

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume I

First Regular Session

December 2, 1998 – May 12, 1999

ONE HUNDRED AND NINETEENTH LEGISLATURE
FIRST REGULAR SESSION
26th Legislative Day
Wednesday, March 17, 1999

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

Prayer by Pastor David Rinas, Prince of Peace Lutheran Church, Augusta.

National Anthem by Timothy Johnson, University of Maine at Augusta Music Faculty.

Pledge of Allegiance.

Doctor of the day, Mark D. Earnshaw, M.D., Cape Elizabeth.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 640)

ORDERED, the House concurring, that the Joint Select Committee to Study 3rd-party Payments to Health Care Providers is established as follows.

1. Committee established. The Joint Select Committee to Study 3rd-party Payments to Health Care Providers, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 7 members appointed as follows:

A. The President of the Senate shall appoint 4 members from the Senate who serve either on the Joint Standing Committee on Health and Human Services or the Joint Standing Committee on Banking and Insurance; and

B. The Speaker of the House of Representatives shall appoint 3 members from the House of Representatives who serve either on the Joint Standing Committee on Health and Human Services or the Joint Standing Committee on Banking and Insurance.

3. Chairs. The first Senate member named is the Senate chair and the first House member named is the House chair.

4. Appointments; convening date. All appointments must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the chairs of the committee shall call and convene the first meeting of the committee no later than October 1, 1999.

5. Duties. The committee shall study the problem of delays in payments by health insurance companies to health care providers and the cash-flow problems this creates for providers. The committee also shall study how other states have addressed the problem.

6. Staff. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission.

7. Compensation. Committee members are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at meetings of the committee. The Executive Director of the Legislative Council shall administer the committee's budget.

8. Report. The committee shall submit its report, together with any recommended implementing legislation, to the Second Regular Session of the 119th Legislature no later than January 1, 2000. The Joint Standing Committee on Health and Human

Services and the Joint Standing Committee on Banking and Insurance may report out legislation during the Second Regular Session of the 119th Legislature regarding 3rd-party payments to health care providers. If the committee requires an extension of time to complete its report, it may apply to the Legislative Council, which may grant an extension.

Came from the Senate, **READ** and **REFERRED** to the Committee on **BANKING AND INSURANCE**.

READ and **REFERRED** to the Committee on **BANKING AND INSURANCE** in concurrence.

Bill "An Act to Amend the Laws Relating to Development and Centralized Listing of Municipal Ordinances that Apply to Forestry Practices"

(S.P. 666) (L.D. 1888)

Bill "An Act to Amend the Maine Milk Laws"

(S.P. 667) (L.D. 1889)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Protected Capital Reserve Funds

(S.P. 658) (L.D. 1880)

Bill "An Act to Appropriate Funds for Marketing to Promote Economic Development"

(S.P. 664) (L.D. 1886)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Bill "An Act to Establish a Patients' Bill of Rights for Managed Care"

(S.P. 668) (L.D. 1890)

Bill "An Act to Expand the State's Risk Management Responsibilities"

(S.P. 671) (L.D. 1893)

Came from the Senate, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

REFERRED to the Committee on **BANKING AND INSURANCE** in concurrence.

Bill "An Act to Require Prescription Labels to Include Certain Information"

(S.P. 651) (L.D. 1873)

Bill "An Act to Encourage Lending and Technical Assistance to Natural Resource-based and Micro Businesses"

(S.P. 655) (L.D. 1877)

Bill "An Act to Create a Matching Grant Fund to Provide Technical Assistance to Small Wood Products Manufacturers" (S.P. 662) (L.D. 1884)

Resolve, to Create a Task Force to Study Counterfeiting and the Unauthorized Sale of Consumer Goods and Labels (EMERGENCY) (S.P. 663) (L.D. 1885)

Came from the Senate, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in concurrence.

Bill "An Act to Refine Certain Theft Provisions in the Law" (S.P. 670) (L.D. 1892)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE** in concurrence.

Bill "An Act to Improve Access for Students with Learning Disabilities to the University of Maine System" (S.P. 653) (L.D. 1875)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act to Increase Access to Basic Needs for Low-income Maine Children and Families" (S.P. 657) (L.D. 1879)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act to Increase the Minimum Wage" (S.P. 669) (L.D. 1891)

Came from the Senate, **REFERRED** to the Committee on **LABOR** and ordered printed.

REFERRED to the Committee on **LABOR** in concurrence.

Bill "An Act to Amend the Statutes Regarding Maine Veterans" (S.P. 672) (L.D. 1894)

Came from the Senate, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

Bill "An Act to Reform County Governance" (S.P. 654) (L.D. 1876)

Bill "An Act to Provide Access to Information Services in All Communities of the State" (S.P. 665) (L.D. 1887)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Debt Issued by the Maine Governmental Facilities Authority (S.P. 659) (L.D. 1881)

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

On motion of Representative AHEARNE of Madawaska, the RESOLUTION was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in **NON-CONCURRENCE** and sent for concurrence.

Bill "An Act to Provide a Permanent Source of Funding for the Land for Maine's Future Fund" (S.P. 652) (L.D. 1874)

Bill "An Act to Include in the Business Equipment Tax Reimbursement Program those Energy Facilities that Burn Production Residuals from Maine's Primary and Secondary Wood Products Industries" (S.P. 660) (L.D. 1882)

Bill "An Act to Ensure that Certain Land Transfers Accomplished through Stock Transfers are not Exempt from the Transfer Tax" (S.P. 661) (L.D. 1883)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** in concurrence.

COMMUNICATIONS

The Following Communication: (S.P. 673)
119TH MAINE LEGISLATURE

March 12, 1999

Senator John Nutting

Representative Wendy Pieh

Chairpersons

Joint Standing Committee on Agriculture, Conservation and Forestry

119th Legislature

Augusta, Maine 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor Angus S. King, Jr. has nominated Robert W. Spear of Nobleboro for appointment as Commissioner of the Department of Agriculture.

Pursuant to Title 7, §1, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence

President of the Senate

S/G. Steven Rowe

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

READ and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

The Following Communication: (S.C. 129)

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

March 16, 1999

The Honorable G. Steven Rowe
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Rowe:

Please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Natural Resources, the nomination of Sarah S. Stockwell of Cumberland for reappointment to 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. 130)

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

March 16, 1999

The Honorable G. Steven Rowe
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Rowe:

Please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Labor, the nomination of John B. Wlodkowski of Augusta for reappointment as the Chairman of the Maine Unemployment Insurance Commission.

Thank you for your attention to this matter.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

The following Bills were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

Bill "An Act to Facilitate the Establishment of Trail Easements"

(H.P. 1340) (L.D. 1923)

Presented by Representative DUDLEY of Portland.

Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: BULL of Freeport, ETNIER of Harpswell, LaVERDIERE of Wilton, NORBERT of Portland, SAVAGE of Buxton, SCHNEIDER of Durham, VOLENIK of Brooklin, Senator: ABROMSON of Cumberland.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested.

On motion of Representative PIEH of Bremen, **TABLED** pending **REFERENCE** and later today assigned.

BUSINESS AND ECONOMIC DEVELOPMENT

Bill "An Act to Promote Economic Development in Eastern Maine"

(H.P. 1336) (L.D. 1919)

Presented by Representative SHOREY of Calais.

Cosponsored by Senator CASSIDY of Washington and Representatives: BAGLEY of Machias, DUGAY of Cherryfield, GILLIS of Danforth, GOODWIN of Pembroke, WHEELER of Eliot.

Bill "An Act to Establish the Maine Internet Policy Act"

(H.P. 1339) (L.D. 1922)

Presented by Representative DAVIDSON of Brunswick.

Cosponsored by Representatives: ETNIER of Harpswell, SAXL of Portland.

LEGAL AND VETERANS AFFAIRS

Bill "An Act to Change Certain Laws Affecting the State Legislature"

(H.P. 1335) (L.D. 1918)

Presented by Representative MACK of Standish.

Cosponsored by Representatives: CAMPBELL of Holden, CIANCHETTE of South Portland, MAYO of Bath, QUINT of Portland.

STATE AND LOCAL GOVERNMENT

Bill "An Act to Prevent Conflicts of Interest"

(H.P. 1337) (L.D. 1920)

Presented by Representative TOWNSEND of Portland.

Cosponsored by Senator KILKELLY of Lincoln and Representatives: AHEARNE of Madawaska, BUMPS of China, DUNLAP of Old Town, ETNIER of Harpswell, MARTIN of Eagle Lake, PERKINS of Penobscot, PIEH of Bremen, Senator: NUTTING of Androscoggin.

TAXATION

Bill "An Act to Promote Land Conservation at the Local Level"

(H.P. 1338) (L.D. 1921)

Presented by Representative ETNIER of Harpswell.

Cosponsored by Representatives: ROWE of Portland, TOWNSEND of Portland, VOLENIK of Brooklin.

Bill "An Act to Encourage Growth and Development in Cumberland County"

(H.P. 1334) (L.D. 1917)

Presented by Representative GLYNN of South Portland.
 Cosponsored by Senator AMERO of Cumberland and
 Representatives: BUCK of Yarmouth, CIANCHETTE of South
 Portland, CLOUGH of Scarborough, DAVIS of Falmouth,
 FOSTER of Gray, LABRECQUE of Gorham, LOVETT of
 Scarborough, McKENNEY of Cumberland.

Committee on **TAXATION** suggested.

On motion of Representative
 GAGNON of Waterville, the Bill was **REFERRED** to the
 Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**,
 ordered printed and sent for concurrence.

ORDERS

On motion of Representative BRENNAN of Portland, the
 following Joint Resolution: (H.P. 1341) (Cosponsored by
 Senator MURRAY of Penobscot and Representatives:
 DAVIDSON of Brunswick, MARTIN of Eagle Lake,
 McDONOUGH of Portland, O'NEAL of Limestone, QUINT of
 Portland, STEVENS of Orono, Senators: KILKELLY of Lincoln,
 RAND of Cumberland)

**JOINT RESOLUTION RECOGNIZING PEACE EFFORTS IN
 NORTHERN IRELAND**

WHEREAS, the celebration of St. Patrick's Day reminds us
 that for years Maine citizens and the people of the Republic of
 Ireland have sought peace in Northern Ireland; and

WHEREAS, Maine citizens are deeply gratified that peace
 is now possible in Northern Ireland; and

WHEREAS, former United States Senator George Mitchell
 has played a key role in bringing about peace in Northern
 Ireland; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred
 and Nineteenth Legislature, now assembled in the First Regular
 Session, extend our heartfelt appreciation to the Honorable
 George Mitchell for his outstanding efforts in helping to establish
 peace in Northern Ireland; and be it further

RESOLVED: That suitable copies of this resolution, duly
 authenticated by the Secretary of State, be transmitted to the
 President of the United States, the Prime Minister of Great
 Britain and the Taoiseach of the Republic of Ireland.

READ.

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

Representative **BRENNAN**: Mr. Speaker, Men and
 Women of the House. Happy St. Patrick's Day. This is the first
 day since I have been in the Legislature that I remember that we
 have been in session for St. Patrick's Day. Every other time it
 has either come a day to early or a day to late. It is really nice
 to be able to extend that greeting on actually the day of St.
 Patrick's Day. Today, we have much to be happy about. In
 1995, the second session that I was here, I introduced a
 resolution calling for peace in Northern Ireland. At that time, the
 thought of peace occurring in Northern Ireland seemed to be an
 impossible dream. Through the hard work of Senator George
 Mitchell and a number of other people, what seemed impossible
 in 1995 has now become possible. I can stand here today with
 all of you and we can look to Northern Ireland with the distinct
 possibility of peace occurring.

Last summer I had the opportunity to have dinner with the
 Minister of Higher Education for Northern Ireland, well, all of
 Ireland. He had grown up in Northern Ireland. He spoke with
 great eloquence about what it was like to grow up in Northern
 Ireland sitting in a classroom and to have that classroom

shattered when a bomb would go off and glass would be flying
 throughout the classroom. He spoke about what it was like to
 be walking down a street in Northern Ireland and all of a sudden
 what seemed to be very normal turned chaotic because a bomb
 would explode. He spoke about the great hope that they now
 have in Ireland and Northern Ireland that they will never again
 experience that type of chaos and that type of violence. He
 spoke of the great and deep feeling that they have for Senator
 Mitchell in Ireland and for the other people that were involved in
 that peace effort. It will now allow them to move forward in a
 way that will not accent violence, but, in fact, will accent peace.

Today, as I stand here, Senator Mitchell is at the White
 House. President Clinton is honoring him for his role in bringing
 about peace in Northern Ireland and is awarding him the
 Presidential Medal of Freedom, which is one of the highest
 honors that this country can bestow upon a citizen. Again, as
 we stand here today having a happy St. Patrick's Day, Senator
 Mitchell is in Washington being recognized for the role that he
 played in bringing about peace in Northern Ireland. As I stand
 here today recognizing George Mitchell, it is not because I am of
 Irish heritage and it is not a partisan recognition. It is as a
 citizen of Maine who is extraordinarily proud of another Mainer
 who has played such a critical role in bringing about peace in
 Northern Ireland. As we work through the rest of the session
 with any number of different issues around school funding,
 protecting the environment, substance abuse, AFDC and the
 Maine Youth Center, I hope that when we look at those
 situations as being impossible, that we will look to the situation
 in Northern Ireland as the reality that is possible and that we will
 not look away from those issues as being impossible, but that
 we had the opportunity to turn those into reality and be possible.

Once again today I wish you a Happy St. Patrick's Day.
 The resolution will be in the Speaker's Office. Anyone who
 would like to sign onto the resolution before we send it, all the
 people that are outlined here, please feel free to do that. Again,
 Happy St. Patrick's Day.

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

Representative **MURPHY**: Mr. Speaker, Ladies and
 Gentlemen of the House. I want to make sure, on the record,
 that there is bipartisan pride in the accomplishments of the
 former Majority Leader of the US Senate. I think finally after
 centuries of troubles, it appears that they have come to an end.
 I think partially because the Protestant and the Catholic
 population said enough is enough. The killing has to stop. I
 think the economy of both Irelands have improved. I think they
 actually refer to them as the Celtic Tiger. An opportunity was
 beginning to spread to all the accomplishments. I think the
 most important factor in bringing peace to Ireland was the
 prestige and the determination of Senator George Mitchell. We
 congratulate him today.

ADOPTED.

Sent for concurrence.

By unanimous consent, all matters having been acted upon
 were **ORDERED SENT FORTHWITH.**

**REPORTS OF COMMITTEE
 Change of Committee**

Report of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Create a Registration Plate for Members of the Maine Snowmobile Association"

(S.P. 114) (L.D. 311)

Reporting that it be **REFERRED** to the Committee on **TRANSPORTATION**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

Representative JABAR from the Committee on **TRANSPORTATION** on Bill "An Act to Allow Special-use Access over Discontinued Municipal and County Roads"

(H.P. 874) (L.D. 1231)

Reporting that it be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 6) (L.D. 16) Bill "An Act to Close Elver Fishing on the West Bank of the Narramissic River" (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-62)**

On motion of Representative ETNIER of Harpswell, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. Committee Amendment "A" (H-62) 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-62) and sent for concurrence.

(H.P. 647) (L.D. 897) Bill "An Act to Extend the Management Plan Requirement for Forest Owners under the Maine Tree Growth Tax Law" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-61)**

On motion of Representative GAGNON of Waterville, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. Committee Amendment "A" (H-61) 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-61) and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

CONSENT CALENDAR

Second Day

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

(S.P. 96) (L.D. 235) Bill "An Act to Increase the Amount of State Contribution to Out-of-district Placements" (C. "A" S-21)

(H.P. 286) (L.D. 394) Bill "An Act Regarding Hunting Implements"

(H.P. 349) (L.D. 465) Resolve, to Permit the Maine Warden Service to Return a Donated All-terrain Vehicle to the Donor

(H.P. 642) (L.D. 892) Bill "An Act to Transfer Responsibilities of the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities to the Statewide Independent Living Council"

(H.P. 50) (L.D. 64) Bill "An Act to Amend the Mexico Water District Charter" (C. "A" H-60)

(H.P. 96) (L.D. 109) Bill "An Act to Amend the Charter of the Mars Hill Utility District" (C. "A" H-59)

(H.P. 399) (L.D. 541) Bill "An Act to Clarify the Jurisdiction of the Public Utilities Commission with Regard to Wireless Carriers" (C. "A" H-57)

(H.P. 409) (L.D. 551) Bill "An Act to Amend the Lien Enforcement Procedure for the Topsham Sewer District" (C. "A" H-58)

(H.P. 428) (L.D. 570) Bill "An Act Relating to the Protection of Maine Consumers in the Telecommunications Market" (EMERGENCY) (C. "A" H-56)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

BILLS IN THE SECOND READING

House As Amended

Bill "An Act to Repeal the Chemical Substance Identification Law"

(H.P. 432) (L.D. 574)

(C. "A" H-53)

Reported by the Committee on **Bills in the Second Reading**, read the second time, House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

BILL HELD

An Act to Repeal the Law Requiring Retailers to Post Motor Vehicle Fuel Prices

(H.P. 339) (L.D. 455)

- In House, **FAILED** of **PASSAGE TO BE ENACTED**.

HELD at the Request of Representative GLYNN of South Portland.

On motion of Representative GLYNN of South Portland, the House **RECONSIDERED** its action whereby the Bill **FAILED** of **PASSAGE TO BE ENACTED**.

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

Representative **GLYNN**: Mr. Speaker, Men and Women of the House. As members are well aware, yesterday we had taken up this issue regarding the fuel pump postings. I sided with a number of members of the House who felt, in fact, that as a consumer protection item, that it was in the best interest of the public to have the price per gallon listed on the pumps in the way that Mainers are accustomed to. Having listened very attentively to the debate, I felt very deeply that the committee had erred even though it was a unanimous recommendation to this body. Having done further research, I found that the one in err was not the committee, but was I and those that felt that the law should, in fact, not be repealed.

Title 10, subparagraph 2, section 2353 of Maine State Statutes Annotated references the National Institute of Standards and Technology Handbook 44 is, in fact, adopted by reference. If anyone takes the time to do the research as I have done, reference S.1.6.4 of this section talks about the display of unit price and product identity. In that section it specifies that the price per gallon must be on the pump. In fact, repealing this section repeals duplication of posting and a burdensome regulation on business. It does not remove consumer protection as we know it in the State of Maine of listing the price per gallon. Having affirmed that and found out that these regulations actually come under the Department of Agriculture, I could see the confusion and I now stand ready to support the unanimous recommendation of the committee and will be voting in support of this LD. Thank you.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. I stopped at a gas station about a week ago and they had just put in a brand new pump. It was one of the pumps that under the gas listed the price of the gas when you turned the pump on. I looked at it and it was reading the price of the gas, but I didn't know whether it was for unleaded, unleaded regular, unleaded high test or plus or whatever that middle range one is. I looked around, I had no idea, and this brand new pump didn't have the signs on top. I couldn't tell from that because they hadn't put the signs up yet. I looked around at the other pumps around me and, sure enough, they had the signs on top of the pump. I was able to tell that unleaded regular, which is all that I could afford and was the cheapest one, was a certain price. I pushed the button and sure enough, under the glass, the price came up for that gas, but without pushing those buttons, I wouldn't have known. From where I was standing, if those little signs hadn't been on top of the pumps, I couldn't have seen the signs that were down at the roadside. Of course, those signs down at the roadside don't have to be there anyway. I would urge all of you to vote with me against this bill.

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

Representative **O'NEAL**: Mr. Speaker, Men and Women of the House. This was a unanimous committee report. I wish to thank this committee for sticking together in their belief that this should be passed. I will be very brief. I believe that we urge everyone in this body to support this unanimous report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Mr. Speaker, Men and Women of the House. First of all, I apologize to the members of the committee. I understand it is a unanimous committee report. I understand the process. I want to make just one point. In reference to the comments of the Representative from South Portland, he is correct. That is the rule. Remember, it says, the pump. There is a difference between the sign that is on the pump that is required by federal law in the regulations. That is a separate issue than being the sign on top of the pump itself. I understand the confusion, but that is the law. That is the rule. That is the process. I would ask, while I am at it, Mr. Speaker, that the role be taken by the yeas and nays.

Representative MARTIN of Eagle Lake **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: The Chair recognizes the Representative from Cape Elizabeth, Representative Marvin.

Representative **MARVIN**: Mr. Speaker, Ladies and Gentlemen of the House. I must admit to being more than a little bit puzzled by all the time being allowed this bill. There are over 3,000 bills for us to hear. I find it unbelievable that we are spending hours hashing over a unanimous committee report. Thanks to some rather clever floor debate, however, this body seems to think that we are discussing a bill having to do with the rights of the elderly. In fact, what we are discussing is unnecessary regulation of businesses in the State of Maine.

The reason these signs remained mandatory, in the first place, was at one time gas was priced differently depending on if you were paying with a credit card or you were paying cash. These two payment options are no longer priced differently. Therefore, the sign is no longer needed. Think about it for a second. We don't require that the price of milk be posted in the window of a store. We don't require the price of haircuts to be posted in the windows of the barbershop. Those owners have the choice as to whether or not to do that. We, as consumers, have the choice as to whether or not to frequent those establishments. Somehow this bill has become anti-consumer as opposed to the over regulation of business that it actually is.

My point is simple. If you are truly concerned about consumers, you will vote to allow businesses to keep their cost down. Signs are not free. The labor to change those signs are not free. Incidentally, sometimes those prices change as often as three times in one day. Who do you think pays more for gas when gas stations expenses are higher? That is right. The consumers. The vast majority of gas stations host the price of gas in big signs out by the road. If people are unable to read the smaller signs on the pump and there is no large sign, they have the choice to go to a different gas station. Just as they can choose to go a store that posts its price of milk in the window. If you really are concerned about consumers, this vote is easy. I urge you to support the unanimous committee and vote Ought to Pass. Thank you.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. The good Representative from Cape Elizabeth does bring good points about debating issues of this nature. I have been around here a number of years. It reminds me of being at a town meeting. When there is an argument about the dump truck and there is an hour or a two hour discussion.

When it comes to an issue of \$1 million it goes under the hammer. Maybe that is the nature of democracy. I hope that you would stick with your vote from yesterday. It is my contention that if this bill were heard today, there would be much more debate. As I mentioned yesterday, I have received so many phone calls on this. I think there was a special on one of the TV stations on this issue and that created public debate. I would hope that we would stick with our vote yesterday and allow the other body to do their thing. I hope that at some juncture we could recommit this bill back to committee and allow debate and allow the people to discuss the issue as it should be done. Therefore, I would ask you not to enact this bill in its present form.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I want to bring up a few points on this bill. On the gas pumps, first of all, if you go to a gas pump, you pump gas, there isn't the little price under the glass when you push your button, the price springs up there. On most of the newer ones you can push a different button and it will show that price. It is just the old ones we have to lift the little lever. In those old ones that you have to lift the little lever, the price is much bigger on the bottom. The newer ones, if you look below that little piece of glass, you will still see the price for each grade. It is listed on everyone that I have looked at. The price is listed there smaller.

As for the big signs that are on the side of the road, it is true that we have no mandate that requires gas stations to have that, but every gas station in the world has a big sign there because no one is going to go to a gas station if they don't know it sells gas. We have no law that mandates putting a sign in front of your business that says you have a store here. People do it because they want people to come into their store. That is how they attract business. It is like we don't have a lot of mandates having gas in your gas pumps. People just realize that it is common sense and we don't need to legislate these common sense things. People have sold the gas for years and years and years before the cash and credit prices were different and this law went into affect to deal with that.

The final point I would like to make is we are going to be debating a 5 cent increase in gas tax for roads. As I pointed out when I spoke before, this is a 1 cent tax for the first 10,000 gallons of gas pumped out of every pump, just for regulation. Everyone is going to be paying an extra penny because we are over regulated. Is that what we want? Thank you.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I will start out by saying that I never spoke last year on the lighthouse bill. It is true. We have a lot of bills, but isn't it interesting how the newspapers don't seem to pick up on our really serious bills that would change our state forever. Instead our newspapers seem to pick up on some of the foolish bills that we sometimes succumb to that our constituents want us to introduce. Somehow we have to make it through with that bill. Think about that as you go today.

Second, I would like to say that I am one who does count pennies and my husband counts them even worse. Our name is McKee. When I drove up to the pump this morning, someone had inadvertently placed a metal sheath in front of the regular unleaded. I pulled up, I am in a hurry to get here. I am looking at the pump. One of my students comes over and I said, "Hey, do we only have unleaded plus today?" He said, "Oh no, we

have the regular unleaded." I said, "What is the price?" He said, "Same as always, 92 cents." I will take it. I have three choices on my way in. I took it.

Going from one station to another because of price improves business. It drives competition. I shop the tanks. I shop the signs. I hope that you will join me also in voting against this bill.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. I will only say one thing. Nothing we have heard this morning changes the facts that existed when we voted yesterday. I urge all the members who voted yesterday to vote the same way. Thank you.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. As a member of the committee that overheard the initial testimony and voted on this bill, I would just like to clear up a misconception. I have heard on several occasions now the inference made that our committee did not fully listen to arguments that were not positioned to the legislation. I have also heard that we were somehow led astray or this legislation was presented to us as an industry piece of legislation. That really was never the case. We debated fully both sides of this issue. We talked about this extensively. We listened to the arguments. A number of points were raised. Were we protecting the consumers? We were assured that we were. This committee led by our very able chairman fully debated this issue. I resent the inference that somehow our committee did not do its work.

I also would like to clear up a misconception that I have heard spoken of several times now on the floor. These price indicators are just that. They are price indicators. The Representative from Brooklin, if he was looking for the octane rating will search in vain for a long period of time because he will never find it on these price indicators. The octane levels are on the pump themselves as is the price in the glass on the pump itself as is stated in law. This is simply another additional pricing mechanism that adds additional expense and really does nothing for the consumer. Thank you.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I sat here and just listened and wondered why we would be repealing a consumer oriented law and thought I might hear a reason this morning. I guess I have heard the reason. As a consumer, if we don't like it or we happen to live in northern Maine or rural Maine and the prices are not posted, we can just drive on down the road. There might be one station, but we can just drive on down the road. That is the reason that we are going to repeal a good consumer bill. Someone out here really wants this bill, not a consumer. They probably spent a few pennies to pass this bill. It is a bad bill. I would urge the membership of this House to reject this bill.

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

Representative **CLOUGH**: Mr. Speaker, Men and Women of the House. I will be brief, but I would like to say that when I drive down the street looking for a gas station, I can't read the signs that are on the pump until I have already made a commitment. I look at the sign that is on the post. I decide if I am going to go into that gas station. I already know what the

price is. This Ought to Pass recommendation is consistent with the testimony that was given in our committee. I urge you to support this bill.

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

Representative **TRUE**: Mr. Speaker, Ladies and Gentlemen of the House. My, what a tangled web we weave. For those that don't remember those words, they were written in 1908 by Sir Walter Scott. The title of his story was *The Floating Fields*, in case you want to check me. We have heard from speakers saying this is unnecessary legislation. I believe it is. I happen to be in that category of people who have difficulty in reading signs. I didn't understand that until about a week ago when I went to have my eyes examined. Now I wear these. I have driving glasses in my truck. I have special glasses to put on between four and six so I can see. I have had many calls from young people in my age group. I can sympathize with them. I really don't know what precipitated this, but it seems to me that there are some underlying causes. I have had people talk to me about why I vote the way I do. I will tell you. I do it because of my constituents. I ask today that you recognize the fact that we all don't agree with each other on the floor of this House. If we took the point that many things that we discuss are so trivial, it would be great. We would have a very short session because we do it everyday. I ask the people that are disagreeing and I, in particular, want you to recognize me for what I am and not what you would like me to be. Thank you.

The SPEAKER: The Chair recognizes the Representative from Danforth, Representative Gillis.

Representative **GILLIS**: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to say this morning during the National Anthem, a word really pierced my heart this morning when it came out loud and clear. That word was "free." The word in free enterprise should mean the same. I say to you today, if you let the gas stations compete freely without unnecessary regulation, then you will know what the price is at that pump because they are not going to let Joe over across the street under price him. Thank you.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I thought about St. Patrick when Representative Brennan made his eloquent speech about St. Patrick and the influence it should have here today. I recollect that St. Patrick is the one who chased the snakes from Ireland. I guess I stand because I would like to chase the lobbyists from this hall. It is important, I think, to recognize who it is that profits from this particular bill. It is the lobbyists. I find it influencing in my committee and I am sure you are finding it influencing your committee. There is far too much power, as far as I am concerned, about the lobbyists. I think two years from now we are going to be judged in this House by what we did for the people and not for the oil lobbyists.

I would cite three things as why I am against taking these placards off the gas pump. The first is, I think it is against the consumer. It is for the lobbyist. I don't mind doing things for business, but when I do, I like to balance the two, the consumer and the business. I did my homework. CN Brown and other companies that will profit from this are making record profits and yet, I receive calls at home from people who do not want us to take these signs off the pump. I ask you to think about who profits here? Make a determination about who you will stand for when this vote is taken. Will it be the lobbyist, not just in this

bill, but in other bills that will come before us or will it be the people? Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. When the previous speaker spoke regarding CN Brown and their huge profit margin, were they looking at their gasoline profits or were they looking at their oil profits? Does this bill affect the price markings of oil or gasoline?

The SPEAKER: The Representative from Hampden, Representative Plowman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. As I understand, the question was in regards to gas prices?

The SPEAKER: The Representative from Brunswick, Representative Richardson has posed a question through the Chair to the Representative from Hampden, Representative Plowman. The Chair recognizes that Representative.

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. My question was, when you are looking at profits of a company that deals with gas and oil, such as CN Brown, will you please tell us if you looked at their profit margin and decided that they are making profits on gasoline or if they are making profits on oil? The second question, should you need me to clarify it, was does this bill relate to the posting of prices regarding gasoline or regarding oil?

The SPEAKER: The Representative from Hampden, Representative Plowman has posed a question through the Chair to the Representative from Brunswick, Representative Richardson. The Chair recognizes that Representative.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I thank the Representative for the question. The consolidated balance sheet is what I looked at. Secondly, with respect to the bill, I am talking about gasoline.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I take great offense to myself and my committee that there is somehow some underlying principle that our votes have been bought by lobbyists. People get on their self-righteous high horse. I represent individuals. I didn't take a penny of PAC money in my campaign. I sent back money that was sent to me unrequested. Who else on their high horse is saying that my vote is sold can make that plain. I take great offense of the assault on our committee that we are somehow bought and we are doing this for some CN Brown or Maine Oil Dealers or whatever lobbying group. I am doing this for the consumer to save them that penny a gallon and that money. Anyone who wants to get on their self-righteous high horse and attack the committee should look in their own backyard and wonder what special interests have them bought and paid for.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

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

The SPEAKER: The Representative may pose his question.

Representative **MARTIN**: Mr. Speaker, Men and Women of the House. I would like to pose a question to the Representative from Lewiston. I would ask who was at the hearing and what testimony did they give and were their any members of the public that were there?

The SPEAKER: The Representative from Eagle Lake, Representative Martin has posed a question through the Chair to the Representative from Lewiston, Representative Mendros. The Chair recognizes that Representative.

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. To my recollection there were Maine Oil Dealers and CN Brown. They were the two that testified and one legislator, the sponsor, and I think a cosponsor. There were no speeches in opposition.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. Top of the morning to you. I would just like to say that as a freshman I am not here to direct any remarks to a committee that works very, very hard. I just happen to disagree with the committee. I am just trying to say that as a freshman, I truly believe that the Democrats have most of the majority on committees and I understand that leadership needs to support committee decisions. I just happen to disagree with that particular decision. It isn't anything personal. I truly believe that we need to come together and just vote what our hearts are. I am not here to speak for CN Brown and I am not saying anything bad against them. I am here because I think that the people who sent me here and the National Anthem, that word that the Representative said about free. My words that I pick up on the National Anthem is for all. I am here trying to represent for all. I truly believe that the people who call me are the people that sent me here that want me to vote for what they believe in. They believe that those markers, those indicators, tell them which pump they should put their car at. Driving in, if those markers are not on top of those pumps, you don't know. Simply, that is the reason I am voting for this. It is not derogatory or against the committees work. I thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. To the Chair of the committee, was this a noticed public hearing with the two weeks notice and the hearing in all of the newspapers as required under our rules in the Legislature?

The SPEAKER: The Representative from Hampden, Representative Plowman has posed a question through the Chair to the Representative from Limestone, Representative O'Neal. The Chair recognizes that Representative.

Representative **O'NEAL**: Mr. Speaker, Men and Women of the House. Yes, this bill had public notice like every other bill that we hear. I feel that if anyone wanted to speak on the bill, they would have been there to speak on the bill. We had heard through prior debate that AAA was coming after us, but we never heard from AAA either. I believe notification was given. I believe that not one person in this body will vote any different

than what their hearts say now. I urge that we move on with more important things.

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

Representative **MURPHY**: Mr. Speaker, Ladies and Gentlemen of the House. I really do believe this subject is really quite overblown. Anyhow, I will get my two cents worth in also. I would really doubt that if we vote today to repeal this, that gasoline is going to go down 1 cent a gallon in the State of Maine. Coming from where I come from, I can stand on the bridge between the two states and look at two gas stations. The difference is the gas tax between each state. Whether New Hampshire has a 1 cent tax because of their signs, I don't know. I just don't believe that that is going to make any gas station in this state drop their gas price 1 cent a gallon if we take down these signs. I really think it is greatly overblown. Please vote not to repeal this bill. Thank you.

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

ROLL CALL NO. 29

YEA - Andrews, Bagley, Berry DP, Bolduc, Bowles, Buck, Bumps, Campbell, Carr, Cianchette, Clough, Collins, Cross, Daigle, Davis, Desmond, Duncan, Etnier, Foster, Gagne, Gillis, Glynn, Heidrich, Jabar, Jodrey, Jones, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McDonough, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Brien, O'Neal, Peavey, Pinkham, Plowman, Povich, Richardson E, Rosen, Sanborn, Savage C, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Tripp, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Ahearne, Baker, Belanger, Berry RL, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Chizmar, Clark, Colwell, Cote, Davidson, Dudley, Dugay, Dunlap, Duplessie, Fisher, Frechette, Fuller, Gagnon, Gerry, Goodwin, Gooley, Green, Hatch, Honey, Jacobs, Kane, Lemoine, Martin, Matthews, Mayo, McAlevey, McGlocklin, McKee, Mitchell, Murphy E, Muse, Norbert, O'Neil, Perkins, Perry, Pieh, Powers, Quint, Richard, Richardson J, Rines, Samson, Savage W, Skoglund, Stanley, Stevens, Sullivan, Tessier, Townsend, Tracy, True, Tuttle, Twomey, Volenik, Watson, Williams.

ABSENT - Bragdon, Chick, Cowger, Joy, Mailhot, Thompson.

Yes, 77; No, 67; Absent, 6; Excused, 0.

77 having voted in the affirmative and 67 voted in the negative, with 6 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

SENATE PAPERS

The following Joint Resolution: (S.P. 683)

JOINT RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF THE UNIVERSITY OF MAINE AT AUGUSTA

WHEREAS, the University of Maine at Augusta, "UMA," has 3 formal campus locations, in Augusta, Bangor and Lewiston-Auburn; and

WHEREAS, UMA offers academic programs and courses across the State at its 3 campuses and at over 100 sites and

centers of the University of Maine System Network for Education and Technology Service; and

WHEREAS, UMA teaches over 8,000 Maine students each year in every county in the State; and

WHEREAS, UMA is the 3rd largest university in the State; and

WHEREAS, UMA is the major provider of associate degrees in education in the State; and

WHEREAS, UMA honors its 28,000 alumni and past students who make a real difference in their communities; and

WHEREAS, UMA has been serving the entire State for 39 years; and

WHEREAS, this spring UMA will be celebrating extraordinary enrollment increases of 13.54% for the spring semester and 6.54% overall; and

WHEREAS, UMA is educating Maine citizens for Maine careers, now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the First Regular Session, congratulate UMA on being awarded the National College Marketing Silver Award by the American Advertising Association for its outreach and recruiting program; and be it further

RESOLVED: That the Legislature is honoring UMA by designating March 17, 1999 as UMA Day; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Owen Cargol, President of UMA.

Came from the Senate, **READ** and **ADOPTED**.

READ.

The SPEAKER: The Chair recognizes the Representative from Farmingdale, Representative Watson.

Representative **WATSON**: Mr. Speaker, Men and Women of the House. I rise today to offer my congratulations to the University of Maine at Augusta in presenting, from us as a body, the House and the Senate, a Joint Resolution on this day, March 17th. It is with great pleasure that I offer my congratulations. Having been as some of you, my colleagues know, a member of the UMA community for a number of years. Because of that involvement, I have been inspired in some ways to be here today as a member of this House of Representatives. As a long-term student at UMA, I have recognized the contributions that this campus here in Augusta, as well as LA College and UCB in Bangor have made to their communities and to honor the state-wide mission that UMA has. I am pleased and proud to call UMA my campus and I join in congratulations to all of UMA. Thank you Mr. Speaker.

ADOPTED in concurrence.

On motion of Representative KANE of Saco, the House adjourned at 11:36 a.m., until 10:00 a.m., Thursday, March 18, 1999 in honor of St. Patrick.