legislate anything you want, but that doesn't necessarily mean that you are going to get a good result. I would like to say one thing about the C line which is mentioned in this amendment. The C line would be where a woodlot has been cut and the residual stand would be somewhat less than desirable stocking. That would be the C line or below. One thing about forests are, that here in Maine, we have a lot of forested areas. There is a lot of low quality timber in these forests. It includes species like poplar, gray birch, willow and a whole host of species, but heavy on the poplar and gray birch. A lot of these stands, as foresters, we really need to cut them below the C line actually I recommend in some of the areas that I am handling that we do some clear-cutting where we have a lot of low quality timber. Clear-cut it and have a new stand regenerate. That is the way to go because, for the future generations of America, we don't want to perpetuate poor quality stands. There are a lot of areas Downeast, Hancock and Washington Counties where there are a lot of poor soils. There are a lot of clay soils down that way. They have a lot of insect problems down there. Not the bud worm right now, but that is going to come back in another 20 years or so. They have balsam woolly aphid down there. That is in the fir something terrible. The balsam woolly aphid down there is almost as bad as the spruce bud worm was. There are many, many reasons why stands have to be taken below the C line.

What this amendment would do is it would give a big job to the Maine Forest Service to go out there and check these areas that we are going to harvest below the C line. It would be counterproductive I think. It would be big brother watching big brother or whatever. It would be very counterproductive I feel. In these lands, ownership over 100,000 acres in size, we have professional foresters managing these stands. I really have a problem with professional foresters in the Maine Forest Service watching over professional foresters and industry. Thank you.

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

Representative COWGER: Mr. Speaker, Men and Women of the House. Just to briefly respond to the good Representative from Dover-Foxcroft, if Maine's major landowners are being responsible and leaving adequate stocking now, then I don't see that this bill or this amendment does any harm. I do see that this amendment helps assure that Maine's major landowners will be responsible stewards of the land. Mr. Speaker, when the vote is taken, I ask that it be taken by the yeas and nays.

Representative COWGER of Hallowell **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-1040).**

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 Indefinitely Postpone House Amendment "C" (H-1040). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 504

YEA - Ahearne, Bagley, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bouffard, Bragdon, Bruno, Bryant, Buck, Bumps, Bunker, Cameron, Campbell, Carleton, Chick, Cianchette, Clark, Clukey, Cross, Desmond, Dexter, Donnelly, Driscoll, Farnsworth, Fisher, Foster, Frechette, Gamache, Gerry,

Gieringer, Gooley, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemaire, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Povich, Richard, Rowe, Sanborn, Savage, Shannon, Sirois, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tessier, Tobin, Treadwell, True, Underwood, Usher, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

NAY - Baker, Berry RL, Bolduc, Brennan, Brooks, Bull, Chartrand, Chizmar, Colwell, Cowger, Davidson, Dunlap, Etnier, Fisk, Gagne, Gagnon, Green, Jones KW, Kane, LaVerdiere, Lemke, McKee, O'Neil, Powers, Quint, Rines, Samson, Saxl JW, Saxl MV, Shiah, Skoglund, Townsend, Tripp, Tuttle, Volenik, Watson, Winn, Wright.

ABSENT - Dutremble, Fuller, Goodwin, Hatch, Jabar, Kerr, Kontos, Meres, Mitchell JE, Poulin, Stevens, Thompson, Vigue, Madam Speaker.

Yes, 99; No, 38; Absent, 14; Excused, 0.

99 having voted in the affirmative and 38 voted in the negative, with 14 being absent, **House Amendment "C" (H-1040)** was **INDEFINITELY POSTPONED**.

Representative MCKEE of Wayne **PRESENTED House Amendment "D" (H-1041)**, which was **READ** by the Clerk.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. First of all, I appreciate the opportunity to allow those of you who wish to vote on at least one of these points of the four-point plan. We have had many calls and many of us feel that this is an excellent opportunity to do this. We wish we had had the opportunity to do it within the context of the committee bill, but this is the way the process goes. First of all, let me say that this amendment is about the Sustainable Forest Resource Management Program. Some people like to call it an audit. An audit seems to have the connotation of some sort of fiscal prying, but it is nothing about that. This is oversight of forest practices. It is a compromise. I am not sure if some of you heard those of us speak about it clearly. This is clearly a compromise. When a few large landowners control more than half of Maine's forests and when some of those large landowners control the management of entire watersheds and when a contentious public debate over the forest practices of large landowners has continued for several years and when polls show that Maine's public overwhelmingly support accountability of large landowners and when millions of dollars have been spent by these large landowners to tell us they supported an audit program to prove their credibility and when we, as taxpayers, have provided millions, hundreds of millions, of dollars in support of tax incentive programs and other programs, I say the public has the right to ask for good stewardship and sustainability of that land and to require a demonstration thereof.

Despite the glowing commercials and the promises made to the Maine public, only one large landowner, Seven Islands, has stepped up to the bat to participate in an independent third-party audit and I applaud the efforts of Seven Islands. The voluntary system has not worked. Talk is cheap and quickly forgotten. Let's put this amendment into statute and begin a process which would recognize our public right to be involved in what is going on in Maine forests. When the yeas and nays are taken, I ask for a roll call.

Representative MCKEE of Wayne **REQUESTED** a roll call on her motion to **ADOPT House Amendment "D" (H-1041)**.

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

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

Representative DEXTER: Mr. Speaker, Men and Women of the House. This bill is a result of many hours of work. It was a compromise. We decided, that is a majority of us, we did not want or need an audit program. A majority did not want my suggestion that we form a council so I gave again. This forms a board. I appreciate the previous speaker's brevity. I will do the same. Let's go to lunch.

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

Representative BUNKER: Mr. Speaker, Men and Women of the House. This is an important issue. I don't disagree that much of the debate revolved around whether a mandatory audit to keep the large landowners in check and to make them accountable. As you well know, we do have a resolution that indicates that they were going to do that voluntarily with oversight boards and report back to us in March of next year. Also, I think that we have to at least keep their feet to the fire and ensure that they are doing that. If they fail to comply or they fail to make themselves credible in the eye of the public, there is no doubt in my mind that this body will act decisively in putting in place a mandatory audit program if they fail to come to the table and satisfy the needs of the public. What is really scary about doing this mandatory audit isn't the big landowners. In general, the bad corporate people. What is bad about this is we have a lot of green programs and green certification programs that are coming on board throughout the state. During the whole debate that we had in the last two and half months in front of my committee, We asked, repeatedly, the question, do you think a mandatory audit program is where we want to go? Is that the way we want to do business? Every single person, whether they were from the big landowner or they were a forester or a green certified or Seven Islands, any of these people, they said please don't make a mandatory audit program because you will tie our hands and we won't have the flexibility to do the good things that we want to come to the table with in the future. Whether or not that is accurate, truthful or whatever, that is what I heard out of every professional including the ones we brought to the table that we felt had really no side to take in the issue. We were very careful to go through this process to make sure we only invited people to the table that we didn't feel were way over to one side or the other that were bringing just information for the committee to do its work. When all of those, except for one, that I recall, indicated that please don't make a mandatory system. I would ask you to vote in that light. Thank you.

Representative GOOLEY of Farmington moved that **House Amendment "D" (H-1041)** be **INDEFINITELY POSTPONED**.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. I say let's let the Majority Report search out a logical approach to dealing with the varied concerns regarding a long-term management program for owners over 100,000 acres in size. I think that is very important. It has been said here by the previous speakers. I passed out yesterday a brochure and it is called *Maine's Sustainable Forestry Initiative*. This is not just another one of those studies, which I think we have been talking about. We have had enough studies. This is an initiative and this is done by the companies and they are actively participating in supporting this initiative. These are the people that own over 10 million acres of forest land in Maine. I would like to point out that the following state agencies are advising the Maine Sustainable Forestry State Implementation Committee: the Maine Forest Service, the Department of Inland Fisheries and Wildlife, the Land Use Regulation Commission and the

Department of Environmental protection. This is not just simply something that is being done by the companies themselves. There is input from a lot of other people, including state agencies. I hope that everyone would vote for the Indefinite Postponement. 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. Just to clarify something that the good Representative from Kossuth Township said, Representative Bunker, it is true that all suggested that it be voluntary and every member of that committee can remember my words at one of the committee meetings. I extended the invitation for those large landowners representatives who were sitting in the room to come forward and to speak to the chairs and to indicate their interest in a voluntary system and no one did. Thank you.

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

Representative BULL: Mr. Speaker, Men and Women of the House. Accountability is a good thing. We were talking about the largest landowners in the state. I would like to know what is going on in those lands. If the voluntary program is not having people rushing to the table, I think we should make it mandatory. When the vote is taken, I request the yeas and nays.

Representative BULL of Freeport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-1041)**.

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

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

Representative RICHARD: Mr. Speaker, Men and Women of the House. I really don't want to delay this. I am ready to go to lunch too, but when we talk about voluntary approval, I would like to let everybody in this House know that one of the large landowners in the state invited me, a legislator, to tour their wooded area and to see how they scientifically manage their crop. I think that is a pretty good voluntary review of what they are doing. I didn't ask to do this. In fact, I really didn't want to do it, but I went and I learned a lot and I was very impressed. I hope you will vote for the pending motion.

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

Representative SAMSON: Mr. Speaker, Men and Women of the House. I serve on the Agriculture, Conservation and Forestry Committee and I haven't gotten up yet to speak. This is the first time I have spoken on any of these issues. Really the reason I haven't gotten up is I have mixed feelings about these things. I can see merit on both sides. One thing I do believe in is mandatory audit of the large paper companies. I will tell you why. I like to talk to foresters. I am very interested in forestry. I have a certified tree farm. Up until the time I served in the Legislature, I spent a lot of my free time working on that farm managing it myself. I have had very little free time to do that in the past couple of years. I do listen to foresters and I have had a couple of foresters, for example, visit my lot and make recommendations as to what I should do. The opinions vary. There is one forester that I do respect, I respect them all for the work they do, but one I do listen to is not tied to the industry. He said the problem in the State of Maine isn't so much that we don't have enough trees, it is that the trees we do have are very small. My woodlot has a lot of those small trees. It was high graded some years ago before I owned it and I am trying to bring the size of the trees up so that when I retire I can cut the mature trees and have some income. That is why I want to see an audit. I will really want to see what we have in the forest today. Today I

have heard a lot about fir and spruce that are under five inches. I believe that. We have a lot of trees that are small. I want to see a mandatory audit so that we know exactly what we have here at least by the large landowners in the state that own more than 50 percent of the property. I hope that you will vote against Indefinite Postponement.

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

Representative LANE: Mr. Speaker, Men and Women of the House. This will be brief. I have a confession to make. I haven't been totally honest with this body. I must say there is an element out there in the Maine woods that wreaks havoc on our trees cutting them with no regard to our environmental laws. Indeed I have witnessed with my own eyes the consequences of this unregulated harvesting on our woods, rivers, ponds, lakes and streams. Without regard to species types, sustainability or basal areas, these unmitigated mutators of our trees run rampant through our trees and run rampant through our sacred forests clogging streams, creating mud and silt and changing the aesthetics of the landscape around them. They have dammed up streams wherever they choose and laugh with contempt at our Forest Service and DEP. What is worse, unless these spoilers are brought under control, they will continue to pass their practices on to their posterity. These practices are substandard, environmentally devastating and dangerous to the ecosystems and biodiversities of our fair state. These careless cutters of our trees steal wood and don't pay taxes or worker's comp, for that matter, or minimum wage. We must regulate them. Please join me in protesting the actions of the beavers. Let us set up oversight over mother nature, for that matter, and see if we can tax and regulate God.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "D" (H-1041). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 505

YEA - Ahearn, Bagley, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bouffard, Bragdon, Bruno, Buck, Bumps, Bunker, Cameron, Campbell, Carleton, Chick, Cianchette, Clark, Clukey, Cross, Desmond, Dexter, Donnelly, Driscoll, Farnsworth, Fisher, Foster, Frechette, Gagne, Gamache, Gieringer, Gooley, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, Ott, Peavey, Pendleton, Perkins, Perry, Pinkham RG, Pinkham WD, Plowman, Povich, Richard, Rines, Sanborn, Savage, Shannon, Sirois, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tessier, Tobin, Treadwell, True, Underwood, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

NAY - Baker, Berry RL, Bolduc, Brennan, Brooks, Bryant, Bull, Chartrand, Chizmar, Cowger, Davidson, Dunlap, Etnier, Fisk, Gagnon, Gerry, Green, Jones KW, Kane, Kontos, LaVerdiere, Lemaire, Lemke, McKee, Mitchell JE, O'Neil, Pieh, Powers, Quint, Rowe, Samson, Saxl JW, Saxl MV, Shiah, Skoglund, Stevens, Townsend, Tripp, Tuttle, Volenik, Watson, Winn, Wright.

ABSENT - Barth, Colwell, Dutremble, Fuller, Goodwin, Hatch, Jabar, Kneeland, Meres, Paul, Poulin, Thompson, Madam Speaker.

Yes, 95; No, 43; Absent, 13; Excused, 0.

95 having voted in the affirmative and 43 voted in the negative, with 13 being absent, **House Amendment "D" (H-1041) was INDEFINITELY POSTPONED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED** and sent up for concurrence.

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

The House recessed until 3:00 p.m.

(After Recess)

The House was called to order by the Speaker.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-1031)** - Committee on **STATE AND LOCAL GOVERNMENT** 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)

TABLED - March 24, 1998 (Till Later Today) by Representative AHEARNE of Madawaska.

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

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

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

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

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

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

TABLED - March 24, 1998 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Motion of same Representative to **RECEDE AND CONCUR**. (Roll Call Ordered)

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. As I said last night, we had pretty extensive debate on this. I will not go over the debate. I want to say that I appreciate everybody listening to the debate and voting the way you did. I hope that those of you who voted to not pass this piece of legislation remember the disabled and the handicapped and vote against this Recede and Concur and go on to Adhere. Thank you.

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. 506

YEA - Bagley, Baker, Barth, Bigl, Bolduc, Brooks, Bruno, Bryant, Bull, Bunker, Cameron, Chick, Colwell, Cowger, Davidson, Dunlap, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Jones KW, Joyner, Kane, Kerr, Kontos, Labrecque, LaVerdiere, Lindahl, Lovett, Mailhot, Marvin, Mayo, McKee, Mitchell JE, Morgan, Muse, Nass, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Povich, Powers, Quint, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah,

Skoglund, Stevens, Tessier, Townsend, Tripp, Volenik, Watson, Wright, Madam Speaker.

NAY - Ahearn, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bodwell, Bouffard, Bragdon, Brennan, Buck, Bumps, Campbell, Chizmar, Cianchette, Clark, Clukey, Cross, Desmond, Dexter, Donnelly, Driscoll, Farnsworth, Fisk, Foster, Gerry, Gieringer, Goodwin, Gooley, Hatch, Honey, Jones SL, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Lane, Layton, Lemaire, Lemke, Lemont, MacDougall, Mack, Madore, McAlevey, Murphy, Nickerson, O'Neal, Pinkham RG, Pinkham WD, Plowman, Richard, Rines, Sanborn, Sirois, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tobin, Treadwell, True, Tuttle, Underwood, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

ABSENT - Carleton, Chartrand, Dutremble, Etnier, Jabar, McElroy, Meres, O'Brien, Poulin, Thompson, Winn.

Yes, 67; No, 73; Absent, 11; Excused, 0.

67 having voted in the affirmative and 73 voted in the negative, with 11 being absent, the motion to **RECEDE AND CONCUR FAILED**.

On motion of Representative WATERHOUSE of Bridgton, the House voted to **ADHERE**.

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

Joint Resolution Recognizing the Sesquicentennial Anniversary of South Thomaston

(H.P. 1663)

Which was tabled by Representative SKOGLUND of St. George pending **ADOPTION**.

Subsequently, **READ**.

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

Representative SKOGLUND: Madam Speaker, Ladies and Gentlemen of the House. I would like to thank the Clerk for reading that long and, I hope, informative Resolution on South Thomaston. South Thomaston is a picture perfect Maine village. Through it, it has a tidal run in which people can fish, post office, store, school an ideal location filled with fine people. Some of whom are here today to begin the celebration of their 150th year as an incorporated town. I welcome them and hope you will join me in welcoming them also. Thank you.

ADOPTED and sent up for concurrence.

Under suspension of the rules, members were allowed to remove their jackets.

Representative KONTOS of Windham assumed the Chair.
The House was called to order by the Speaker Pro Tem.

TABLED AND TODAY ASSIGNED

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

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-574)** - Minority (5) **Ought Not to Pass** - Committee on **JUDICIARY** 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)

- In Senate, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - March 24, 1998 by Representative ETNIER of Harpswell.

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

On motion of Representative SAXL of Portland, **TABLED** pending the motion of Representative ETNIER of Harpswell to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

An Act to Allow Liquor Licenses for Commercial Vessels (EMERGENCY)

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

TABLED - March 24, 1998 by Representative KONTOS of Windham.

PENDING - **PASSAGE TO BE ENACTED.** (Roll Call Ordered)

The SPEAKER PRO TEM: 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. 507

YEA - Ahearne, Bagley, Baker, Barth, Belanger DJ, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bunker, Campbell, Chizmar, Cianchette, Clark, Colwell, Cowger, Cross, Davidson, Donnelly, Driscoll, Dunlap, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagnon, Gamache, Gieringer, Gooley, Green, Hatch, Honey, Jones KW, Jones SL, Jones SA, Joyce, Joyner, Kane, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McKee, Mitchell JE, Morgan, Murphy, Muse, 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, Shiah, Skoglund, Spear, Stanley, Stevens, Taylor, Tessier, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Waterhouse, Watson, Wheeler GJ, Winglass, Winn, Winsor, Wright.

NAY - Belanger IG, Berry DP, Bragdon, Bumps, Cameron, Chick, Clukey, Desmond, Dexter, Gagne, Gerry, Goodwin, Joy, Kasprzak, Kneeland, Lane, MacDougall, Nass, Nickerson, Pinkham WD, Sirois, Snowe-Mello, Stedman, Tobin, Treadwell, Underwood, Vedral, Wheeler EM.

ABSENT - Carleton, Chartrand, Dutremble, Etnier, Jabar, Kerr, Layton, McElroy, Meres, O'Brien, Poulin, Thompson, Madam Speaker.

Yes, 110; No, 28; Absent, 13; Excused, 0.

110 having voted in the affirmative and 28 voted in the negative, with 13 being absent, 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 24, 1998 by Representative KONTOS of Windham.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

On motion of Representative WATSON of Farmingdale, **TABLED** pending **ACCEPTANCE** of the Committee Report and specially assigned for Thursday, March 26, 1998.

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 24, 1998 by Representative KONTOS of Windham.

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

On motion of Representative WATSON of Farmingdale, **TABLED** pending the motion of Representative THOMPSON of Naples to **ACCEPT** the Majority **Ought to Pass as Amended** Report and specially assigned for Thursday, March 26, 1998.

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)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1013).**

TABLED - March 24, 1998 by Representative DONNELLY of Presque Isle.

PENDING - Motion of same Representative to **RECONSIDER PASSAGE TO BE ENGROSSED.**

Subsequently, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

On motion of Representative UNDERWOOD of Mechanic Falls, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-1013)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-1036)** to **Committee Amendment "A" (H-1013)**, which was **READ** by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mechanic Falls, Representative Underwood.

Representative UNDERWOOD: Madam Speaker, Men and Women of the House. This amendment does nothing but make a technical change to the Committee Amendment. I ask for your support. Thank you.

House Amendment "A" (H-1036) to **Committee Amendment "A" (H-1013)** was **ADOPTED.**

Committee Amendment "A" (H-1013) as **Amended by House Amendment "A" (H-1036)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1013)** as **Amended by House Amendment "A" (H-1036)** thereto and sent up for concurrence.

Bill "An Act Concerning Sea Urchin Management"

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

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1026).**

TABLED - March 24, 1998 by Representative PERKINS of Penobscot.

PENDING - Motion of same Representative to **RECONSIDER PASSAGE TO BE ENGROSSED.**

Representative PERKINS of Penobscot **WITHDREW** his motion to **RECONSIDER PASSAGE TO BE ENGROSSED.**

The Bill was **RELEASED** to the Senate.

HOUSE ORDER - PROPOUNDING A QUESTION TO THE JUSTICES OF THE SUPREME JUDICIAL COURT

(H.O. 43)
TABLED - March 24, 1998 by Representative DONNELLY of Presque Isle. (Pursuant to House Rule 513)
PENDING - **PASSAGE**.

On motion of Representative SAXL of Portland, **TABLED** pending **PASSAGE** and later today assigned.

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

REPORTS OF COMMITTEE

Divided Reports

Seven Members of the Committee on **NATURAL RESOURCES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-1050)** on Bill "An Act to Reduce Air Pollution from Motor Vehicles and to Meet Requirements of the Federal Clean Air Act" (H.P. 1594) (L.D. 2223)

Signed:
Representatives:

- SHIAH of Bowdoinham
- McKEE of Wayne
- BRYANT of Dixfield
- DEXTER of Kingfield
- NICKERSON of Turner
- MERES of Norridgewock
- FOSTER of Gray

Five Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-1051)** on same Bill

Signed:
Senators:

- TREAT of Kennebec
- NUTTING of Androscoggin

Representatives:

- ROWE of Portland
- COWGER of Hallowell
- BULL of Freeport

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

Signed:
Senator:

- BUTLAND of Cumberland

READ.

On motion of Representative SAXL of Portland, **TABLED** pending **ACCEPTANCE** of any Report and later today assigned.

ENACTORS

Acts

An Act to License Massage Therapists (S.P. 494) (L.D. 1525) (C. "A" S-561)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, the Bill was **PASSED TO BE ENACTED**.

On motion of Representative VIGUE of Winslow, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-561)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-1049)** to **Committee Amendment "A" (S-561)** which was **READ** by the Clerk.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. What I just got done doing is to register massage practitioners subject to the same disciplinary actions or provisions as licensed massage therapists. This was left out of the original bill. It is just putting it back in.

House Amendment "A" (H-1049) to **Committee Amendment "A" (S-561)** was **ADOPTED**.

Committee Amendment "A" (S-561) as Amended by **House Amendment "A" (H-1049)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-561)** as Amended by **House Amendment "A" (H-1049)** thereto in **NON-CONCURRENCE** and sent up for concurrence. **ORDERED SENT FORTHWITH**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act to Reform the Maine Tree Growth Tax Law" (H.P. 883) (L.D. 1200)

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
- DEXTER of Kingfield
- CROSS of Dover-Foxcroft

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1053)** on same Bill.

Signed:
Representative:

- VOLENIK of Brooklin

READ.

On motion of Representative SAXL of Portland, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1054)**

on Bill "An Act to Repeal Certain Changes Made to State Employee and Teacher Retirement Benefits"
(H.P. 1499) (L.D. 2121)

Signed:
Senators:

CATHCART of Penobscot
TREAT of Kennebec

Representatives:

HATCH of Skowhegan
SAMSON of Jay
RINES of Wiscasset
BOLDUC of Auburn
STANLEY of Medway
CLARK of Millinocket
PENDLETON of Scarborough
TREADWELL of Carmel
JOYCE of Biddeford
LAYTON of Cherryfield

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

Signed:
Senator:

MILLS of Somerset

READ.

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1056)** on Bill "An Act to Amend the Laws Regarding Sex Offenders"

(H.P. 1473) (L.D. 2072)

Signed:
Senators:

MURRAY of Penobscot
O'GARA of Cumberland
MITCHELL of Penobscot

Representatives:

MUSE of South Portland
O'BRIEN of Augusta
McALEVEY of Waterboro
POVICH of Ellsworth
FRECHETTE of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-1057)** on same Bill.

Signed:
Representatives:

PEAVEY of Woolwich
JONES of Greenville
TOBIN of Dexter
BUNKER of Kossuth Township
WHEELER of Bridgewater

READ.

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

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

CONSENT CALENDAR

First Day

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

(H.P. 1432) (L.D. 1996) Bill "An Act to Grant the Legislature Additional Oversight of Medicaid Funds Used by the Department of Human Services for Educational Services" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1055)**

(H.P. 1566) (L.D. 2199) Bill "An Act to Make Supplemental Allocations from the Highway Fund and Other Funds for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1058)**

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

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

REPORTS OF COMMITTEE

Ought to Pass in New Draft under New Title

Representative RICHARD from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Allowing Schools to Remain on the School Construction Account Priority List"

(H.P. 917) (L.D. 1260)

Reporting **Ought to Pass in New Draft under New Title** Bill "An Act to Make Certain Changes in the Educational Law."

(H.P. 1665) (L.D. 2289)

Report was **READ** and **ACCEPTED**.

The **NEW DRAFT under NEW TITLE** was **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. **ORDERED SENT FORTHWITH**.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Limit New Lobster and Crab Fishing Licenses" (H.P. 1597) (L.D. 2226)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1004) and HOUSE AMENDMENT "A" (H-1025) in the House on March 23, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1004) in NON-CONCURRENCE**.

Representative ETNIER of Harpswell moved that the House **RECEDE AND CONCUR**.

The same Representative **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

Non-Concurrent Matter

Resolve, Relating to Commercial Vehicle Fee Reciprocity with New Brunswick

(H.P. 1501) (L.D. 2123)

Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TRANSPORTATION** was **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-920)** in the House on March 19, 1998.

Came from the Senate with the Minority (3) **OUGHT NOT TO PASS** Report of the Committee on **TRANSPORTATION** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative SAXL of Portland, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act Authorizing the State to Appeal Decisions Granting Preconviction Bail"

(S.P. 844) (L.D. 2248)

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-545)** in the House on March 24, 1998.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-544)** in **NON-CONCURRENCE**.

Representative POVICH of Ellsworth moved that the House **RECEDE AND CONCUR**.

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

Representative **WHEELER**: Madam Speaker, Men and Women of the House. I would ask that you vote against the pending motion. We had the debate yesterday on the floor. The Committee Amendment "B" puts beef in the law. Committee Amendment "A" does nothing more than state what is already in the law. The DA knows that that is available to them. I still feel that the DA should have the same rights as the defendant. Thank you.

Representative **WHEELER** of Bridgewater **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 PRO TEM**: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Madam Speaker, Men and Women of the House. I think that we should vote to Recede and Concur and vote for the motion. There is a difficulty I see here in forcing DAs to go judge shopping. It is an area that we haven't gone down before. We have taken a large bite out of this apple. Prior to that only the defendant had the right to appeal pre-conviction bail. Now we are granting the DAs the right to grant pre-conviction bail. We are respecting the process. This is an incremental change, a conservative change. We don't think we need to go these two steps right now. We urge you to take the one step. If that doesn't work, we will go the extra step. Please support the pending motion to Recede and Concur.

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

Representative **MCALLEVEY**: Madam Speaker, Ladies and Gentlemen of the House. I am not going to repeat what I discussed with you yesterday. I don't think the DA is going to go judge shopping. The private bar does and it works out very well for them. All this does is give the DAs the same tools that the defense bar has. It levels the playing field. Thank you.

The **SPEAKER PRO TEM**: 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. 508

YEA - Ahearne, Baker, Berry RL, Bolduc, Brennan, Brooks, Bryant, Bull, Colwell, Cowger, Davidson, Desmond, Dunlap, Etnier, Farnsworth, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jones SL, Kane, Kontos, Lemaire, Lemke, Mailhot, Mitchell JE, Muse, O'Neil, Peavey, Pieh, Pinkham WD, Povich, Powers, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stevens, Tessier, Townsend, Tripp, Usher, Volenik, Watson, Wright.

NAY - Bagley, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bouffard, Bragdon, Bruno, Buck, Bumps, Bunker, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clark, Clukey, Cross, Dexter, Donnelly, Driscoll, Fisher, Fisk, Foster, Gerry, Gieringer, Goodwin, Gooley, Honey, Jones KW, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, LaVerdiere, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McKee, Morgan, Murphy, Nass, Nickerson, O'Neal, Ott, Paul, Pendleton, Perkins, Perry, Pinkham RG, Plowman, Savage, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tobin, Treadwell, True, Tuttle, Underwood, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

ABSENT - Chartrand, Dutremble, Jabar, Kerr, Mayo, McElroy, Meres, O'Brien, Poulin, Quint, Thompson, Winn, Madam Speaker.

Yes, 55; No, 83; Absent, 13; Excused, 0.

55 having voted in the affirmative and 83 voted in the negative, with 13 being absent, the motion to **RECEDE AND CONCUR FAILED**.

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

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

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-1054)** - Minority (1) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act to Repeal Certain Changes Made to State Employee and Teacher Retirement Benefits"

(H.P. 1499) (L.D. 2121)

Which was **TABLED** by Representative **RINES** of Wiscasset pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1054)** 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-1054)** and sent up for concurrence. **ORDERED SENT FORTHWITH**.

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

Resolve, Regarding Legislative Review of Rules Governing the Implementation of Hypodermic Apparatus Exchange Programs, a Major Substantive Rule of the Department of Human Services

(H.P. 1607) (L.D. 2234)
(C. "A" H-940)

Which was tabled by Representative WATSON of Farmingdale pending **FINAL PASSAGE**.

On motion of Representative ETNIER of Harpswell, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

The same Representative **PRESENTED House Amendment "B" (H-1059)** which was **READ** by the Clerk.

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

Representative ETNIER: Mr. Speaker, Men and Women of the House. As the Clerk just so eloquently stated, what this amendment does is it removes the emergency preamble to LD 2234.

House Amendment "B" (H-1059) was **ADOPTED**.

Representative WATERHOUSE of Bridgton **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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 Passage to be Engrossed as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 509

YEA - Bagley, Baker, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bunker, Cameron, Carleton, Chick, Cianchette, Colwell, Cowger, Davidson, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gooley, Green, Hatch, Jones KW, Joyner, Kane, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, Madore, Mailhot, Mayo, Mitchell JE, Morgan, Murphy, Muse, Nass, O'Neal, O'Neil, Peavey, Pendleton, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Skoglund, Spear, Stanley, Stevens, Taylor, Tessier, Townsend, Tripp, True, Usher, Vigue, Volenik, Watson, Winn, Wright.

NAY - Ahearn, Barth, Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Buck, Bumps, Campbell, Chizmar, Clark, Clukey, Desmond, Donnelly, Foster, Gerry, Gieringer, Goodwin, Honey, Jones SL, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Lane, Layton, MacDougall, Mack, Marvin, McAlevey, McKee, Nickerson, Ott, Pinkham RG, Pinkham WD, Plowman, Sirois, Snowe-Mello, Stedman, Tobin, Treadwell, Tuttle, Underwood, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

ABSENT - Chartrand, Cross, Dexter, Dutremble, Jabar, Kerr, McElroy, Meres, O'Brien, Paul, Perkins, Poulin, Thompson, Madam Speaker.

Yes, 86; No, 51; Absent, 14; Excused, 0.

86 having voted in the affirmative and 51 voted in the negative, with 14 being absent, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A"**

(H-940) and **House Amendment "B" (H-1059)** in **NON-CONCURRENCE** and sent up for concurrence.

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

Joint Resolution Memorializing the United States Department of Agriculture to Rewrite and Reissue Rules for Organic Foods

(H.P. 1662)

Which was tabled by Representative PIEH of Bremen pending **ADOPTION**.

Subsequently, **READ** and **ADOPTED** and sent up for concurrence.

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

HOUSE DIVIDED REPORT - Majority (12) Ought Not to Pass - Minority (1) Ought to Pass as Amended by Committee Amendment "A" (H-1053) - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Reform the Maine Tree Growth Tax Law"

(H.P. 883) (L.D. 1200)

Which was **TABLED** by Representative SAXL of Portland pending **ACCEPTANCE** of either Report.

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

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

Representative **VOLENIK**: Madam Speaker, Men and Women of the House. Here's one more chance for you to vote for something meaningful in forestry. Because this bill was not on the agenda of any lobbying group from the left or the right, it of course received little attention. You, ladies and gentlemen of the House, can have the honor and privilege of voting for a bill that is one hundred percent lobbyist free. Unfortunately, I have to take five minutes of your time to explain the bill.

The premise of this bill is simple, you practice good long-term forestry you get a tax break. You practice poor forestry for immediate gain, you don't get a tax break. Maine's tree growth tax law, Title 36, Chapter 105, Section 572 states, "It is declared to be the public policy of this State that the public interest would be best served by encouraging forest landowners to retain and improve their holdings of lands upon the tax roles of the State and to promote better forest management by appropriate tax measures in order to protect this unique economic and recreational resource." Section 574B states, "A parcel of land primarily, for the growth of trees to be harvested for commercial use, shall be taxed according to this subchapter provided that the landowner complies with the following requirements. 1. Forest management and harvest plan. A forest management and harvest plan has been prepared for the parcel and updated every ten years." Then it defines a management plan as, "A written document that outlines activities to regenerate, improve and harvest a standing crop of timber. The plan must include the location of water bodies and wildlife habitat identified by the Department of Inland Fisheries and Wildlife. A plan may include, but is not limited to, schedules, and recommendations for timber stand improvement, harvesting plans and recommendation for regeneration activities. The plan must be prepared by a licensed professional forester or a landowner and reviewed and certified by a licensed professional forester as consistent with this subsection and with sound silvacultural practices." Although this law has been in effect since 1971 and management plans required since 1989, to date less than 20 percent of landowners

have submitted a plan. Their statutory last day to do so is April 1, 1999, at which time all who have not filed a plan will be in noncompliance and could very well lose their tax break. Now is the time to better define this law, not next year.

This bill simply clarifies that those sound silvicultural practices required in the law will be met if the plan includes schedules for stand maintenance and improvement so the value of the stand does not decline. If it ensures that the cut is less than growth over a rolling ten year period, which you've heard before, if it leaves adequate stocking for a productive stand, if it minimizes damage to soil, residual trees and regeneration during logging, if understocked or clear cut the plan must ensure adequate vegetation to minimize nutrient run off and it must avoid chemical pesticides where practical. The Commissioner of Conservation shall adopt the rules for definitions and guidelines for the harvest plans. The Maine Forest Service will conduct periodic random audits to determine compliance. Those landowners found not in compliance will have the parcel or portion of parcel not in compliance removed from the tree growth program. In other words, again, if you practice good forestry and improve the woods, which is in the public interest, then you get tax breaks under the tree growth tax law. If you don't practice minimum standards of good forestry, fine, you're perfectly legal, but you don't get rewarded by the people of Maine with lower taxes. We've let this tree growth tax evolve over the years away from its original intention and it's original definition into a current use tax. In other words, if it's called forest and you cut the trees, no matter how badly, you get rewarded for not allowing the land to be developed into any other use. Even if that other use is more beneficial to the community to the tax base and to employment. It's time to bring the tree growth tax break back to its roots. As the 1996 report on the Executive's Council on Sustainable Forest Management states, " Voluntary compliance with best management practices will take us a long way. Nevertheless, the public demands and expects accountability, so some additional regulation may be necessary. Public policy should not subsidize activities that result in less than excellent forest management. Reducing liquidation harvesting is a matter of tax policy. Removing the financial incentive for such operations will limit their appeal to those who currently engage in it. Forest landowners who have held their land for fairly long periods, such as ten years or who are truly interested in long term forest management will not be inconvenienced by any changes in tax policy aimed at reducing liquidation harvesting.

When Vermont first instituted a land gains tax in 1993 it could serve as model legislation for Maine. Other tax penalty mechanisms may work to reduce liquidation harvesting as well." And currently both Vermont and New York require silvicultural standards for their management plans. Again, " Few question the premise that forest practices statewide can be improved, the debate is over which tools should be used to achieve this improvement. Regulations such as water quality standards protect the public interest. However, some argue that regulation set the lowest common denominator. Others argue that current regulatory framework does not protect the public interest. Both perspectives have merit. Landowner incentives however, constitute an important tool in the policy mix. When properly implemented and monitored for effectiveness, incentives, particularly those of a financial nature can stimulate forest landowners to practice excellent forest management. Conversely, financial disincentives can discourage unsustainable forest management practices the council endorses use of the full range of policy tools to protect the public interest and encourage realization of the benchmarks." And here's some of the recommended benchmarks from the Sustainability Council Report, "By 1998, Maine Forest Service should develop the

process for assessing the impact of changes in public policy or land use pattern on the productivity of commercial forest land. In addition, the Maine Forest Service should review and assess the effectiveness of state laws and encouraging landowners to achieve the benchmarks, mainly the tree growth tax law, farm and open space law and income of state taxes."

Well it's 1998, it's time to do this. Again, I quote from the Council, "Benchmark Four: In 1998 Maine will implement a penalty mechanism that reduces the incentive for liquidation harvest." Again, it's 1998 and 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 will increase 1 percent per year until potential sustainable harvest levels are doubled for 1996 potential sustainable harvest levels."

This bill simply requires that in order to receive tree growth tax benefits from the people of Maine you must have a sound silvicultural management plan as currently required by law and that the plan must have minimum standards as adopted by the department and that the plan must be followed. If we do nothing else this year to maintain our working forests for future generations, let's pass this bill, its minimum standards and the fact that no one is forced to enter the tree growth tax program favors the carrot over the stick approach. I urge you to support it. Thank you.

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

Representative BUNKER: Madam. Speaker, Men and Women of the House. It is a difficult situation with the tree growth tax law and I agree with the good Representative that what policies we do place in the future it would be for encouragement to practice good forest management. Unfortunately, as many of you know in the battles we've had in the last several days on tree growth in the existing plan and as the good Representative noted there are only 20 or 30 percent of those people that currently have a management plan at this point and even I've actually heard some Representatives in this body indicating that they had a wish to give them an extension to allow them to comply after ten years. And I want you to know ladies and gentleman I'll be one Representative if I do return it will be asking you to oppose any extension because I believe that the management plan, the tree growth tax law that is currently in place, the tree growth tax law we finally got fully funded last year, the tree growth tax law that all our small landowners are currently using to survive and able to keep their forest property in its current use as the good Representative indicated and not develop where it draws down the economy of a small town in providing extra infrastructure in kids and schools and all those other things that bring population and house lots in to some of these small rural areas causes. I would ask you to oppose the good Representative and support the Majority Ought Not to Pass and I'd just note that this fiscal note on this is about \$250,000. 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. 69 voted in favor of the same and 9 against, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent up for concurrence.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An

Act to Include Locally Funded Debt Service in the Formula for Purposes of the Circuit Breaker Program"

(H.P. 1637) (L.D. 2271)

Signed:
Senators:

PENDLETON of Cumberland
SMALL of Sagadahoc
CATHCART of Penobscot

Representatives:

RICHARD of Madison
BARTH of Bethel
DESMOND of Mapleton
STEDMAN of Hartland
BELANGER of Caribou
McELROY of Unity
BRENNAN of Portland
BAKER of Bangor
WATSON of Farmingdale

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1060)** on same Bill.

Signed:
Representative:

SKOGLUND of St. George

READ.

On motion of Representative RICHARD of Madison the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent up for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1062)** on Bill "An Act to Establish the Boundary between Harpswell and Brunswick"

(H.P. 1652) (L.D. 2282)

Signed:
Senators:

NUTTING of Androscoggin
GOLDTHWAIT of Hancock
LIBBY of York

Representatives:

AHEARNE of Madawaska
LEMKE of Westbrook
BAGLEY of Machias
GIERINGER of Portland
SANBORN of Alton
BUMPS of China
FISK of Falmouth
KASPRZAK of Newport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-1063)** on same Bill.

Signed:
Representative:

GERRY of Auburn

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1062)** 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-1062) and sent up for concurrence. **ORDERED SENT FORTHWITH.**

ENACTORS

Emergency Measure

An Act to Amend and Clarify Laws Concerning Nuclear Safety

(S.P. 714) (L.D. 1960)

(C. "A" S-578)

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

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

Mandate

An Act Providing for Additional Meetings in the Event of a Tie Vote at Town Meetings

(H.P. 1492) (L.D. 2091)

(C. "A" H-988)

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Berwick, Representative Wright.

Representative **WRIGHT**: Madam Speaker, Men and Women of the House. Just a little bit of explanation on this. Although it does call this a mandate, the MMA has come out and said they fully support this. There's a very rare occasion that this would ever happen and all it does is it allows if there was a tie vote that it would allow for another election to take place. This does not include any municipal bonds or money issues it's just on school board meetings, selectmen and other municipal posts. Thank you.

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

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

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

Representative **WATERHOUSE**: Thank you Madam Speaker. Could somebody explain to me and others who may know, what is the process now when this tie vote takes place?

The **SPEAKER PRO TEM**: 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 Berwick, Representative Wright.

Representative **WRIGHT**: Madam Speaker, Men and Women of the House. A little history lesson is in order here. Last year in my town there was a vote for school board, it was a one vote difference in the vote. Before we could have the votes counted is we had our town meeting and we adjourned sine die. What happens when we adjourn sine die is that at the time the selectmen are able to choose the candidate that they wish. We recounted the ballots it came out as another tie and the two candidates agreed that this should be settled by a coin toss. I feel that this is something that is much more important than a pure coin toss. The candidate originally lost by the one vote actually won the coin toss.

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

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

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

Representative PERKINS: Could somebody tell me, I understand that this just allows them to do something, the municipalities, it allows them to do something but then there's the word mandate. Maybe I missed something, could you explain that please, quickly?

The SPEAKER PRO TEM: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Tuttle.

Representative TUTTLE: Madam Speaker, Ladies and Gentlemen of the House. Under the State mandate preamble, if it is a mandate under the Constitution we do have to have a two-thirds vote. That's why we're here today and it's something that was, I believe, passed in previous legislatures to say that if there is a mandate to municipalities we do to have an emergency vote. So that explains that.

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

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

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

Representative PERKINS: Madam Speaker, Ladies and Gentlemen of the House. If I may ask another question, I'm not fully understanding. We're allowing them to make a decision and that's a mandate?

The SPEAKER PRO TEM: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Tuttle.

Representative TUTTLE: Madam Speaker, Ladies and Gentlemen of the House. That is correct.

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

Representative CARLETON: Madam Speaker, Ladies and Gentlemen of the House. I know nothing about this bill, I just got it out here and reading it, let me just read the language in the event of a tie in the number of votes cast for two or more candidates and the resolution of a tie is necessary the municipality shall hold a run-off election.

Representative SAXL of Portland **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 PRO TEM: 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.

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 510

YEA - Ahearne, Belanger DJ, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Chizmar, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Green, Hatch, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler EM, Winn, Wright.

NAY - Bagley, Barth, Belanger IG, Berry DP, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Cross, Donnelly, Fisk, Foster, Gieringer, Goodwin, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Labrecque, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Madore, Mayo, McAlevey, Murphy, Nass, Nickerson, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, Underwood, Vedral, Waterhouse, Wheeler GJ, Winglass.

ABSENT - Baker, Chartrand, Dexter, Dutremble, Jabar, Kneeland, Lemont, Marvin, McElroy, McKee, Meres, O'Brien, Ott, Poulin, Thompson, Winsor, Madam Speaker.

Yes, 77; No, 57; Absent, 17; Excused, 0.

77 voted in favor of the same and 57 against, with 17 being absent, the Mandate **FAILED** of **PASSAGE TO BE ENACTED** and sent up for concurrence.

Acts

An Act to Implement the Recommendations of the Interagency Committee on Outdoor Trash Burning

(H.P. 1408) (L.D. 1972)

(C.C. "A" H-995 to C. "A" H-797)

An Act to Establish the Endowment Incentive Program

(H.P. 1470) (L.D. 2061)

(C. "A" H-1000)

An Act to Improve Public Health Protection Against Rabies Infection

(S.P. 768) (L.D. 2069)

(C. "A" S-577)

An Act to Amend the Laws Concerning Access to Capital for Maine Businesses

(H.P. 1489) (L.D. 2088)

(H. "A" H-931 to C. "A" H-880)

An Act to Support the Long-term Care Steering Committee

(H.P. 1500) (L.D. 2122)

(H. "A" H-849 and H. "B" H-966 to C. "A" H-837)

An Act Regarding the Responsibility of the State for the Costs of School Employee Record Checks and Fingerprinting

(H.P. 1536) (L.D. 2163)

(C. "A" H-976)

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

An Act Concerning Entry to Investigate Private Property for the Purpose of Forestry Examinations

(H.P. 200) (L.D. 253)

(C. "A" H-975)

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

On motion of Representative GOOLEY of Farmington, 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 PRO TEM: 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. 511

YEA - Ahearne, Bagley, Baker, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker,

Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Gooley, Green, Hatch, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemke, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McKee, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tessier, Tobin, Treadwell, Tripp, True, Tuttle, Underwood, Usher, Vedral, Vigue, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright.

NAY - Goodwin, Jones KW, Shiah, Volenik.

ABSENT - Berry RL, Chartrand, Dexter, Dutremble, Jabar, Kerr, Lemaire, Lemont, McElroy, Meres, O'Brien, Poulin, Stevens, Thompson, Townsend, Madam Speaker.

Yes, 131; No, 4; Absent, 16; Excused, 0.

131 having voted in the affirmative and 4 voted in the negative, with 16 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act Regarding the Employment of Harness Race Track Officials

(H.P. 1542) (L.D. 2169)
(C. "A" H-981; S. "A" S-583)

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

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

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

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

The House recessed until 7:00 p.m.

(After Recess)

The House was called to order by the Speaker.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

ENACTORS

Emergency Measure

An Act to Permit Direct Contracting with State Governmental Entities for the Provision of Services to Eligible Participants in Government Health Programs

(H.P. 1621) (L.D. 2251)
(C. "A" H-992)

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

Emergency Measure

An Act to Make Public the Records of the Department of Corrections Relating to Inmate Furloughs and Requests under the Uniform Act for Out-of-State Parolee Supervision

(H.P. 1629) (L.D. 2257)
(C. "A" H-991)

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

Emergency Measure

An Act to Implement the Recommendations of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities

(S.P. 853) (L.D. 2266)
(C. "A" S-572)

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. 115 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a Major Substantive Rule of the Department of Human Services

(H.P. 1615) (L.D. 2241)
(C. "A" H-1002)

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. 120 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.

Emergency Mandate

An Act to Amend the Charter of the Ogunquit Sewer District

(H.P. 1592) (L.D. 2221)
(C. "A" H-947)

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

On motion of Representative WHEELER of Eliot, 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-947)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-1046)** to **Committee Amendment "A" (H-947)** which was **READ** by the Clerk.

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

Representative **WHEELER**: Madam Speaker, Men and Women of the House. All this amendment does is strip off the emergency preamble.

House Amendment "A" (H-1046) to **Committee Amendment "A" (H-947)** was **ADOPTED**.

Committee Amendment "A" (H-947) as Amended by **House Amendment "A" (H-1046)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-947)** as Amended by **House Amendment "A" (H-1046)** thereto in **NON-CONCURRENCE** and sent up for concurrence.

Acts

An Act to Amend the Animal Welfare Laws
(H.P. 1640) (L.D. 2273)
(S. "A" S-567)

An Act to Modify the Law Pertaining to Personal Sports Mobile Franchises
(H.P. 1643) (L.D. 2275)
(C. "A" H-999)

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.

ENACTORS

Emergency Measure

An Act to Implement a Reorganization of the Maine Sardine Council by the Maine Sardine Industry
(S.P. 726) (L.D. 1968)
(C. "A" S-557; S. "A" S-595)

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

Emergency Measure

An Act to Clarify the Responsibilities of the Advisory Commission on Radioactive Waste during the Decommissioning of Maine Yankee
(S.P. 792) (L.D. 2119)
(S. "A" S-540 to C. "A" S-514)

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. 112 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Relating to Dam Abandonment
(S.P. 843) (L.D. 2247)
(C. "A" S-579)

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. 113 voted in favor of the same and 8 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Protect the Privacy of Genetic Information
(S.P. 384) (L.D. 1243)
(S. "A" S-594 to C. "A" S-584)

An Act to Amend the Temporary Assistance for Needy Families Program
(S.P. 407) (L.D. 1302)
(C. "A" S-588)

An Act to Register Interpreters for the Deaf and Hard-of-Hearing
(S.P. 481) (L.D. 1483)
(C. "A" S-589)

An Act to Permit Off-label Use of Prescription Drugs for Cancer, HIV or AIDS
(S.P. 761) (L.D. 2068)
(C. "A" S-580)

An Act to Create the Crime of Insurance Fraud and Require Reporting of Convictions to Licensing Authorities
(H.P. 1553) (L.D. 2182)
(C. "A" H-923)

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.

Resolve

Resolve, Charging the Children's Cabinet Agencies to Support Efforts of Parents as First Teachers of Their Children
(H.P. 1632) (L.D. 2260)
(S. "A" S-568)

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 Permit the Creation of Municipal Fire Districts
(S.P. 598) (L.D. 1777)
(C. "A" S-553)

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

On motion of Representative **GERRY** of Auburn, was **SET ASIDE**.

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

The Chair ordered a division on **PASSAGE TO BE ENACTED**.

A vote of the House was taken. 104 voted in favor of the same and 10 against, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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)
(S. "A" S-581 to C. "A" S-556; S. "B" S-582)

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

On motion of Representative LABRECQUE of Gorham, 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 **Senate Amendment "B" (S-582)** was **ADOPTED**.

The same Representative moved that **Senate Amendment "B" (S-582)** be **INDEFINITELY POSTPONED**.

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

Representative LABRECQUE: Madam Speaker, Ladies and Gentlemen of the House. Let me back up and give you a little bit of history. In the 117th Legislature the Adjutant General came before us with a request that he have monies to renovate and repair the armory. We allowed him to do that by selling certain pieces of land that he had at his disposal, as long as those lands were first approved by the Legislature. This bill allows for the sale of some of those. The amendment that was put on deletes a two acre parcel of land that is with the Augusta Armory here in Augusta. That two acre piece of land has been up for sale and their will be an agreement worked out whereby the parking that that might be needed for will be in use and the monies that would be arrived for the sale of this piece of land would go then into the renovation of the Augusta Armory and this is why I'd like to back that off. Thank you.

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

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. Boy, you have to be quick around here. I wasn't prepared to speak on this. This amendment was put on by the Senator from Augusta and from what I understand I agree the Representative from Gorham is correct. It is specifically about two acres in Augusta, but I feel that the Armory is state property, that we need that parking and I would ask that we vote against the Indefinite Postponement. Thank you.

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

Representative WINGLASS: Madam Speaker, Ladies and Gentlemen of the House. I just want to make one point and that is that military infrastructure is extraordinarily difficult to manage and this amendment restricts the ability of General Adams and his staff to manage effectively the infrastructure that he's entrusted with in this state and I urge your support of the proposal that has been advanced by the Gorham representative. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Tuttle.

Representative TUTTLE: Madam Speaker, Men and Women of the House. I would also encourage you to support the motion to Indefinitely Postpone. Essentially the amendment had been discussed in committee and it was at the time thought unanimous support that the amendment not be offered but as somebody said, you really have to be quick around here in the last couple of weeks. I guess prior to the departments request

for legislative approval to sell the land described through the evaluation proposal is conducted by the Maine Army National Guard. The memo that I was given it said that Western Avenue was an area under consideration and is overwhelmingly commercial and the parking garage particularly the one with covered access to the armory building would be of great addition and comfort to the convenience of the soldiers and the public using the armory. There could well be a net gain of sorely needed parking to support the armory functions and the additional sum of money earned by the department would help to address some of the most critical needs for the armory in general. I would also mention here that the City of Augusta would gain an invaluable addition in having it assessed on a tax base. So in my opinion it's a win-win situation and I would encourage you to support the motion to Indefinitely postpone this amendment.

On motion of Representative MADORE of Augusta, **TABLED** pending the motion of Representative LABRECQUE of Gorham to **INDEFINITELY POSTPONE Senate Amendment "B" (S-582)** and later today assigned.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

HOUSE DIVIDED REPORT - Report "A" (7) **Ought to Pass as Amended by Committee Amendment "A" (H-1050)** - Report "B" (5) **Ought to Pass as Amended by Committee Amendment "B" (H-1051)** - Report "C" (1) **Ought Not to Pass** - Committee on **NATURAL RESOURCES** on Bill "An Act to Reduce Air Pollution from Motor Vehicles and to Meet Requirements of the Federal Clean Air Act"

(H.P. 1594) (L.D. 2223)

Which was **TABLED** by Representative SAXL of Portland pending **ACCEPTANCE** of any Report.

Representative ROWE of Portland moved that the House **ACCEPT** Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-1051)**.

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

Representative ROWE: Madam Speaker, Colleagues of the House. This is the Act to Reduce Air Pollution for Motor Vehicles and Meet Requirements of the Federal Clean Air Act. As you can see on Supplement 1 there are interesting reports. There are three, let me just explain Report "A" is Cumberland County only. The Report I moved is Report "B" which is a statewide program and there is an Ought Not to Pass Report by one member as you can see. I'd like to remind you, if I could, last session we passed a resolve directing the Department of Environmental Protection to study options to comply with the requirements of the Federal Clean Air Act as they relate to motor vehicle inspection and maintenance and we requested that they come back to the Natural Resources Committee and the Legislature with two proposals and one needed to apply statewide. We also asked that they include, in at least one of their proposals, coverage for diesel vehicles. The department held several meetings around the state during the past several months. They heard from members of the public, the auto industry, auto dealers, Maine business and industry, technical experts, legislators and other public officials both state and local. They brought back a report to us, which I believe many of you

have seen. The Natural Resources Committee took this report, we developed a bill, which is LD 2223 and we worked it and you have the Committee Amendments tonight.

During our process we also consulted with the Transportation Committee because this program is an add on to the current safety inspection program. I'd like to talk about Report "B," although much of Report "B" is contained in Report "A." Let me tell you what both bills do basically. They do the same in that they do both have statewide emissions checks for diesel vehicles. There's currently a statewide safety inspection for diesel vehicles, as you know for diesel trucks and what this bill would do it would allow the Department of Environmental Protection to conduct an opacity test on those vehicles that were expected of being polluters. That's part of the bill. The other part of the bill it establishes a gross polluter provision, so if a law enforcement official sees a vehicle that's omitting smoke, other than water vapor in more than five consecutive seconds and you've seen these vehicles I'm sure, they would be able to go ahead and cite the owner of that vehicle for a traffic violation. That's in the bill in the amendments.

The difference in the bills is that Committee Report "B" has a statewide program and you received several handouts earlier this evening, several were from me. Actually, a good committee chair would have probably had different individuals sponsor them, but I was a tired committee chair so you saw three of them from me and there's one from Representative Cowger. But these explain the programs and, what I call the pink sheet, basically I think explains the different aspects of the program. You also see a letter from Lt. Dow from the Traffic Division of the Maine State Police talking about the enforcement challenges and the need for funding the increase in the fee. You also see a letter from Commissioner Melrose from the Department of Transportation talking about the real possibility of sanctions if we do not go forward with this program. And finally you see Representative Cowger's handout which actually shows the additions to the current vehicle safety and inspection program. You're going to hear tonight that this is not CarTest, it's not. This is not a tailpipe testing program. What this is, when you take your vehicle in for your annual safety inspection in addition to checking the things that are currently checked there will be, starting January 1, 1999, one additional check and that's a gas cap or the fuel cap pressure. Your gas cap will be tested for pressure to see if there's a leakage in terms of emissions coming from the gas cap. If it is leaking, then you will need to buy another gas cap which is very inexpensive, as we know. The other test which will start the year after, January 1, 2000, would be a check of your onboard diagnostic equipment, your emissions equipment and this would be for 1996 and newer models that have this equipment on the vehicle. The point is, does this testing, this additional testing confine to Cumberland County or the state? I'm advocating for a statewide program for different reasons and I'll talk about those in a second. We have to have a program and the reason we have to is because of the sanctions that might come about. But also it's the right thing to do, all the other northeastern states currently have programs similar to this, most are more onerous. This is very similar to Vermonts. The State of New Hampshire is right aligned with Maine, they are developing a program as are we, as we speak.

The bill will reduce vehicle emissions of the volatile organic compounds and nitrous oxide. These are the two emissions that actually form ground level ozone, which we all know is a real problem for health, especially people with respiratory disease illnesses. We know that newer vehicles have control systems, emission control systems that are more sophisticated but they can wear out and they can malfunction and this test will be to just check that equipment, make sure it's operating properly. If it is

not only going to cause the air to be cleaner but it's also going to cause the vehicle to operate more efficiently and there will be better gas mileage and therefore, hopefully will save the owner the money in the long run.

The other reason we need the bill is because the Federal Clean Air Act requires it. The Act requires that we implement a vehicle inspection maintenance program by the first of next year. We're currently under a sanctions letter by an eighteen month sanctions clock that has been turned on, it expires on December 6, 1998. We have to have this program approved by the EPA prior to that date or there will be sanctions and you can read the letter that Commissioner Melrose sent out, that's the yellow sheet where he talks about the serious repercussions that would jeopardize federal highway funds and this is real serious stuff. I mean this isn't just a scare tactic, it has happened, it could happen. There are other sanctions that could come about if we fail to implement a program. We could actually have some of the other federal environmental funds be reduced. The federal government could actually come in and implement a program if we don't. Finally, what you see on the pink sheet, there could be some sanctions that would involve, that would actually hamper the industrial development in the State of Maine and there's a real concern as you can see. The pink sheet mentions a Portland Metropolitan statistical area that that could actually be applied statewide. So there's several different reasons that we probably do not want to play chicken with the federal government with respect to this program. Again, this is not CarTest, this is simply a couple of additional checks when you take your vehicle in.

Now why should we go statewide as opposed to Cumberland County? Bear with me because I want to give you this info, it's important I think you may hear others. The statewide program obviously will reduce air pollution across the State of Maine, not just in Cumberland County because we have vehicles across the State of Maine and it will enable everyone to benefit from cleaner vehicles. It's also much easier to enforce and I would draw attention to the purple sheet. Lt. Dow testified both to our committee and the Transportation Committee about the difficulty of enforcing a Cumberland County only program. It would actually cost as much to enforce if not more. You have the issues with respect to border jumping and other issues. It can be done. I'll tell you it can be done, it's just difficult to do and obviously one of the reasons for a statewide program is sort of the equity of the programs scope. It applies statewide. It seems to make sense.

There was a lot of testimony during the hearings of the Department of Environmental Protection around the state and also at the public hearing we heard from the owners of garages and mechanics about the cost involved. I just want to tell you that whether we do a statewide or a Cumberland County program as I say the cost of enforcement would be the same so there would be a fifty cent increase in the cost of your annual safety inspection. So now it's \$6 as you know, that would go up 1/1/99 to \$6.50 actually if the Cumberland County only program it would go up to \$9.50 in Cumberland County. The additional \$3 would be for the additional work done by the mechanics and checking the vehicle. So again, the cost would increase from \$6 to \$9.50 as of 1/1/99. That would go up another \$3 because of the on-board diagnostics check for those vehicles that needed it as of 1/1/00, so the price then would be \$12.50. A lot of folks have said that the \$6 is not enough, well we didn't deal with that, that's the Transportation Committee, we consulted with them and I guess that's for another bill. You'll hear a lot of complaints from the garage owners and mechanics that the work they do is worth much more than \$6 and they lose money on this. We didn't deal with that we thought about it but we didn't. What we did deal with

was the additional add-on costs associated with the additional testing that is required. So a statewide program the price would go from \$6 to \$9.50; 1/1/99, and \$12.50 in 2000. That's the program. Again, as I've said Report "B" which I moved is the statewide program I would recommend that for your consideration and request your support. I think it's a better program when you talk to people who've implemented these programs in other states. Most of them, the large majority of them have been statewide programs. I think New York state has a couple of regional programs but most of the programs, including the one in Vermont, statewide. That's the information I wanted to give you. I'm sure there will be additional questions but I will sit down for now. Thank you.

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

Representative FOSTER: Madam Speaker, Ladies and Gentlemen of the House. I'm on the A side of this report and to say the least it's a controversial one and I want to tell you the reason I'm here. I live in Cumberland County and you might say it puts me in kind of a tenuous position, which it does, and I'm probably not going to make too many friends but I have a reason for being here on this side of the issue.

The main reason is I really don't like to see this kind of misery spread over the rest of the state, I guess that's one reason. The other reason is much of rural Maine outside of Cumberland County and I'm not picking and choosing counties here for any one reason or another but people have to drive to work mostly in rural Maine, they have to drive some distance. And not everybody is fortunate enough to have a new car that's going to go sliding through all these tests. Not only that, they may not be all able to take care of the increased cost of doing the test. So that's the reason I'm on the other side of this issue but I'm here by the skin of my teeth I guess I think a person has to take some risks in life this is one of them. I don't know whether it's too serious or not I guess I don't believe it is. Anyway, Madam Speaker I'd request a roll call.

Representative FOSTER of Gray **REQUESTED** a roll call on the motion to **ACCEPT** Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-1051)**.

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 Carmel, Representative Treadwell.

Representative TREADWELL: Madam Speaker, Ladies and Gentlemen of the House. I attended one of these public hearings to gather input for the CarTest program and one of the things I got out of the hearing was that I guess there's only one non-attainment area in the state and that's the Greater Portland Metropolitan area. I don't know if that's accurate now or not. What would be the purpose, if anybody would care to answer, to I guess two questions. Is it necessary to have this program statewide? And if it's not necessary, what is the purpose of having it statewide?

The SPEAKER: The Representative from Carmel, Representative Treadwell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Madam Speaker, Men and Women of the House. In response to the question, it is not necessary to have a statewide program to be in compliance with the Federal Clean Air Act but we must have a program that at least covers Cumberland County and that's answer number one. Why? I listed some reasons, one of the primary reasons is the enforcement problems associated with having a program that's just a program within the compliance of a single county. As you know the way the program works now is, you pass the

inspection, you get a safety inspection sticker. If it's Cumberland County only program the way it will work is the inspector will have to look at your vehicle registration and determine if the town your registered in is in the County that the station is in and before they can give the inspection. I should say the Cumberland County bill does allow stations outside Cumberland County to offer the enhanced inspection. Which is something we thought was important because we knew there may be commuters that perhaps live in southern Maine or north of here that worked in Augusta and they may want to get their vehicles inspected or actually if it's Cumberland County only it would be commuters that drove here from Cumberland County. But again, the benefits, I just want to mention were that everybody enjoys clean air, it's more equitable and it makes the enforcement a whole lot easier and again I would refer you to Lt. Dow's sheet, he was very adamant about the difficulty of it, it can be done, but it's going to be more expensive for a Cumberland County program than a statewide with respect to the enforcement costs. Thank you.

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

Representative COWGER: Madam Speaker, Colleagues of the House. I'd like to give you my impressions as to why I support the statewide program and would ask you to join me in supporting the pending report. I am not a resident of Cumberland County as you know, so maybe this gives you a little different perspective. But I firmly believe that a statewide vehicle inspection program is both fair, feasible and functional. I believe a statewide program is fair because as we've talked about it is not just automobiles in Cumberland County that contribute to this state's air quality problems. It is indeed all of us. It is also fair because we don't want areas of the state to become dumping grounds for vehicles which fail the enhanced inspection program. One of the first pieces of testimony we heard at the public hearing for this bill was from a garage owner in Presque Isle who was strongly in favor of a statewide program. He didn't want non-passing vehicles to be dumped on the county. I believe a statewide program is also fair because what's good for one Maine citizen is good for the rest of us. It really is one Maine and it really is the right thing to do. I believe a statewide program is feasible because the existing statewide network of vehicle inspection stations is going to be utilized. This again is not CarTest. This is the existing vehicle inspection program with an additional check of the gas cap and a check of the onboard diagnostics program for newer vehicles. One thing that we were very conscious of was the cost to the garages to actually implement this program and you may hear from some mechanics that it's going to cost thousands of dollars, but we worked very hard and looked at the availability of equipment out there and indeed a garage can get into the testing program including the onboard diagnostics for as little as \$550. That was a big concern that we're not going to be negatively impacting small businesses and I think we addressed that.

Again, a statewide plan is feasible because we're limiting the program to Cumberland County only would be much more difficult to enforce. We'll need to have two different types of inspection stations, two different types of stickers and then also enforcement of the proper registration of the cars in Cumberland County, perhaps special notations on these registrations to avoid border jumping to an additional county. The program is feasible because enforcement of a statewide inspection plan will be much more straight forward than a Cumberland County only plan.

And finally, like I said, a statewide program is functional because wherever you live in Maine and wherever you work, you will have the opportunity to have your vehicle inspected including the additional emissions inspections. Many people live or work

in Cumberland County but there are a lot people that don't do both. So a statewide plan will address all vehicles impacting Cumberland County. I think we need to ask ourselves, don't we all get to Portland sometime?

Also, a statewide program is functional because the environmental benefit. The environment will benefit more with a statewide program. Cars that don't pass inspection will not be dumped outside Cumberland County. All of our cars will be inspected to be sure the emission systems are operating properly. If these systems are not operating properly, they'll have to be repaired and this benefits all of us with clean air all across our state.

Keep in mind that this program only requires a properly operating gas cap, which costs about \$5 to replace and does not require actual repairs to the onboard emissions system until 2001. So I urge your strong consideration of Report "B."

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

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

The SPEAKER: The Representative may pose his question.

Representative MACDOUGALL: Madam Speaker, Ladies and Gentlemen of the House. How many days out of the year are we in noncompliance? Part B of the question would be within the course of that 24 hour day. Is that total 24 hours mean we're in noncompliance?

The SPEAKER: The Representative from North Berwick, Representative MacDougall has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Gray, Representative Foster.

Representative FOSTER: Madam Speaker, Ladies and Gentlemen of the House. I'm not sure that I'm positive about this answer but my best guess is from what I've heard we're out of containment or compliance 2 to 3 days in the summertime when we have a lot of vehicles from other states come in here.

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

Representative SAVAGE: Madam Speaker, Men and Women of the House. I want clean air just as much as the rest of you but I'm looking at it from a different point of view. I'm looking at it from the small business owner who has to go out and buy this equipment and I don't know where the figures came from that you could get this equipment for \$500 but that's not what I've been told because the gas cap check equipment is in the vicinity of \$400 to \$500 and the onboard diagnostic equipment is much more and has to be updated annually. So this equipment is going to cost our small business owners in the State of Maine a sum of money just to get equipped to do this test. I would ask your support in opposing plan B and go on to support plan A. Thank you.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. I too would ask you to oppose Report "B" and move on to Report "A." It's very difficult for me coming from the rural area of Washington County to hear that we're going to be one Maine when it comes to complying with a federal law that places the State of Maine out of attainment for 3 days because of the prevailing winds from other states. We've had this debate, we're all very clear that Portland would not be in this situation it is if it wasn't for what is coming across our border from other states and it's very difficult for me to go home to the rural Washington County with the prevailing winds heading out to sea and explain to them that we're going to have increased fees and increased testing because somehow the winds shift down and help place the State of Maine out of attainment. I don't think that is the case

here, it's not the intention of the majority of this committee to say that. I think that we're in a very difficult situation when one county happens to be out of compliance. I think that the department and the committee has worked very hard to try to give us a couple of routes to take here to be in technical compliance with the federal government and still maintain the moneys and the stuff that they hold over our heads. I would ask you to oppose Report "B" and move on to support the other amendment.

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

Representative BULL: Madam Speaker, Men and Women of the House. As you'll probably notice from the report I am as well on Report "B" and I urge your strong support for this and again, this is not because I'm from Cumberland County it is because I do feel this is the right thing to do. As the good Representative from Portland has discussed this is an issue that was studied in depth by the department had many public hearings throughout the state, got input from many people on this and came back to us with a recommendation for a statewide. My reasons for this and some of them have been discussed earlier but I want to reinforce them again. The enforcement of a Cumberland County only program would be extremely difficult, extremely difficult and again Lt. Dow has discussed this and I urge you to read his letter which is on your desk. Border hopping is a problem, either intentional or otherwise. You have people that may live in Cumberland County but work elsewhere and out or sheer convenience it's easier for them to get their car inspected outside of the county and unless the person doing the inspections makes sure to verify that person, what county they're from, they very well could be given the improper inspection program, thus their car would be out of compliance and they may not even know it and go back to Cumberland County and possibly get fined.

Another issue that has been raised is that this issue of pollution coming from out of Cumberland County. Cumberland County is a very big destination county in terms of workers. In Freeport of course, we have LL Bean and there are people that commute to LL Bean from Lewiston/Auburn, from the Oxford Hills region, from York County and the Bath area. These people are coming into Cumberland County and potentially contributing to the pollution problem, but they are not being held responsible and accountable for ensuring that the air in Cumberland County is clean. So yes, Cumberland County may be out of attainment but it is not solely the responsibility of the cars within that county.

As the good Representative from Portland mentioned, there are currently only two states in the whole eastern seaboard from Virginia up that do not have some sort of emissions inspection program, Maine and New Hampshire, and New Hampshire is in the process of implementing a plan. Every other state on the eastern seaboard has done their part to address this and I will make the point that most states have done much more stringent programs than what we are doing here in Maine. The program that we are advocating here is the bare minimum to meet federal standards. One issue that's important to realize is that when look at this non-attainment area, it's a metropolitan area that does not follow geographic boundaries of Cumberland County. It encompasses the Portland area but also stretches down into northern York County to include the areas of Old Orchard Beach, I believe as far south as the Biddeford/Saco area. My point is is that those areas are again contributing to the non-attainment in Cumberland County but because of this program can only be developed on strictly geographic boundaries in terms of counties, they can not be brought into this. And so we have the problem where areas such as Old Orchard Beach which are contributing to this non-attainment issue where the measurements have been taken are not being forced to get their cars inspected while the

towns over in the good Representative from Bridgton's district, Bridgton and Harrison, where this is not an issue are being forced to put up this program when in fact they are not contributing to the problem nearly as much as some of these towns in northern Cumberland County which are exempt. So this is another reason why I feel that it is only fair to make this thing an entire statewide program. Pollution knows no boundaries. The whole state can benefit from this program, just because northern Maine may not be necessarily out of attainment, they will benefit from this program.

A couple points have been brought up that I want to just address here very quickly. The Representative from Gray, Representative Foster brought up the issue of older vehicles. This program only goes back to cars that are '75 and newer and that's dealing with the gas cap and so this is not going to go after the oldest of the cars. The idea is that they will simply die eventually and be weeded out and not be a problem. The issue was brought up about the cost. I think the good Representative from Union, Representative Savage brought up the issue of the cost. We have had figures that came back to us revised that might be later than the ones you've got when we met with you with the Joint Transportation Committee meeting that actually did show a cheaper tester for the gas cap that was in the range of the \$400 to \$500. On the onboard diagnostic computer test, the issue was brought up that they thought they'd have to be changing the chip to be able to read the updated information on the onboard diagnostic computers from year to year. That has been shown actually not to be the case. This is a one time only piece of equipment for testing the onboard diagnostic computer and most shops will have to be getting these machines anyway. So this is not an additional cost above and beyond the equipment they'd need for the standard inspection program. So we truly are looking at a one time expenditure of \$400 to \$500 for this program and this was a concern of ours. It could possibly go down as this program gets developed, the potential for lowering the cost is definitely there. Finally, I just want to push that we are under the sanctions clock and that I feel that it's hypocritical of us as a state to look out to the Ohio Valley and ask them to stop sending their pollution here because yes, a lot of the pollution is coming from out of state, but also there is home grown pollution coming from in state from our vehicles here in Maine and I think we have a responsibility here in Maine to do what we can to reduce air pollution and the presence of docks pollution here in Maine and we could have this clean hands approach that we can go now to Ohio and Pennsylvania and West Virginia and elsewhere and say, look we're doing our part to clean up our air, we'd like you to meet us halfway. So ladies and gentlemen as the good Representative from Hallowell said this is a fair and feasible plan and I urge your support, Report "B." Thank you.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Madam Speaker, Ladies and Gentlemen of the House. I being on the Transportation Committee you've heard it said that we sat in on some of the meetings and I did sit on the some of the meetings. I'd like to respond a little bit to what you're being told about what Lt. Dow said. In answer to a question I asked him, he admitted to me that this was by no means an insurmountable problem in doing it just in Cumberland County and you've heard the good chairman of the Natural Resources Committee say this a couple of times. You've also heard him say that under the Clean Air Act the only area of the state that is required to implement this program is in Cumberland County. Madam Speaker, may I pose a question through the Chair?

Madam SPEAKER: The Representative may pose his question.

Representative CLUKEY: Madam Speaker, Ladies and Gentlemen of the House. I'm posing this question not so much for myself as for other members of this body who may not know the answer and this is to the good Chair of the Natural Resources Committee. Under the Clean Air Act, is it mandatory that we implement a diesel powered motor vehicle emission capacity testing program?

The SPEAKER: The Representative from Houlton, Representative Clukey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Madam Speaker, Men and Women of the House. The answer to the question is no. I would like to say more. Why do we have it in this bill? The reason it is in this bill is because one of the complaints about the CarTest Program in addition to the fact that we had to spend a lot of money and people were not happy with the results and they thought it was somewhat arbitrary was that diesel powered vehicles were not included. When the Department of Environmental Protection went around at these meetings, it heard from citizens, what about diesel vehicles? We heard what about diesel vehicles. Why should diesel powered vehicles be exempt from emissions testing? Why should it only be gasoline powered vehicles? If you want to do the bare, bare minimum to comply with the federal law, you don't have to put the diesel testing in there. If you want to be fair and equitable, you should put it in there. This diesel testing is only for vehicles that have a gross vehicle weight of 10,000 pounds or more. It would only be conducted when a vehicle is stopped by the State Police at a roadside safety check and they would be pulled over only if there is a DEP person there qualified. They will basically read the smoke coming out of the stack. They will be qualified, if you will, to calibrate with their eyes the opacity level of the stack. If they have probable cause based on that, then they will actually conduct what is called a snap acceleration test. Where they will basically have the vehicle rev up the RPMs and they will conduct with an instrument a test of the opacity of the smoke coming out of the stack. If it exceeds a certain level, then the vehicle will need to be repaired. It is not required. Is it fair? Yes. Is it a good idea? Yes. The other thing is the standards will not be Maine standards. If you read the bill carefully, you will see that these opacity standards will be standards set by an interstate group. In other words, most of these big vehicles are the vehicles that do interstate travel. It would really be unreasonable for all the state's in the northeastern United States to have different standards. We will have one standard. Other states are doing this. That is why we put it in there. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. To anybody on the committee, could they please tell me under the Federal Clean Air Act, what area the federal government requires these tests to be done in and what towns would be encompassed in that area?

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 Portland, Representative Rowe.

Representative ROWE: Madam Speaker, Men and Women of the House. I just want to make sure I understood the question. The question was under the Federal Clean Air Act in what area is the test required?

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

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. Yes, that was the question. I guess we have an area that where there is unattainment. We are not in attainment. It doesn't require a statewide test. Is the federal mandate that a certain county or a municipality or an area or what exactly is the federal perimeter to meet the standards. Does the federal government specifically say all of Cumberland County or is it the greater metropolitan area of Portland. If it is the latter, what does that include?

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 Portland, Representative Rowe.

Representative ROWE: Madam Speaker, Men and Women of the House. I appreciate the clarification of the question. The area of the state that is out of compliance, if you will, includes some towns in northern York County. Let me just say this. The greater Portland metropolitan statistical area, which is the area that we are talking about, includes some northern York County towns. It does not include some western Cumberland County towns. However, to comply with the Federal Clean Air Act and put an inspection and maintenance program in place, it either has to be statewide or it has to be put in every county that has a population density of more than 200 persons per square mile. That is Cumberland County. That is not York County. We cannot devise a program that takes part of Cumberland County and part of York County. That will not pass muster with the EPA under the Federal Clean Air Act. It must be an entire county and the only county that will pass muster is Cumberland County. The towns in northern York, if it is a Cumberland County bill, will not have to have their vehicles inspected.

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

Representative COWGER: Madam Speaker, Colleagues of the House. I just wanted to try to answer a few more questions. The question came up earlier about how often we exceed the standards for ozone. We have been exceeding the federal standard on an average of about four days over the last 10 years. Over the last couple of years we have been exceeding our state standards by 20 to 30 times a year. These state standards is what is going to be imposed upon us as the new federal standards. As this new federal standard comes in place, we are going to be in excess at least 20 to 30 days a year. Questions about the diesel testing, I just wanted to point out that this was supported not only by the Maine Aggregate Association, but also the Maine Motor Transport Association because it is indeed a regional testing program and we fit in the overall scheme. One other point, since I am a small business person, I was very sensitive to the costs on business. The gas cap pressure test equipment is about \$350 and just to clarify the Representative from Union, she asked a question about the onboard diagnostics equipment. There is a great deal of confusion about this. A garage that actually wants to diagnose and make the repairs will want to have a fairly sophisticated piece of equipment and that will, indeed, require yearly updates. A small business, a small garage that just wants to do the inspection program, all they have to do is spend \$200 to buy a small hand held unit. It does not have to be updated annually. It is a self-contained unit. Once you buy it, you are done. It is very affordable at \$200 for a retail price. It is probably going to be available for somewhat less. Thank you.

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

Representative LOVETT: Madam Speaker, Ladies and Gentlemen of the House. Well, here we go again. The EPA says we are out of compliance three days a year. That is 72 hours. I don't believe that we were out of compliance for 72 hours. I believe maybe two hours, maybe one hour, but we are going to ask our consumers in the State of Maine to have an increase in their inspection stickers. We are going to ask our small owners in garages and all to have an increase in their cost of operation. If you have flown recently or in the summer months when we are out of containment and you look out over the horizon, you will see the smog coming in the valley from out of state. It is not Maine pollution. Yet, the EPA is asking us to comply and it sounds like some of you are willing to make Cumberland County comply. We have done the things to keep our air clean. We have had RFG. We were told that cut down. I think until the EPA can have the factories clean up the pollution that they are causing in the west and south of us, I think we ought to send a big NO to the EPA. I am going to support Report "C" Ought Not to Pass.

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

Representative VOLENIK: Madam Speaker, Men and Women of the House. Non-compliance isn't the issue. If you buy food, not locally, but from some California agriculture business and it is trucked across country in a pollution spewing diesel truck, if you buy a truck or car that is built in Detroit or Indiana, like mine was, with steel and plastic and other parts that were constructed using electricity that was generated by a coal powered plant, you are contributing to pollution every bit as much as those people in the midwestern states. If you want to be a part of the global economy, and I am not sure we want to, but if you want to part of it, then we all need to do our part to reduce pollution, whether it is testing gas caps or whether it is simplifying our lifestyle. Thank you.

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

Representative BULL: Madam Speaker, Men and Women of the House. Just very quickly in response to the good Representative from Scarborough, Representative Lovett's remarks there, unfortunately this is a very potentially dangerous game that we can be playing with the Environmental Protection Agency here. We have been pushing the US EPA in addressing pollution sources coming in from the midwest. The problem is that the Governor's from the midwest states have said to us that they will not take steps to control our pollution until you, in the northeast, including Maine, do your part to address pollution. I don't know where this is going to end up, but if we don't do something, we will first of all be in non-compliance and we will lose highway funds and we are certainly not going to win the cooperation of states in the midwest. Please support Committee Report "B."

The SPEAKER: 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. Is the diesel testing part of Report "A?"

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 Portland, Representative Rowe.

Representative ROWE: Madam Speaker, Men and Women of the House. The answer to the question is yes.

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

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. I have listened to the debate that has gone on here and I think probably that some of the facts are accurate and some are questionable. There was a statement made about the difficulty of determining where a vehicle was from when it came time to have an inspection. One of the things that has to be done in that inspection is that the registration of that vehicle has to be visually inspected by the person doing the automobile inspection. Therefore, there shouldn't be any question about where that vehicle is registered. We indicate that we can do this for a minimal amount of about \$550 for the testing equipment. When you get outside of the urban areas, the number of vehicles that a garage has to test drops off radically. How long is it going to take that small garage owner to pay back the costs of this testing equipment?

Again, we see a problem that exists in southern Maine and we want to pass legislation that encompasses all of Maine. It puts restrictions on those areas that don't have the problem. We saw the same thing happen way back when snowmobiles began to get popular. They caused problems near urban areas in southern Maine and many restrictions were placed on them that didn't apply to areas in northern Maine, but the law was put in place just the same. Here we go again. One of the things that is not addressed here is what is one of Maine's big sources of ozone pollution? On the days when areas of Maine are not in attainment, the sources of ozone pollution are anything that grows that is green. They take in carbon dioxide and they give off oxygen. On those days when it is hot and sweltering in the summertime, that oxygen very quickly converts to ozone. That is a big source of the problem. Perhaps instead of trying to put restrictions on people's driving, maybe we should put bonnets over the trees. Maybe we should dig up the lawns and paint them green instead of growing grass. We can't control it and yet we have gone through discussion after discussion here today and yesterday and probably many times before about the forestry issues and that we need more trees. Any time that you have more trees, you have more ozone on these hot sweltering days.

I think that one of the things that we must keep in mind, I also heard about the people from outside driving into the greater Portland area and contributing to the pollution. Those same people that are driving into the greater Portland area are contributing to the pollution and leaving their money. Do the stores there say, I am sorry, stay away on the hot sweltering days and don't bring your money into Portland because we don't want your pollution that goes along with it. Ladies and gentlemen, I hope that you will join me in attempting to defeat the pending motion and accept Committee Report "A." Thank you.

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

Representative BERRY: Madam Speaker, Men and Women of the House. I will try to be brief. I know we have been talking about this for quite some time and this is not a new discussion. We recognize that a large percentage of the ozone is created by natural things in our environment. I think that part of the issue really doesn't belong in this discussion. We are talking about what man contributes to this problem and what we should do about it. I work in a paper industry. The paper industry has done a lot to clean up their act. It is not just the paper industry. There are many businesses in Maine that have done a lot to clean up their air. They haven't done it completely voluntary, but I would say they have done a pretty decent job and there are still areas to improve. The next phase, if we don't recognize that we are under a sanctions club and that we have a role if we drive a car and if we have a role in contributing to the air pollution in Maine,

then we are going to impose the next phase of implementation for their air emissions equipment. It is extremely expensive.

I am on labor issues. I don't tend to be the spokesperson for the paper industry. I tend to try to look out for the working people and I guess, in a sense, I still am. I feel that I still am. I worked on the Natural Resources Committee when I was on that committee in the previous Legislature. We went through these issues. We went through the RFG. I live on a border of an RFG area. Borders really are a difficult thing for business people to deal with or individuals. I don't want to impose another border around Cumberland County. We worked on a group with interested parties trying to find a solution that was non-invasive. The Chair from the Natural Resources Committee I think explained it very well. I think the good thing about this is that it addresses the on-board diagnostics. It addresses '96 and newer vehicles. It is recognizing that the newer cars are built this way and the manufacturers are playing a major role in that effect. The previous program didn't recognize that. The gas cap check is pretty basic. I think that we can live with that. I think it would be beneficial for the entire state to have one plan. I would ask you to support this plan. I think there has been a lot of work over the last decade to try to clean up the air in Maine. We can't do anything about the weather, the hot weather in certain months of the year. Certain months of the year will increase the creation of ozone. We can take some responsible steps and simple steps to do our share of cleaning this up. I would ask you to support the pending motion.

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

Representative WINGLASS: Madam Speaker, Ladies and Gentlemen of the House. I am having a really difficult time with this because I don't know how to address constituents when I go home and tell them that your price for a vehicle inspection is going to double in several years time and for that, you will receive a gasoline cap test to make sure that you are not emitting some fumes. You will have someone look at your catalytic converter to determine whether or not in a visual inspection whether it is satisfactory or not. If you happen to be in a financial position that permits you to afford a 1996 or newer automobile, your on-board diagnostics will all be tested. That is quite a considerable price increase. I don't know how, frankly, to justify that. I have listened to all of these good and compelling arguments or tried to. I assume they are compelling and I frankly don't find them so. I think it is very, very important to keep in mind that only one county is required to do this. I don't know how I can face a constituent and say I am in support of something that has doubled your price and you get very little payoff for that kind of an investment and, frankly, it isn't required anyway. Accordingly, I would ask that you oppose this particular motion and allow us to move on to Report "A."

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

Representative KANE: Madam Speaker, Ladies and Gentlemen of the House. Quite a few years ago I read a sign in a Lamey Wellehan Shoe Store. It read something like this. The bitterness of poor quality lingers long after the sweetness of low cost. Ladies and gentlemen of the House, we are not talking about gas caps. We are talking about our health and the lungs of our children. We have and continue to pay a very dear price in terms of the cost of respiratory disorders among both adults and particularly the elderly and our children. When we think about the health of the people, particularly the children of Maine, we can't afford to think north or south or east or west. We have to think about the health of our people. We have to think of the long-term implications of continuing to breathe the poor quality of air that our pollution currently creates. I ask you as you attempt

to look at the answers that we bring back to our constituents as the good Representative from Auburn pointed out, we, in fact, be prepared to say that we need to pay a price for our good health. We need to pay a price for preserving it because if we don't preserve it, we are paying it on the other end. We pay now or we pay later. We pay a much dearer price later in the cost of health care. Thank you Madam Speaker.

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

Representative MCKEE: Madam Speaker, Men and Women of the House. I think one of the most compelling arguments for me to vote for the program and I certainly would like to see it be implemented, I would like to see it be implemented all over the state, but I am on the report for Cumberland County. One thing has come home to me in the last few days and that is the importance of the receipt of those federal highway funds. I have a road in my district which if we receive sanctions, that very heavily eroded long stretch of highway won't be fixed. You have them in your district too, all over the state. I looked at that long list, page after page after page, of roads that are going to receive several hundreds of millions of dollars from the federal government. We won't receive it if we are under sanctions. It is a really compelling argument to adopt this program. Thank you.

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. There are a couple of things that bother me and if someone can help me and answer two questions which I have, it would be greatly appreciated. Number one, our people, I believe, over a year ago was demanding that the gas station have a certain type of pump that will take out our gas fumes. I believe I am correct in that. What has happened? Why haven't we gone forth with that? Because somebody sort of dragged their heels and so they said that they don't want to upset all those big companies and so forth to do that and they have got to pay and so we have to think of something else. Now we are thinking of something else to do. Our Chief Executive went to a meeting and tried to get the Governors to comply. We have already been told what those Governor's said to our Chief Executive. I am surprised that we did not then go to the federal government. My understanding of rules and regulations is if the states cannot get along, then the federal government may intercede. The reading that I have done last year when we were talking about this when we had so much smog coming from the midwest and the Ohio valley, in particular, with the big factories that are there and certainly we can't do too much with the wind currents. I certainly am not in favor, personally, of putting all the onus on Cumberland County. I don't live in Cumberland County, but I traverse the roads around Cumberland County and I will tell you there is a lot of cars that are going into the Portland area to work every single day and yet, those cars we are not going to do anything about. I just wonder if we have really searched to get something that is applicable and certainly that we can all swallow in a dignified way to help. I certainly agree that we have got to do something for those people that have trouble with the type of air that we have. I don't believe this is the answer. Right now, unless somebody can help me answer the two questions that I asked, I really don't know how I am going to vote at this point.

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

Representative BOUFFARD: Madam Speaker, Men and Women of the House. I wasn't going to stand up and speak about this particular issue, but I feel compelled since a Representative from our sister city in Auburn was posing a question of how he was going to face his constituents because of price. I think that Representative Kane answered him very well

in saying what a small price it is to pay for the health of our citizens in Maine by breathing cleaner air. When CarTest was around we had meetings in Lewiston and Auburn that almost resulted in fist fights. They were against the CarTest Program. A couple of Representatives were there monitoring the meeting can attest to that because some of their vehicles were kind of damaged. One of the reasons the people there were saying, why is it only five counties? Why is it only cars? Why not trucks or buses? Why limited this or limited that? Now we are asked to say well, let's limit only to Cumberland County.

The EPA, the Department of Environmental Protection in Maine, held meetings throughout the state and they forgot to schedule a meeting in Lewiston or Auburn. I called them and I said, with all the controversy we had with CarTest, I think you should have a meeting in Lewiston/Auburn. It was publicized and I have to say it was very sparsely attended for a section that was so much against the CarTest Program now with this smaller version of emissions testing, the meeting was sparsely attended. The majority of the people who were there were in favor of a statewide test, not just a Cumberland County test. I understand that every place where a meeting was held that was the situation there. Everyone felt that a statewide version was fairer and it certainly would be easier to be able to monitor it. The State Police would have no problems whatsoever. Everybody would have to have the same car test. The price, we debated prices of just the inspection stations and lo and behold the station operators couldn't come up with an average cost that they wanted for the simple test. That is why it stayed at \$6. In the first part of the 118th we did have some garage owners that said it takes 26 minutes to do an inspection and we get \$6. They wanted a half an hour of labor. I wouldn't go along with that because a half an hour in Portland would wind up about \$30 for the test where a half hour in Presque Isle would probably average about \$7. If anyone can tell me that a statewide test being charged \$30 in one area and \$7 in another area is fair, then I suppose that this is the way we should go, if that seems to be fair. If not, then the statewide test, to me, is a lot easier to administer.

Another reason why I want to quote here is I have a son in California who is working on a space station program. He has sent me some information here that there is a hole in the ozone layer. They have seen this with some of the satellite pictures that were sent back. You know where this hole in the ozone layer is. It is at the North Pole. If someone can tell me that Cleveland, Ohio is a lot closer than the North Pole than Bangor, Maine is, then I would say we have nothing to worry about. I think it is the reverse. Bangor, Maine is a lot closer to that hole in the ozone than Cleveland, Ohio. Here we are debating something that should be some of our responsibility as well as the rest of the nation. I don't dispel the fact that we should be attacking the federal government about this. Also, Maine is part of the United States of America. We should be doing our part. Thank you. Support Plan "B."

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

Representative SAVAGE: Madam Speaker, Men and Women of the House. I just want to mention that Representative McKee mentioned the possible sanctions and the loss of highway funds. I would remind you that if we oppose this and go on to accept Report "A," we will still protect those highway funds. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Cowger. 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 COWGER: Madam Speaker, Men and Women of the House. I just wanted to answer a question posed by the good Representative from Fryeburg regarding the gas station pumps that indeed suck the fumes back into the gas tank. That is known as stage 2 vapor recovery. That is indeed in place right now in York, Cumberland and Sagadahoc Counties on some of the larger gas stations. It is sort of excluding some of the mom-and-pop stores. It is in place and we are getting a certain amount of credit for that right now.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. I am going to use one of those famous phrases. I hadn't planned on speaking on this issue, but since I was invited by a good Representative by town to stand up. First, I would like to invite all those who have in the last couple of days invoked Presque Isle in wage debates to come contribute to them. We have a wonderful tourist industry up there as well. As to the bill, men and women of the House, the debate is interesting. There are some valid points all around and some demagoguery on others. The fact is that the federal government is holding a loaded pistol to the State of Maine's highway funds and threatening them. For three days a year near Acadia Park testing facility, we are in not in attainment on very hot, humid days that hold down the ozone.

We have been asked and forced into starting and operating a lot of junk science that threatens other aspects. I thought part of the debate yesterday that brought up from Representative MacDougall. If you think back just over the last couple of bills, we had a bill to lower the parts per billion that we can accept of MTBE in our drinking water because the stuff is so awful, but we want to put more of it in our gasoline because the federal government said we are going to take your highway funds away if you don't poison your drinking water. That makes a lot of sense. Here we are tonight saying that we have the vapor recovery things that were very, very expensive. The state stepped up and we made all sorts of low interest and no interest loans to the mom-and-pops so they could stay in business after expending these great funds to be environmentally cautious. I think that is important. We have a beautiful state. The only way to protect it is by being environmentally cautious. We are constantly in a race to grab onto the newest fad science before it has any experience somewhere else. We are not protecting the children. We are threatening them. Blaming the Ohio valley isn't pointing fingers, it is pronouncing facts.

To go to the north/south issue that people are poo-pooing, there was only four years ago that there was a plant in Houlton, Maine that wanted to expand. There was no attainment issues up there. The big broo ha ha came from the south. We have CarTest, you can't have growth until we get rid of CarTest. They were denied their permit by the DEP and some kind of cockamamie trading program was put into place. One hundred jobs in an area where people have between 10 and 14 percent unemployment where some of the wages are some of the lowest in the state didn't occur. You can laugh between what a mechanic might get in Portland as opposed to Presque Isle and there is probably not as much different as was proposed earlier, paying the wage rates in Presque Isle. If they were \$7 I could probably take my car in more often.

It is important for us not to lose the fact that you are going to dump this on the people who don't have the problem. We don't have the attainment problem. I will make a deal here tonight on the floor of the House. We will do CarTest in Aroostook County, if you get rid of our unemployment. Thank you.

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

Representative FULLER: Madam Speaker, Ladies and Gentlemen of the House. I just had to stand up and respond to the people I have heard say that there are only two or three days during the summer that the air is a problem. Having lived with someone with terminal lung disease for two years, I can tell you that there are many more than two or three days each summer in which people who already have lung disease, frankly, cannot breathe. They gasp for breath. It is a terrible sight to behold and I don't know what those machines tell you about air quality on those summer days, but I can tell you there are way more than two or three days in summer when people have problems breathing. Thank you.

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

Representative FARNSWORTH: Madam Speaker, Men and Women of the House. I am going to be very quick. I guess maybe the issue that I want to focus in on is not the short-term, what are we doing this year or what are we doing in order to get into compliance with the EPA regulations and that sort of thing. What I am looking for is 10 or 20 years down the road because the growth that is occurring in southern Maine is moving up. Yes, this year it might be Cumberland County and next year it may be Cumberland and York County. Following that we can probably include Androscoggin very quickly. It will creep up and, of course, everybody says we want more economic growth and we want this and we want that. Along with it, there is a price tag. I just think it is important for the people to understand that you can't have one without assuming the responsibility for the other. I think from the larger picture, it is a good idea, preventative medicine, to essentially impose a statewide plan that will then help us all to prevent the continued growth of this kind of air pollution that can affect us and is affecting some of us now.

I lived in an area just outside of Philadelphia and commuted into Philadelphia on a day to day basis. By comparison, even Portland is not in bad shape. I don't want to get in that situation. That is a part of why we moved back is because the quality of life in that type of an environment is terrible. I think that we need to look on a statewide basis of how we can preserve the quality of the air that we have. I urge you to vote for Plan "B."

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Belanger.

Representative BELANGER: Madam Speaker, Men and Women of the House. I think it is important that we ask ourselves why is this bill before us? Was it motivated by a desire to eliminate pollution or was it generated because of a fear of loss of federal revenues? I think it was the latter. I would hope that in consideration for the people that live in the less densely populated areas of the State of Maine that we would defeat the pending motion and move on to accept Committee Report "A." Thank you.

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

Representative LANE: Madam Speaker, Men and Women of the House. In response to a previous speaker, I would say that as economic development creeps up north and with its dastardly consequences, perhaps then we can decide whether or not we want to pay, but if we don't have the problem, then why should we pay? I think that this is local control in a way. If Cumberland County has a problem, and my feeling would be for two or three days a year, I think it is about time that we put the federal government in its place.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of Report "B" Ought to Pass as Amended by Committee Amendment "B" (H-1051). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 512

YEA - Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Cianchette, Colwell, Cowger, Davidson, Dunlap, Etnier, Farnsworth, Fisher, Fuller, Gagne, Gagnon, Gamache, Jones KW, Kane, Kerr, Kontos, Lindahl, Marvin, Mitchell JE, Morgan, Muse, O'Neil, Pendleton, Powers, Quint, Richard, Rowe, Samson, Saxl JW, Saxl MV, Shannon, Stevens, Taylor, Townsend, True, Volenik, Watson.

NAY - Ahearn, Barth, Belanger DJ, Belanger IG, Bigl, Bodwell, Bragdon, Bruno, Bryant, Buck, Bumps, Bunker, Cameron, Campbell, Carleton, Chick, Chizmar, Clark, Clukey, Desmond, Donnelly, Driscoll, Foster, Frechette, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lovett, MacDougall, Mack, Madore, Mailhot, Mayo, McAlevey, McKee, Murphy, Nass, Nickerson, O'Brien, O'Neal, Ott, Paul, Peavey, Perkins, Pieh, Pinkham RG, Pinkham WD, Plowman, Povich, Rines, Sanborn, Savage, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Tessier, Tobin, Treadwell, Tripp, Tuttle, Underwood, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

ABSENT - Bagley, Berry DP, Chartrand, Cross, Dexter, Dutremble, Fisk, Honey, Jabar, McElroy, Meres, Perry, Poulin, Thompson, Winn.

Yes, 44; No, 92; Absent, 15; Excused, 0.

44 having voted in the affirmative and 92 voted in the negative, with 15 being absent, Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-1051) was NOT ACCEPTED.**

Representative LOVETT of Scarborough moved that the House **ACCEPT** Report "C" **Ought Not to Pass.**

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

Representative ROWE: Madam Speaker, Men and Women of the House. I would hope that you would vote against this motion so we can move Report "A." Report "A" is the Cumberland County only bill. Report "C," the pending motion, is the Ought Not to Pass bill, which means we will have no program. Please be aware of that. You have heard the debate tonight. I would strongly encourage you to vote against the pending motion so we can go on to Report "A" the Cumberland County only bill. Thank you.

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

Representative BULL: Madam Speaker, Ladies and Gentlemen of the House. Very quickly, if we don't set up a program, the federal government can come in and set up themselves. It is not a question of whether or not we have an emissions testing program, the question is who sets it up. I think we are better here in the state if we control the means to that program being set up. If we don't vote for this, we could get something a lot more onerous here to the people in the state. Defeat the pending motion and Madam Speaker, I request a roll call.

Representative BULL of Freeport **REQUESTED** a roll call on the motion to **ACCEPT** Report "C" **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 Crystal, Representative Joy.

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. I don't know how many of you are familiar with some of my habits, but I read at least two-thirds of the time that I am awake during the day. I heard some interesting comments earlier and I think that every generation of

Americans is very concerned about the children and their health as they are growing up. The report that came out of the proposal to increase the strictness of air standards also indicated in the report that health situations and respiratory problems were not improved by the new EPA standards. The EPAs own scientists said that the new standards were not necessary because of the tremendous efforts that had been made to clean up the air. The EPA insisted on implementing them just the same. Ladies and gentlemen, to date the cost of implementing unnecessary environmental programs exceeds the national debt. How long are we going to quail in front of the feds every time that they come up with a new idea that is going to put a restriction upon our sovereign state. I think it is time that we said no.

With regard to the hole in the ozone, if you will recall there was a big scare from NASA that England was going to have an ozone hole over it, but amazingly when they send the next space shuttle up, they said, no, that was not true. That was false. I think that scientists will find in the near future that the hole that occurs in the ozone, I believe, is always reported at the South Pole, is where that is healed. You want to remember that we live inside an electromagnetic field and that force of the electromagnetic field extends around the Earth. I think that it will be just a short time that scientists will be announcing that that is where the ozone level heals itself. Isn't it amazing that we are trying to do away with ozone down here on ground level and yet, we need it up there to take care of the ultraviolet radiation. Ladies and gentlemen, I urge you to support the pending motion. Thank you.

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

ROLL CALL NO. 513

YEA - Barth, Bodwell, Bouffard, Bragdon, Bruno, Buck, Cameron, Campbell, Carleton, Chick, Cianchette, Clark, Donnelly, Gerry, Gieringer, Goodwin, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, Murphy, Nass, Ott, Peavey, Pinkham RG, Pinkham WD, Plowman, Rines, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, Tripp, Underwood, Usher, Vedral, Waterhouse, Wheeler EM, Wheeler GJ.

NAY - Ahearn, Baker, Belanger DJ, Belanger IG, Berry RL, Bolduc, Brennan, Brooks, Bryant, Bull, Bumps, Bunker, Chizmar, Clukey, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gooley, Green, Hatch, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Lindahl, McKee, Mitchell JE, Morgan, Muse, Nickerson, O'Brien, O'Neal, O'Neil, Paul, Pendleton, Perkins, Pieh, Povich, Powers, Quint, Richard, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Townsend, True, Tuttle, Vigue, Volenik, Watson, Winglass, Wright, Madam Speaker.

ABSENT - Bagley, Berry DP, Bigl, Chartrand, Cross, Dexter, Dutremble, Fisk, Honey, Jabar, Kerr, McElroy, Meres, Perry, Poulin, Thompson, Winn, Winsor.

Yes, 55; No, 78; Absent, 18; Excused, 0.

55 having voted in the affirmative and 78 voted in the negative, with 18 being absent, Report "C" **Ought Not to Pass was NOT ACCEPTED.**

Subsequently, Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-1050) was ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (H-1050) was READ** by the Clerk.

Representative CLUKEY of Houlton **PRESENTED House Amendment "A" (H-1061) to Committee Amendment "A" (H-1050)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Madam Speaker, Ladies and Gentlemen of the House. You heard the good Chair of the Natural Resources Committee say that the diesel program was also not required by the Clean Air Act. What my amendment does is it strips the diesel program out of Report "A." One of the handouts you had on your desk I gave you this afternoon, back in the 117th we passed Public Law 347, it was designed to prevent the Maine Department of Environmental Protection from creating and passing rules that are more stringent than the federal standards. It was sponsored by the then President of the other body and by the then Speaker of the House. It was cosponsored by 82 other legislators. We stood in line here. We were so frustrated with going beyond the federal standards that we stood in line here for about 15 minutes to cosponsor this bill. I think many of us that are still in this House cosponsored this bill. I think we feel very strongly that we shouldn't go beyond federal standards. If my amendment is attached to this bill, we will have the opportunity to support a bill that doesn't go beyond the federal standards. I hope that you will support my amendment.

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

Representative ROWE: Madam Speaker, Colleagues of the House. I would ask you to oppose the pending motion. As you have heard, this attempts to strip the diesel testing out of the bill so the bill would only be for gasoline powered vehicles. Again, the diesel testing was put in the bill. It wasn't my idea or anybody on the committee's idea. It was based on the reaction of the public to CarTest. It was based on the input that the department heard when it went around the state. It was based on the information we received at the public hearing from Maine Motor Transport Association, Maine Aggregate Association after the changes we made in the bill are supportive of it. Again, the way this works is when a vehicle is stopped for a safety inspection, a diesel truck and there is a safety inspection, sometimes there may be a Departmental of Environmental person there sometimes. If there is and they are trained to test the opacity of the vehicle at the stack, they will do that. They will examine it and if there is probable cause to suspect a violation, then they will actually conduct the test. It is called the snap acceleration test and they will rev the vehicle up to a certain RPM level and with an instrument will check the opacity of the smoke coming out of the stack. Is this a good idea? We think it is. Other states have it. This will not be a Maine standard. It will be a standard that is implemented based upon the interstate association of air quality control divisions in the northeast states. The department has also given the authority to look at establishing reciprocity agreements with other states that recognize enforcement actions related to diesel powered vehicles. You know, the EPA and the federal government does not require this. That is true. I won't deny that. Is it a good idea? You bet. Are other states doing it? Yes. I would ask you to oppose the pending motion. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative PERKINS: Madam Speaker, Men and Women of the House. If these diesel trucks are found to be in violation, what happens? Are they forced off the road or are they

fined? Does anybody have any idea what cost this may be to the people that own them to get them back into condition? Is there any talk about that in the committee? Thank you.

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

Representative ROWE: Madam Speaker, Men and Women of the House. In response to the question, I would just like to read from the actual bill, LD 2223. It explains it quite well, I think. It says, "A person who causes operation of a diesel powered motor vehicle that is in violation of the program's emission opacity standards commits a traffic violation, a forfeiture of up to \$200, may see a judge for a first violation. If required repairs are made to the vehicle prior to the hearing date, within 45 days of the violation, whichever is sooner, and a certification of those repairs that are satisfactory to the court is submitted, the forfeiture must be suspended. A defendant may submit the certification of repairs by mail." It goes on. Yes, it is a fine, but if you can show that the vehicle had been repaired. There is a violation for a subsequent violation. It is one that occurs more than 45 days, but less than two years then there is a \$500 penalty for that. That is the way the bill works with respect to the penalties. There is an effort that if you are put on notice and your vehicle is in violation and you get it repaired and you have it rechecked and the penalty can be suspended.

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

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

The SPEAKER: The Representative may pose his question.

Representative BARTH: Madam Speaker, Men and Women of the House. Representative Rowe said in his remarks that he thinks it is a good idea. I guess that scares me. I just want to ask whether there is indeed some concrete scientific data which supports, about diesel smoke, that is a good idea to eliminate.

The SPEAKER: The Representative from Bethel, Representative Barth has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Freeport, Representative Bull.

Representative BULL: Madam Speaker, Men and Women of the House. To the good Representative from Bethel, Representative Barth, the smoke coming from the diesel trucks, first of all, anybody who is behind a truck at a stop light or what not, I think can testify it pretty much stinks a lot worse than normal gasoline powered vehicles do. I certainly don't enjoy being behind them on a summer day. Also, the diesel smoke has particles in it that has been shown to lodge in people's lungs and cause cancer. There are different components in the diesel fumes that are different from those in the gasoline powered vehicles. I do see this as more harmful. Madam Speaker, I wish that House Amendment "A" be Indefinitely Postponed and request a roll call.

Representative BULL of Freeport moved that **House Amendment "A" (H-1061) to Committee Amendment "A" (H-1050) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1061) to Committee Amendment "A" (H-1050).**

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 Bethel, Representative Barth.

Representative BARTH: Madam Speaker, Men and Women of the House. I am still troubled by the fact that I haven't heard a yes or no answer to my question. It seems like we always act on

perception or on emotion or whatever and I just am concerned about the fact that we don't always use good scientific data that people agree on. I think ultimately that we have to realize that our air in Maine comes from the west and the south areas away from us. Until we clean up what they do there, we are still going to be plagued by this, no matter what we do. If that puts us in violation by the some federal regulation, which even they can't seem to agree on, according to some speakers, then I say let's take the feds to court.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Peavey.

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

The SPEAKER: The Representative may pose her question.

Representative PEAVEY: Madam Speaker, Men and Women of the House. To anyone who could answer, do diesel trucks when they get their inspection, would they do the fuel tank cap testing and the on-board diagnostic system testing or would they only be subject to a fine when they are stopped if there happens to a DEP person when they get stopped?

The SPEAKER: The Representative from Woolwich, Representative Peavey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative COWGER: Madam Speaker, Men and Women of the House. We discussed this quite a bit in committee and the end result was that they ended up with this on-road testing, the snap acceleration test. The one that is preferable by the trucking industry as well. They felt that having a garage test would get them off the road more. It would interrupt their schedules more and the on-road test was more preferable.

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

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

The SPEAKER: The Representative may pose his question.

Representative CAMPBELL: Madam Speaker, Men and Women of the House. My question is a follow up on that. If this is an on the road testing, are those living and registered in the county to be the only ones fined, or is it anyone traveling through the county?

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

Representative BULL: Madam Speaker, Men and Women of the House. This part of the bill is actually in Reports "A" and "B." This is one part of this bill that applies either statewide or just to Cumberland County. We have moved to accept Committee Amendment "A" and so this component is still in there and it applies statewide for trucks throughout the state.

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

Representative FOSTER: Madam Speaker, Ladies and Gentlemen of the House. I am going to try to answer Representative Peavey's question. No, there is no gas cap test for diesel trucks, nor is there an on-board computer to test.

The SPEAKER: A roll call has been ordered. The pending question before the House is to indefinitely Postpone House Amendment "A" (H-1061) to Committee Amendment "A" (H-1050). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 514

YEA - Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chick, Chizmar, Colwell, Cowger, Davidson,

Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jones KW, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lindahl, Madore, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neil, Paul, Peavey, Pieh, Povich, Powers, Quint, Richard, Rowe, Samson, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stevens, Tessier, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Winglass, Wright, Madam Speaker.

NAY - Ahearne, Barth, Belanger DJ, Belanger IG, Bodwell, Bragdon, Bruno, Buck, Bumps, Bunker, Cameron, Campbell, Carleton, Cianchette, Clark, Clukey, Desmond, Donnelly, Foster, Gerry, Gieringer, Goodwin, Gooley, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, Murphy, Nass, Nickerson, O'Brien, O'Neal, Ott, Pendleton, Perkins, Pinkham WD, Rines, Sanborn, Savage, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bagley, Berry DP, Bigl, Chartrand, Cross, Dexter, Dutremble, Fisk, Honey, Jabar, McElroy, Meres, Perry, Pinkham RG, Plowman, Poulin, Thompson, Winn.

Yes, 67; No, 66; Absent, 18; Excused, 0.

67 having voted in the affirmative and 66 voted in the negative, with 18 being absent, **House Amendment "A" (H-1061) to Committee Amendment "A" (H-1050) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (H-1050) 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" (H-1050)** and sent up for concurrence. **ORDERED SENT FORTHWITH.**

CONSENT CALENDAR

First Day

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

(H.P. 1543) (L.D. 2170) Bill "An Act to Implement the Recommendations of the Commission to Determine the Adequacy of Services to Persons with Mental Retardation" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1067)**

(H.P. 1602) (L.D. 2228) Bill "An Act to Implement the Recommendations of the Task Force on Registration of In-home Personal Care and Support Workers" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1065)**

(S.P. 834) (L.D. 2232) Bill "An Act to Improve the Delivery and Effectiveness of State Correctional Services" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-603)**

(S.P. 836) (L.D. 2242) Bill "An Act to Enter into the Emergency Management Assistance Compact" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-591)**

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.

(S.P. 653) (L.D. 1874) Bill "An Act to Establish Limitations on Swine-feeding Operations" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-604)**

On motion of Representative SAVAGE of Union, was **REMOVED** from the First Day Consent Calendar.

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

Committee Amendment "A" (S-604) was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (S-604)** and specially assigned for Thursday, March 26, 1998.

On motion of Representative MAYO of Bath, the House **RECONSIDERED** its action whereby An Act Providing for Additional Meetings in the Event of a Tie Vote at Town Meetings

(H.P. 1492) (L.D. 2091)
(C. "A" H-988)

FAILED of **PASSAGE TO BE ENACTED**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and specially assigned for Thursday, March 26, 1998.

On motion of Representative JONES of Bar Harbor, the House **RECONSIDERED** its action whereby it **RECEDED AND CONCURRED** on Bill "An Act to Require All Regulated Public Utilities to Report to the Public Utilities Commission the Sale, Lease or Other Transfer of Assets Paid for by Ratepayers"

(H.P. 1477) (L.D.
2076)

On further motion of the same Representative, **TABLED** pending the motion to **RECEDE AND CONCUR** and specially assigned for Thursday, March 26, 1998.

On motion of Representative TESSIER of Fairfield, the House adjourned at 9:41 p.m., until 9:00 a.m., Thursday, March 26, 1998 in honor and lasting tribute to the Honorable Thomas Teague, of Fairfield.