

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
29th Legislative Day
Wednesday, March 24, 1999

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

Prayer by Reverend Joy Gasta, Unitarian-Universalist Church of Norway/West Paris.

National Anthem by University of Maine Jazz Ensemble, Orono.

Pledge of Allegiance.

Doctor of the day, John Garofalo, M.D., Hallowell.

The Journal of yesterday was read and approved.

SENATE PAPERS

Resolve, to Transfer a Parcel of State Land to the Town of Carrabassett Valley

(S.P. 699) (L.D. 1974)

Bill "An Act to Limit the Percentage of Forest Products Harvested from Certain Lands That May Be Sold to a Foreign Country"

(S.P. 704) (L.D. 1979)

Bill "An Act to Provide Labeling for Cider"

(S.P. 705) (L.D. 1980)

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.

Bill "An Act to Create Staff Positions at the Maine Commission on Domestic Abuse"

(S.P. 689) (L.D. 1935)

Bill "An Act to Fund a Minimum Level of Services for Deaf and Hard-of-Hearing Persons in all Regions of the State"

(S.P. 693) (L.D. 1939)

Bill "An Act to Increase the Availability of Home Care Services for Maine's Elderly" (EMERGENCY)

(S.P. 698) (L.D. 1973)

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 Revise the Accountancy Laws"

(S.P. 706) (L.D. 1981)

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 Promote Equitable Educational Opportunities"

(S.P. 700) (L.D. 1975)

Bill "An Act to Amend the Funding Formula Components that Determine the State and Local Share of School Funding"

(S.P. 701) (L.D. 1976)

Bill "An Act to Support the Graduate Education of Speech Pathologists for Maine Schools"

(S.P. 703) (L.D. 1978)

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 Allow the Taking of Endangered or Threatened Species Under the Authority of the Department of Inland Fisheries and Wildlife"

(S.P. 708) (L.D. 2017)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

Bill "An Act to Provide a Reward for Certain Tax Information"

(S.P. 707) (L.D. 2016)

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

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

Bill "An Act to Create the Farmington Falls Standard Water District" (EMERGENCY)

(S.P. 702) (L.D. 1977)

Came from the Senate, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** in concurrence.

Non-Concurrent Matter

Bill "An Act to Clarify the Jurisdiction of the Public Utilities Commission with Regard to Wireless Carriers"

(H.P. 399) (L.D. 541)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-57) in the House on March 17, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-57) AS AMENDED BY SENATE AMENDMENT "A" (S-27)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Require Disclosure of Vital Information When a Conservation Easement or Preservation Interest is Created"

(H.P. 1281) (L.D. 1842)

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in the House on March 16, 1999.

Came from the Senate **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 103)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333**

March 17, 1999

Honorable Joseph W. Mayo

Clerk of the House

State House Station #2

Augusta, ME 04333

Dear Clerk Mayo:

Pursuant to my authority under Chapter 506, P.L. 1997, I am re-appointing Barry Hobbins of Saco to the State Compensation Commission.

Sincerely,

S/G. Steven Rowe

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 104)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333**

March 17, 1999

Honorable Joseph W. Mayo

Clerk of the House

State House Station #2

Augusta, ME 04333

Dear Clerk Mayo:

Pursuant to my authority under 5 M.R.S.A., section 19202, I am appointing Representative Elizabeth Watson of Farmingdale to the Advisory Committee on HIV.

Sincerely,

S/G. Steven Rowe

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 105)

**STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
38 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

March 22, 1999

Hon. G. Steven Rowe

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Rowe:

Pursuant to "A Resolve to Implement the Recommendations of the Commission to Study Poverty among Working Parents with Regard to an Annual Report Card on Poverty" I am pleased to submit the enclosed 1998 Report Card on Poverty in Maine to you.

I hope you find the information contained therein of use to you. If you have questions or would like further information, please feel free to contact Joyce Benson at this office. (tel 287-1461 or e-mail www.joyce.benson@state.me.us)

Sincerely,

S/Evan D. Richert, AICP

Director

READ and with accompanying papers **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolve 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:

BANKING AND INSURANCE

Bill "An Act to Update and Amend the Preferred Provider Arrangement Act"

(H.P. 1422) (L.D. 2029)

Presented by Representative SAXL of Bangor.

Cosponsored by Senator ABROMSON of Cumberland.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

BUSINESS AND ECONOMIC DEVELOPMENT

Bill "An Act to Regulate Unused Property Markets"

(H.P. 1418) (L.D. 2025)

Presented by Representative POVICH of Ellsworth.

CRIMINAL JUSTICE

Bill "An Act to Remove the Statute of Limitations for Unlawful Sexual Contact and Sexual Abuse of Minors"

(H.P. 1412) (L.D. 2019)

Presented by Representative SAXL of Portland.

Cosponsored by Senator NUTTING of Androscoggin and Representatives: CHIZMAR of Lisbon, McALEVEY of Waterboro, MUSE of South Portland, O'BRIEN of Augusta, Senator: DAVIS of Piscataquis.

Bill "An Act to Establish the Commission to Propose an Alternative Process for the Payment of Forensic Examinations for Sexual Assault Victims"

(H.P. 1414) (L.D. 2021)

Presented by Representative NORBERT of Portland.

Cosponsored by Senator LONGLEY of Waldo and Representatives: CHIZMAR of Lisbon, DUPLESSIE of Westbrook, FRECHETTE of Biddeford, McALEVEY of Waterboro, MUSE of South Portland, POVICH of Ellsworth, Senator: MURRAY of Penobscot.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act to Make Certain Provisions for Exceptional Students Consistent with Federal Laws and Regulations"
(H.P. 1419) (L.D. 2026)

Presented by Representative BRENNAN of Portland.

Cosponsored by Representative: WESTON of Montville, Senators: BERUBE of Androscoggin, SMALL of Sagadahoc. Submitted by the Department of Education pursuant to Joint Rule 204.

Bill "An Act to Enable the Formation of Public Charter Schools"

(H.P. 1420) (L.D. 2027)

Presented by Representative POWERS of Rockport.

Cosponsored by Senator LONGLEY of Waldo, Senator AMERO of Cumberland and Representatives: BAKER of Bangor, STEDMAN of Hartland, WATSON of Farmingdale, Senators: BERUBE of Androscoggin, CATHCART of Penobscot, SMALL of Sagadahoc.

INLAND FISHERIES AND WILDLIFE

Bill "An Act Pertaining to the Management of Atlantic Salmon"

(H.P. 1421) (L.D. 2028)

Presented by Representative DUNLAP of Old Town.

Cosponsored by Senator CATHCART of Penobscot and Representative: TOWNSEND of Portland, Senators: KILKELLY of Lincoln, RUHLIN of Penobscot.

JUDICIARY

Bill "An Act to Improve the Marketability of Real Estate Titles"

(H.P. 1415) (L.D. 2022)

Presented by Representative LaVERDIERE of Wilton.

Cosponsored by Representatives: SCHNEIDER of Durham, THOMPSON of Naples, Senator: BENOIT of Franklin.

LEGAL AND VETERANS AFFAIRS

Resolve, Directing the Bureau of Liquor Enforcement to License an Agency Liquor Store in the City of Caribou

(H.P. 1413) (L.D. 2020)

Presented by Representative O'NEAL of Limestone.

Cosponsored by Senator KIEFFER of Aroostook and Representative: BELANGER of Caribou.

TAXATION

Bill "An Act to Authorize a Local Option Tax on Wages Earned in a Municipality"

(H.P. 1416) (L.D. 2023)

Presented by Representative GAGNON of Waterville.

Cosponsored by Senator RAND of Cumberland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act to Establish the Local Option Tax on Liquor, Meals and Lodging"

(H.P. 1417) (L.D. 2024)

Presented by Representative GAGNON of Waterville.

Cosponsored by Senator RAND of Cumberland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Pursuant to Resolve Maine Indian Tribal-State Commission

Representative THOMPSON for the **Maine Indian Tribal-State Commission** pursuant to Resolve 1997, chapter 45, section 3 asks leave to report that the accompanying Bill "An Act to Implement Recommendations of the Maine Indian Tribal-State Commission Relating to Tribal Land Use Regulation"

(H.P. 1423) (L.D. 2030)

Be **REFERRED** to the Committee on **JUDICIARY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute Criminal Law Advisory Commission

Representative POVICH for the **Criminal Law Advisory Commission** pursuant to Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act to Amend the Laws Relating to Issuance of a Warrant in the Name of the District Court"

(H.P. 1424) (L.D. 2031)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Dr. Robert G. MacBride, of Lubec, who was a founding member and director of the Lubec Regional Medical Center. He also was Chief of the Medical Staff at Downeast Community Hospital in Machias from 1968-1976, Medical Director of Ocean View Nursing Home in Lubec and Campobello Lodge Nursing Home in Campobello, New Brunswick. Dr. MacBride served as Chief of Obstetrical Services in the Canal Zone, Panama, during World War II. He will be missed by his family, friends, colleagues and the multitude of "Dr. MacBride's babies;"

(HLS 117)

Presented by Representative GOODWIN of Pembroke.

Cosponsored by Representative BAGLEY of Machias, Representative RICHARD of Madison, Senator CASSIDY of Washington.

On **OBJECTION** of Representative GOODWIN of Pembroke, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. On January 1, 1999, the people of Lubec and the people of Washington County and the people of Maine

lost a friend. His name was Dr. Robert MacBride. He was born, raised and educated in the Lubec schools, Bates College in Lewiston and the Boston University School of Medicine. He served in the US Army Medical Corp. during the Second World War. He returned to Lubec in 1948 serving the almost 50 years of medicine to his community. Dr. MacBride, ever the rural physician won awards too numerous to relate here. In a town of 1,980 people, the good doctor delivered over 5,000 babies in Lubec alone. He lost count of the community births in other places. I will carry the House Memorial Sentiment proudly with my colleague, Representative Martha Bagley, to be delivered to his wife, Leona, in Lubec. I ask that when the House adjourns today, it does so in remembrance of Dr. Robert G. MacBride. I thank the Speaker.

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

Representative RICHARD: Mr. Speaker, Men and Women of the House. I would like to speak briefly about Dr. MacBride. He is a friend of mine. His wife is a close personal friend of mine. She and I have worked closely together on some special projects in the State of Maine. While we were working our husbands spent many enjoyable hours together. Dr. MacBride was a special country doctor. He was honored nationally a few years ago as the outstanding country doctor in the country. He was the true old fashioned country doctor. He will be greatly missed by family, friends and all of the many people to whom he tended. Thank you Mr. Speaker.

ADOPTED and sent for concurrence.

REPORTS OF COMMITTEE

Change of Committee

Representative BRENNAN from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Improve Access to Education for Parents as Scholars Program Participants"

(H.P. 1115) (L.D. 1574)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent for concurrence.

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Eliminate the Requirement of Cash on Delivery for Beer and Wine Sales to Businesses"

(S.P. 296) (L.D. 868)

Signed:
Senators:

DAGGETT of Kennebec
CAREY of Kennebec
FERGUSON of Oxford

Representatives:

TUTTLE of Sanford
CHIZMAR of Lisbon
FISHER of Brewer
GAGNE of Buckfield
LABRECQUE of Gorham
HEIDRICH of Oxford

PERKINS of Penobscot
McKENNEY of Cumberland

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

Signed:
Representative:

MAYO of Bath

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

On motion of Representative TUTTLE of Sanford, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought Not to Pass** on Bill "An Act to Require Insurers to Disclose Insurance Data to Schools and Municipalities"

(H.P. 352) (L.D. 468)

Signed:
Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

JONES of Pittsfield
RICHARDSON of Brunswick
NUTTING of Oakland
DUDLEY of Portland
O'NEIL of Saco
SAXL of Bangor
SULLIVAN of Biddeford
PERRY of Bangor
GLYNN of South Portland

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

Signed:
Representative:

MAYO of Bath

READ.

On motion of Representative SAXL of Bangor, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought Not to Pass** on Bill "An Act to Increase Consumer Confidence in Insurance Companies"

(H.P. 459) (L.D. 622)

Signed:
Senators:

LaFOUNTAIN of York
ABROMSON of Cumberland

Representatives:

JONES of Pittsfield
RICHARDSON of Brunswick
NUTTING of Oakland
O'NEIL of Saco
SAXL of Bangor
SULLIVAN of Biddeford
PERRY of Bangor
GLYNN of South Portland

MAYO of Bath

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

Signed:

Senator:

DOUGLASS of Androscoggin

Representative:

DUDLEY of Portland

READ.

Representative SAXL of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I am here to filibuster for my colleague from St. George and give him an opportunity to debate this piece of legislation. I know he wanted that opportunity. Thank you Mr. Speaker.

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

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. I was preparing a few remarks when I heard the loud speaker a little ahead of where I thought we were. Anyone must be rather reluctant to rise and ask the House not to vote with the Majority Report. A person who does so may as well have marked across his back, does not respect committee process. While I do indeed respect the committee process, I think the Committee on Banking and Insurance that heard this bill probably made the correct decision judging on my rather ineffective and weak presentation of the idea contained in this bill. I think it would be a shame for a good and constructive idea to be lost simply because I was not able, at that time, to explain it adequately.

The purpose of this bill is simply to have insurance companies when they bill individuals to write on the bill their profit for the previous year. In the case of nonprofits, they would include on the bill the salary of the highest paid company official, though not the name. That would remain anonymous. This is simply disclosure of the previous years profit. The objections to the bill that came up during the work session were these. It does not increase consumer confidence in an insurance company to have their profit printed on the bill. Someone commented that it doesn't increase my confidence, it really makes me angry. When a person is angry it shows that there must be some thought in progress. That is exactly what the bill is intended to do, to stimulate thought and to make us question our insurance payment.

I do business with a company named A, which I will try not to mention by name because I feel safe when I am doing business with this A company that sells auto insurance. When I received my auto insurance bill, quite often they will put a little personal note on it saying, "Dear valued customer, we appreciate your business." If my bill is passed, A company will write, "Dear valued customer, we appreciate your business. Last year we made a profit of \$2,919,721,982 rounded off to the nearest cent." I probably would question if I am doing the right thing by doing business with an out of state company. I may not. How can I not have great confidence in a company that is \$2,919,721,982 a year? That is a well run company. It does increase consumer confidence. It does shed sunshine. It does make me realize that if they are disclosing their profit, they are an honest company.

Second objection that came up in committee, this would be redundant because the information is already available at the State Bureau of Insurance. Anyone can find it who wants it. Tobacco companies use the same argument when the warning was put on the cigarette packages. We don't need to print a warning on cigarette packages, smoking may be harmful to health. They can look that up in the New England Journal of Medicine. I called the Bureau of Insurance on a Thursday and asked for figures on two insurance companies. The gentleman was very accommodating as most state workers are and told me I can have that for you by Tuesday of next week. It was an inconvenience to the man. Apparently people don't call the Bureau of Insurance very often for this type of information. To say the information is readily available, is rather stretching it.

Another serious flaw in this bill was the time. The bill said you would receive notification of the companies profit for the previous 12 months. That would make it rather inconvenient because they don't calculate their profit every twelve months. They report their profit to the State Bureau of Insurance on March 1. If this bill is accepted, I will present an amendment at the appropriate time to make it simple for the insurance companies to simply put on their bills to you the same number that they printed for the Bureau of Insurance in March. This error was quite gleefully pointed out by insurance lobbyists who followed me in testimony. It will be corrected.

Another complaint is this discriminated against insurance companies. Insurance is different from any other type of business. I remember a neighbor of mine many, many years ago named Phoebe Kerswell. I went to her to console her after the death of her husband Frank. Phoebe said, "You know Jimmy, Frank and I never believed in insurance because with insurance you have got to lose to win." You have to lose to win with insurance. It is different from any other product. It is a wonderful idea to spread the suffering, the financial responsibility. Nevertheless, you always lose to win with insurance. The other aspect of insurance that makes it different from any other business is it has a governmental function. The insurance companies have considerable control over our lives. We have to have auto insurance. We have to have it. If we have an accident, the insurance company can fine us year after year by increasing our premiums even though we may not have been at fault. We have to have house insurance if we have a mortgage. If we are fortunate, we can get health insurance, but there are regulations on that. The insurance companies do have an increasing influence in our lives and insurance companies are different.

A fifth objection to this bill is that it would discourage out of state competition. Thus, raising our rates. The figures I got from the Bureau of Insurance show that we pay dearly to ensure competition. The A company that I mentioned before and I hope I didn't mention by name, 1997, wrote \$69 million plus premiums in Maine. That is \$69 million. They returned to Maine some \$43 million. There is a discrepancy there of \$26 million which could be profit if there were no expenses. Of course, they do have expenses. They aren't shown, but I would presume that if they have a couple million dollars expenses in Maine they are still making in the vicinity of \$24 million of profit in Maine alone. Twenty-four million dollars profit that is out of the state in 1997. If we had a company close that was paying workers \$24,000 a year, there would be 1,000 jobs lost. That is a \$24,000 a year job for that one insurance company. If we lost that many jobs, there would be a huge outcry, but we think nothing of exporting our capital, which is one of the main causes that Maine is not prosperous.

I repeat that central idea to my argument. We have to make people aware that Maine is poor largely because we export such huge amounts of capital. There are other ways, I think, that Maine companies can be utilized. I think we should be more aware of keeping the money in the state. CIGNA, which I have never heard of until they took over our health insurance in 1997, took \$31 million in premiums out of the state and paid back \$15 million. That is some \$16 million for CIGNA, which I had never heard of. That was before they took over Healthsource.

The purpose of this bill is not to inconvenience insurance companies because it doesn't. They would have to print that little bit of extra information on an insurance bill, but you know insurance companies love to send out useful information. I have that much left over from Blue Cross that I don't dare to dispose of yet. Just put in their profit for the previous year on a bill certainly wouldn't inconvenience them a great deal.

If I may reiterate after speaking so long, it does increase consumer confidence. It is not redundant. It will be amended to correct the timing to make it convenient. It does not discriminate deliberately against insurance companies. It will not discourage out of state companies in Maine. A company that is making \$24 million profit is not going to be easily discouraged by putting another sentence on their form. I hope that you will not support the Majority Report on this and will follow my vote. Thank you.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. My dear friend Representative Skoglund whom we all hold in great affection and the temptation is to vote with him because we are so fond of him speaks about this bill. I think he belies the facts just a little. If he had taken time to call the Bureau of Insurance, he would have found out that what he quotes as profit is absolutely inaccurate. In fact, the large number of health insurance firms in this state have been losing money over the last year. However, that this not the point of our discussion. The point of our discussion is whether we ought to put on them an additional burden. Make the State of Maine different from the other states in this country.

Representative Skoglund introduced a bill similar to this last year, but, once again, if he had called the Bureau of Insurance and requested the information, most of that information would have been available to him. To ask the insurance companies to put this on their bills is to treat them in an unusual and different way. I hope you will join with the majority of the committee in defeating this legislation. Thank you.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. I don't fully agree with Representative Skoglund's intentions, but I do have a little story that I might tell to you and you can make up your own decisions. In 1966, I went to work for a large insurance company. At that time in the State of Maine, there was better than 50 agents doing business for this company. Right now the same company has 12 agents doing business in the State of Maine. Representative Skoglund's argument that a lot of the money that is generated by this company in the State of Maine is not being held in the State of Maine because it doesn't hire employees in the State of Maine as much as they did 30 or 40 years ago. Consumers are slowly going away from this insurance company because they don't have a local representative to address their needs. I don't

know if Representative Skoglund's idea would help or not help, but at least I would like to know that those people buying insurance in the State of Maine would have a representative locally to be able to answer their questions and not always have to make a phone call. A lot of the companies now aren't even using a toll free number. You have to call at your expense. Therefore, I am going to vote with Representative Skoglund and I hope a lot of you keep this in mind. The more and more insurance companies are doing away with their local representations, the more and more the consumer is being hurt. Thank you for your listening.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I won't take long. First let me say that there are certain men and women of this House on both sides of the aisle that have certain infrared truth seeking limbs that they use on certain legislation. Children with whom I am familiar also have the capacity. I also had a little trouble when I read the report, actually counting the commas. Did it truly say billion? It couldn't be. It did say billion, which certainly raised my interest. I thought surely there is something I don't know and I have a feeling there is a lot that I don't know. I do think that the good Representative Skoglund has raised an issue that a lot of us are talking about in many committees, consumer confidence. There is another bill in another committee that has to do with consumer confidence in the water that you drink. Hopefully you will be able to find out. Does your water company test for certain chemicals? Are those chemicals in them? Do you have the right to know that? People are saying all over the country, let the sun shine in. Let us know what is going on. This may or may not be one of those places.

Certainly in the past few years we have begun to question exorbitant profit taking from certain international companies, drug companies, HMOs, insurance companies, shipbuilding companies. Do we have the right to ask? Yet we are, as the good Representative said, also entertained with words in education like more is less. More is less, folks. You have to lose to win. I understand that through failure I often learn. I become a more successful person through failure. Through constantly losing my money, I don't become a successful person. In my other life I am a story teller and have been for most of my life. There is a wonderful story called the *Emperors New Clothes* in which only a child can see that the Emperor is not as the crowd thinks, beautiful in his new clothes, but, in fact, naked. Some people on both sides of the aisle seem to be able to see when the Emperor does not, in fact, have on new clothes, but, in fact, naked. I hope that you will oppose the Majority Ought to Pass and go with the good Representative from St. George and me and vote against this Majority Report.

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

Representative **MAYO**: Mr. Speaker, Men and Women of the House. I would remind you that this is an 11 to 2 Ought Not to Pass Report. Also, those of us who were in the 118th Legislature should remember that we discussed a bill similar to this that at that point was 12 to 1 Ought Not to Pass. Really, I think this body has more important things to do than to require a company, be it an insurance company, General Motors or General Electric, to post on its billing the salary of the highest paid executive. That information is available at the Bureau of Insurance for all insurance companies. Also, what those insurance companies make. The good Representative from

Thomaston quoted some of that information earlier in this debate. I would urge you to vote to accept the committee report of Ought Not to Pass to follow my light and that of the chairman of the committee, the good Representative from Bangor. Thank you.

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

Representative **JONES**: Mr. Speaker, Men and Women of the House. I rise in support of the pending motion that we Ought Not to Pass. I support my seat mate, Representative Mayo, and I am proud to say that for some 28 years I was an agent for an insurance company and at no time did I have any problem defending my position working for an insurance company. If anybody asked me the question of who got paid how much, I had no problem defending that issue. I have underlined a few notes taken from the notes at the committee hearing. They are as follows: may result in a premium increase, information already available from the insurance department, bill is unnecessary, bill does nothing. I would urge you to follow the light of those on the committee who looked at this at some length. Thank you Mr. Speaker.

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

Representative **SULLIVAN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to support Ought Not to Pass. My mother always told me that things happen for a reason. I now know why I was a victim of an insurance claim that will have to be filed. As I sat up in the Banking and Insurance Committee yesterday and my car was hit. I will tell you what confidence is. It is not knowing how much somebody makes or what the profit is. It is having the company call you and tell you that you are covered. I still have not heard from this company, we will call it A and I am waiting to be put in good hands. I was sitting doing the people's business. My car was hit and I have not heard and I can't move on my own insurance company until I have the report. I still don't have the report from Capitol Security. I spent an entire day. Confidence is having good agents that come and support you. I guess my mother was correct. I was hit yesterday so I could stand in front of you today and tell you real confidence is having the human element come to you and be there when you need it. Please support this Ought Not to Pass. Thank you.

Representative **SKOGLUND** of St. George **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

ROLL CALL NO. 39

YEA - Andrews, Bagley, Belanger, Berry DP, Berry RL, Bolduc, Bowles, Bragdon, Brennan, Brooks, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chizmar, Cianchette, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Gagne, Gagnon, Gillis, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting,

O'Brien, O'Neal, O'Neil, Peavey, Perry, Pinkham, Plowman, Povich, Powers, Quint, Richard, Richardson E, Rosen, Samson, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Thompson, Tobin J, Townsend, Trahan, Treadwell, Tripp, True, Tuttle, Usher, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Ahearne, Baker, Bouffard, Bryant, Chick, Clark, Desmond, Dudley, Fuller, Gerry, Goodwin, Jacobs, Matthews, McKee, Mendros, Perkins, Pieh, Sanborn, Sirois, Skoglund, Stevens, Tracy, Twomey, Volenik.

ABSENT - Jabar, Labrecque, Richardson J, Rines, Shiah, Tessier, Tobin D.

Yes, 119; No, 24; Absent, 7; Excused, 0.

119 having voted in the affirmative and 24 voted in the negative, with 7 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought Not to Pass** on Bill "An Act to Criminalize the Negligent or Purposeful Transmission of HIV"

(H.P. 149) (L.D. 211)

Signed:
Senators:

MURRAY of Penobscot
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth
FRECHETTE of Biddeford
CHIZMAR of Lisbon
QUINT of Portland
PEAVEY of Woolwich
O'BRIEN of Augusta
TOBIN of Dexter
SHERMAN of Hodgdon

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-81)** on same Bill.

Signed:
Representative:

McALEVEY of Waterboro

READ.

Representative POVICH of Ellsworth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. This bill comes from the Criminal Justice Committee accompanied by a 10 to 1 report, Ought Not to Pass. The dissenting member voted only as a courtesy to the sponsor. This LD, LD 211, makes the transmission of HIV a crime. Only the sponsor spoke in favor of this bill. There was nearly universal objection to this bill during the public hearing. Intentional HIV transmission the committee believed can be prosecuted under existing laws such as assault, aggravated assault or attempted murder. The evil sought to be addressed by this bill appears to be the nondisclosure of a sexual partner of the existence of a sexually transmitted disease which could

apply to a number of incurable diseases in addition to HIV, such as the flu. Whether such conduct could be regulated by the criminal code raises a significant social and policy issue. The committee said no.

We also heard that existing laws governing communicable diseases authorizes the Bureau of Health to confine people who intend to transmit infectious diseases. Existing criminal laws can be used to penalize this conduct. There is also a proof problem. How do you know who transmitted HIV? What I found most revealing during the public hearing was that prevention strategies have shown to be effective in Maine. Once again, current Maine law and current Maine public policy comes through to deal with the issues of the day. Certainly we do not want to jeopardize this. This bill will undermine our public health goal of encouraging people to obtain HIV tests. In addition, what I think is the most insidious aspect of this bill, although I do not claim the sponsor intended this, is to single out people with HIV. If I need to I can go on and on and on. I won't do this to you. I urge you to please not send the HIV issue back underground. Defeat this awful bill and please support the Majority Ought Not to Pass Report. Thank you very much.

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

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. Twenty-nine states have some type of law regarding the negligent and criminal transmission of HIV from one person to another. Most HIV positive people are socially responsible. They use caution and protection and they do not willfully infect other people. This bill was an attempt toward taking care of the socially irresponsible person with HIV. As you know, HIV is a fatal disease and no current cure exists. It has to be transmitted consciously by an act. You don't get it accidentally. You can get it by engaging in sexual conduct, selling or donating infected blood or body fluids or organs, by sharing or reusing needles, by engaging in prostitution, by soliciting prostitution or by exposing others to body fluids or blood in certain context. There was to be a specific act. It is not like you cough and somebody happened to walk by at the wrong time. There has to be a willful volitional act to transmit HIV.

Some have characterized this as a death sentence and there is a bill in Congress that is addressing that. I will cite three examples of socially irresponsible individuals. These have occurred in the past two years. Darnell McGee, St. Louis, Missouri, 100 contacts, 30 men and women have become HIV positive secondary to Mr. McGees willful and knowing transmission of this disease to other people. Newson Williams, Mayville, New York, 70 contacts, 9 women so far have become HIV positive. Pamela Wisner, prostitute in Tennessee, 22 contacts one man so far has become HIV positive. I hope this bill will address those who fit in this context. The Attorney General's Office has agreed with me verbally that there is a place for a law that incarcerates this occasionally irresponsible person who knowingly and intentionally tries to infect another person and doesn't tell them that they are positive.

I have been working with them to firm up the legal aspects of the bill and to amend it to fit the crime as well as we can. I ask you to vote against this motion so that we can press on and amend the original bill and to make it a proper bill. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative TUTTLE: Mr. Speaker, Men and Women of the House. It mentions in the bill about it being a Class A crime. What are the penalties for a Class A crime? Could anybody enlighten us on that?

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

Representative POVICH: Mr. Speaker, Men and Women of the House. A Class A crime is penalized by up to 20 years in prison.

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

Representative WATERHOUSE of Bridgton **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

ROLL CALL NO. 40

YEA - Ahearne, Bagley, Baker, Berry DP, Berry RL, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Chick, Chizmar, Cianchette, Clark, Colwell, Cote, Cowger, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Glynn, Green, Hatch, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Murphy T, Muse, Norbert, O'Brien, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin J, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Bowles, Bragdon, Buck, Campbell, Carr, Clough, Collins, Cross, Daigle, Foster, Gerry, Gillis, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Lovett, MacDougall, Mack, McAlevey, McKenney, McNeil, Mendros, Nass, Nutting, Pinkham, Plowman, Richardson E, Savage C, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Trahan, Treadwell, True, Waterhouse, Winsor.

ABSENT - Bolduc, Goodwin, Jabar, Shiah, Sirois, Tobin D. Yes, 100; No, 44; Absent, 6; Excused, 0.

100 having voted in the affirmative and 44 voted in the negative, with 6 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-67)** on Bill "An Act Relating to the Registration Requirements of the Military Selective Service Act"

(H.P. 168) (L.D. 230)

Signed:
Senator:

FERGUSON of Oxford

Representatives:

CHIZMAR of Lisbon
 MAYO of Bath
 TUTTLE of Sanford
 HEIDRICH of Oxford
 McKENNEY of Cumberland
 GAGNE of Buckfield

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

Signed:
 Senators:

DAGGETT of Kennebec
 CAREY of Kennebec

Representatives:

LABRECQUE of Gorham
 PERKINS of Penobscot
 FISHER of Brewer

READ.

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

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. What this bill attempts to do is to prevent individuals who have failed to comply with Military Selective Service Act from attending state supported institutions of post secondary or higher education, receiving student loans and being employed by the state or its subdivisions. In the public hearing we had the proponents. It brings the state in line with changes in federal government policy. It particularly helps alert young men to the penalties of not registering with the Selective Service. As I will mention, there are many other states, 21 that presently have similar laws. At the original public hearing there was no testimony in opposition, but since then we have received many communications and as you will hear today, many people who feel the other way.

This is an issue of very high emotions on each side of this issue. This is not a partisan issue. It is an issue of conscience. I would ask that you would listen to the debate before us today and vote your conscience on this issue. I am sure that many of you have received calls from the members of the Foreign Wars, the AMVETS, I think all veterans who have served in harms way over the years and for many of those who will speak before you today.

The bill is only asking for registration. Having communicated and talked to many people, many of you know that young people seeking military service today is at the lowest it has been since the Vietnam War. That is probably attributed to the good economy and other areas. This is something I think we have to think about. The amended version is one that I hope you will have had a chance to look at. It is House Amendment 67. If you look at the bill under Section 352 on application, the effective date of this bill would be January 1, 2000, which, in my opinion, would give any young person six months to comply. Another important thing is the exemption section of the bill, which the committee worked hard on. It exempts any individual who is 27 years old as the military age. We also exempt individuals for physical reasons who are ineligible possibly to register and on former military people. I think as part of the Active Compliance Program the Selective Service System has urged states to pass legislation like this. As I mentioned before, in affect, what these laws attempt to do is to increase public awareness of the registration requirement to ensure that a

recipient of public funds is in compliance with federal law. To date, 21 states including the states of New Hampshire and Massachusetts and it is my understanding that there is a bill in the present Vermont Legislature to do just what this bill attempts to do. I think essentially it is asking that we codify Maine's law with the federal law.

Once again, I realize how emotional this issue can be. I think there comes some time in a young person's life when you have to sort of make a stand of where your citizenship is. I think this is not the draft. This is simply asking a young man to register. I think it is something that can only benefit the situation. I know there are people who feel strongly otherwise, but, once again, this is a very emotional issue and I would ask that you listen to debate and vote your conscience on this issue. Thank you Mr. Speaker.

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

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. As you think about this piece of legislation, I also want you to be thinking about what could possibly be going on today. I haven't seen any recent news reports, but I do know that the United Nations yesterday or the day before gave the go ahead for sanctions or military action in Yugoslavia. I also want to bring to your attention a couple of other things. I don't need to explain what is going on in Iraq or what potentially some analysts believe what could possibly happen in China in the next few years. I also want to bring to your attention or to recall to your memory, a presentation that we had in this House not very many days ago that talked about the current status of the military. In particular, the status of the reserve units. Those of us who have been around for a little while remember back when the draft was in place and the strength of the military and then the role of the reserves. I think you will all agree with me that the downsizing of the military and the closure of bases such as Loring and the upcoming closure of Winter Harbor and places like that clearly indicate to us what the future is during this peace time of the full-time active military.

Also, within the last several days, I think about a week and a half ago or two weeks ago some of us, I suspect all of us, were invited to come to Bangor to the Army Reserve Unit to say goodbye to a number of reservists who were shipping off to Kuwait and spend some time over there. These are reservists. These were people who were previously called the ready reserve and the ones who were in the standby position in the event that we needed them in the event the full-time military forces were depleted. I know that because during the 1960s and early '70s I served in the Army National Guard. That was during a period of time when the Cuban crisis was going on. We were called ready reserve force people and trained it seemed almost every weekend. There was an expectation that we might be called up. We were fortunate enough in the 262nd Engineer Battalion not to be called up. Some of our friends were in Waterville and other places in the state. That was the role then.

If you know what the role is today of the reserves, you know that they are more frequently now being called into action to assist and to backup the full-time military. What does that do to us if we have downsized the military and we have also now started to use the reserves with a great deal more frequency? By the way, now that I notice that on my notes in a way of disclosure, I want to tell you that for the past nine years I have served on a volunteer board and all we do is train once a year. This volunteer board is the statewide appeals board for the Selective Service. This is why I brought this bill here is because of my interest in the Selective Service. The Selective Service,

as you know, is just an organization that has been kept going by Congress. It is very, very small. It doesn't have very many people. It has continued to maintain the Selective Service obligations to Congress. There are boards in the State of Maine that are purely and completely volunteer that are ready in the unlikely hopefully the never happening event that we are activated to support the draft.

I mentioned Yugoslavia a few minutes ago because I don't frankly know and none of us I think can predict if there is ever going to be an opportunity that the forces of the United States are going to be called upon in large enough numbers so that the Congress is going to have to institute or reconstitute conscription of the draft. I don't know that. What I do know is that the federal law allows for and mandates that a list be kept of people between the ages of 18 and 26 who are males who can be called if the draft is reinstated by Congress. That is a long ways off. That probably isn't going to happen. Hopefully the kind of peace that we are experiencing right now in this country and in a number of places, although there are a handful of hot spots, will continue to prevail. In the unlikely event that somebody in Yugoslavia or Iraq or someplace else puts enough pressure on us so that we have to send more troops than we want. If we have to activate a number of reserve units, then we will have to turn to this list. This list must be complete.

I brought this bill. What does the bill do? Representative Tuttle told you most of what the bill does. All it really does is bring us into compliance with what the federal government is already doing. If you studied the Selective Service rules, you know that the Selective Service laws for the country mandate that 18 through 26 year olds must sign up for the draft. They must register with the Selective Service. At this stage there is no draft. It does not constitute them becoming part of the military establishment. It is merely a list. There are some pretty strict penalties on the federal level. As a matter of fact, if you look it up, there is like a \$250,000 fine and five years in jail. I certainly don't subscribe to that, but that is the federal law. Perhaps someday we should memorialize Congress and say that we can reduce some of those restrictions.

In the State of Maine, as in 21 other states that have already adopted local laws involving Selective Service registration, I am suggesting that we do some things that create an incentive to make sure that that list is as complete as possible. When I brought the bill forward and worked with the committee that Representative Tuttle chairs, we made a number of amendments in the bill so that we would make it as easy as we could for students who are in school or students who are about to register in school. If you look at the amendment and not the bill, the amendment allows for a student who does register in a state operated, using state taxpayer dollars, if you are not registered in this semester, you have until next semester to register. If you apply for a grant that is state funded, then you have until next semester to comply with the registration requirements. Please understand that if it is a Pell Grant or if it has any connection to the federal government, it is already in the law and you must register before you qualify for a federal grant or any grant in the State of Maine that is initiated on the federal level. It is already there and it doesn't give you until next semester to comply. It says you must comply prior to the time that you are awarded a grant. Federal government law says that you must be registered to get a federal job.

When I was developing this bill with the director of the Selective Service in the State of Maine, Pearl Black, somebody approached us and said that they had an experience where they were an employee of the state and applied for and apparently

was accepted for a federal job, a postal carrier in his home town and when it came time for him to actually sign up for the job, it was discovered that he was not registered and was too old to register because he was 29. Therefore, he couldn't hold a federal job. He was turned down. This says that you must register, but it gives you six months in which to do it. The individual must do the registration.

How difficult is it to register? You can do it by mail. You can go to the Selective Service Office or the post office. You can call them on the phone and they will send you a form. You can register over the Internet. It is really very, very simple to register. It is a matter of just simply registering and getting back in the mail a number. It says in the amendment that those who are responsible for enrolling or registering students in school higher education that are state supported, that they may require that the student, the enrollee, prove that they are registered. That is a simple matter of showing the number. It doesn't require the state to put out any additional forms beyond what is currently being used. If you look at any of the forms that are being used for registration purposes, you will find that they already have a line on there that says, "Are you registered for Selective Service." They recognize the need under the federal law that you comply with that and say, yes, otherwise you are not eligible for any grants. In fact, it is already there. What this does is it puts us into compliance with the federal government and establishes some standards for us so that we can join with those other 21 states that currently have these laws. Perhaps many others, including Vermont that are contemplating such legislation.

By the way, the legislation that I am recommending for this state isn't nearly as strict as in the other 21. They followed federal mandate. What we have done here, again, I repeat for you, is the students have until the next semester to comply. If you are getting a state, you would have until the next semester to comply. If you were going to get a state job, you would have six months in which to comply if you are not already registered. Another piece of the legislation that I want to point out to you is that if you are already outside those registration requirements, if you just turned 28, lucky you, then you don't have to register. If you haven't already registered, these rules do not apply. If you are going back to school as a nontraditional student or if you are going for a state transfer or state employment and you are not registered and you are 29 years old, the amendment to the bill that we are proposing here doesn't cover you. If there are other reasons why you can't or shouldn't because of physical ailments, this doesn't apply to that person. There are exceptions to this.

I want you all to think about supporting this country. I want you all to think about all those things that are going on in this world right now that could someday put us in a position where we are required to take a look at that list. Again, I, like you, pray that that day will never ever come. Because of the pressures on the active service and the pressures on the reserve forces, I think we need to have this list as up to date and complete as possible.

In conclusion, I want to say one more thing. I know there are people out there who are in a position where they philosophically object to war and would rather serve in a conscientious objective status in another type of service who would go and get a hardship deferment. This does not address those issues. That would be the next step. Conscientious objectives would be dealt with in the same process that they were dealt with when the draft was in place. Once you get your notice, you simply appeal to the draft board and ultimately

through the appeals board. If you are granted conscientious objective status, you don't go. This is simply a list. It does not get into whether or not people are philosophically opposed to war. I hope that you will join me and others in voting this Ought to Pass as the majority of the committee indicated. I would ask, Mr. Speaker, for the yeas and nays.

Representative **BROOKS** of Winterport **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 Wayne, Representative **McKee**.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I will start off with a disclaimer and then a statement of affirmation. It seems that on some days all of your bills come up on one day and you are clamoring to get from one hearing to the next. It seems as though bills that are particularly cared about have come up in these last few days. I do apologize for rising on more than two occasions. The statement of affirmation, my son served in the National Guard. My husband served in the Vietnam War. My family has been devoted to the ideals of our country. I teach the Constitution and the Declaration of Independence and encourage every student that I teach to register as well as to remind them to apply for the SATs, by the way, the deadline is this Friday. I want to ask all of us how important is this bill? We have a 97 percent compliance rate with the Selective Service. If we had a 97 percent compliance rate with tax returns, imagine how happy the federal government would be. It would probably have a heck of a lot fewer audits. From the period from 1980 to 1994, only 25 people have been prosecuted.

Despite having said that, I had a recent experience with one of my students who came in after school about 3:30 one afternoon and was very upset. Mrs. McKee, I can't believe what has just happened. What? I forgot to register. "How long has it been?" I said. Six months. I said, "Oh, dear." He said, "I just read it is \$250,000 and I may go to jail." He was white. I said, "No problem, there is a telephone in the room. Let's get on the telephone. I will help you. I represent you and I will try to intercede for you." After a lot of effort we called Washington and finally for the first time in life, I was talking to the Selective Service. We finally got a person. I very tentatively explained what had happened with this student who because he had moved had not registered. When I told the story, the person told me no problem, just go down and do it. I asked if he needs to go today? No, just get it in as soon as he can. No fine, no. I couldn't believe what I had just heard.

We have a federal law with \$20 million behind it to implement this law. Are we going to spend more to round up of these youth? Are we going to add more bureaucracy? Are we going to choose to try to help out the federal government implement other laws that they have decided for us? Will the feds finally just decide to turn this over to the states since 25 already and now us will obviously be demonstrating an interest in compliance? Why pick on college applicants? In my opinion this is a solution in search of a problem. It is unnecessary. I hope that you will vote against the Ought to Pass as Amended report. Thank you.

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. You will notice that I am not on the

Ought to Pass report. I would like to urge you to vote for the Ought Not to Pass. First of all, the draft no longer exists. What is in place is the Selective Service. It is in place for all the very good reasons you have heard already and I am not going to repeat them. We need to have people available to protect us. When a young man reaches 18, he has the responsibility to register. It is my understanding that that responsibility lasts until he is 26. If he doesn't get there exactly on his birthday, there is some leeway. Presently the federal law says that if you do not choose to do this and we come and find you, you can go to jail for five years or it can cost you \$250,000. There is quite an incentive there for young men to sign up. In the event they are ever called up if there is a problem, if they are a conscientious objective for some reason, it can be addressed at that time.

What this law does and let me just backtrack a minute, if you do not register, you cannot be employed by the federal government. What this bill is attempting to do is to make it more stringent here in the State of Maine. I humbly disagree with my fellow colleagues who have said it brings us in line with federal standards. It does not. It creates more. You will not be allowed or be qualified for state scholarships such as FAME and you will not be allowed to work as a state employee. It is making it more stringent. Thank you ladies and gentlemen. I appreciate your support.

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

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. I am one of those people who is philosophically opposed to this bill. It has nothing to do with about what my feelings are about the military, war or the Selective Service. It has to do with what we are trying to accomplish when we send young people to college. Having them come into a college to learn what it is they believe in, to adjust, to figure what their values are and do their own value clarification, to come with an open mind and to experience many different things, to meet many different people. It is the first time away from home for many of these people. It is a good opportunity for them to determine what their values are with issues like war, huge federal bureaucracy, such as Selective Service and a number of other issues. It is also a time for them to be a little radical in their days. Whether they are radical left or radical right. In fact, I have been working in a college for 18 years and we have seen a little bit less of that over the years. At times the administration and faculty would like to see a little more radicalism from students once and a while. It is a learning process.

We had a huge debate at Colby College a few years ago on whether or not we would permit the CIA from recruiting on the college campus. I don't even remember what the resolution was. It was a wonderful debate. The president of the college was involved. The students were involved with it. Members of the CIA were there to talk about it. It was a wonderful debate. It was a learning experience for students. I don't think it is wise to restrict students entering college in any way. The federal government says there is some money here for you, if you want the money, there are these strings attached. The federal government deals with that issue, fine. If you want to accept the federal money, then these are the strings that are attached from the federal government. If people choose not to accept that money, that is fine. Some don't have a choice. They are going to get a higher education. This is not an issue of patriotism. In fact, I would argue that while students are in college learning how to question their government and determining their own values is, in fact, patriotism. That is what this society is all about.

Those who would graduate from college, if you have spent any time with recent graduates or seniors in college, they are an impressive group. I have been doing this for 18 years. Young people are pretty impressive, people who graduate from college. I am finding over the years that they are graduating and they are just moving on to very impressive occupations and what they are doing in society. I want that process to be open. Have as few constraints on these people as possible. Don't restrict them. Allow men and women to come and to discuss their issues and their values. Allow gay and straight to come and discuss their issues, black and white, American citizens and international students. That is the time folks. It all gets gelled up. The product is very impressive. Go to any college graduation, the University, Bowdoin, Bates, Colby. They are very impressive products. Let them go in with an open mind with as few constraints as possible so we can continue that process. Thank you Mr. Speaker.

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

Representative **COWGER**: Mr. Speaker, Colleagues of the House. I ask you to join me in voting against the pending motion and actually supporting the Majority Ought Not to Pass Report. I had originally signed on as a cosponsor as this legislation and I take full responsibility for that. I did not know the full impact at the time. Since I have come to realize that since registration for the draft is a federal requirement and there are, indeed, severe federal penalties for failing to register. I don't believe there is a need for any additional state laws in this regard. Therefore, I don't believe there is any need for this legislation. I urge you to vote against the pending motion. Thank you.

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

Representative **HEIDRICH**: Mr. Speaker, Ladies and Gentlemen of the House. I stand before you today and I never thought I would have to do this. I have heard the debates back and forth and probably we are only talking about a very, very few people. A few people that will not sign up for the Selective Service. Their reasons are some of them are conscientious objectors and they don't realize that that is further down in the process. I have no problem with a conscientious objector or anybody that believes it is wrong to kill. Personally, I think it is a horror to kill. I do have a problem, however, with a young man that is anti-government, anti-Maine, anti-United States and he worries about himself and he wants my tax dollar. I should educate him. I am sorry. That young man, I have no use for.

When I was 19 years old, I was drafted. I was drafted at the United States Marine Corp. I spent one year in Korea. I felt that the Korean War was a very noble war. I hope it goes down in history. Now it is the forgotten war, but some day I hope to read in the history book that this was our first time that we stood against communism. We could all sit back and we could be speaking German now. We could be run by an Asian country. We could be socialist and communistic. Most, about 95 percent of the young men in this country, will stand up for this country. God bless them.

I would like to read you a little letter that was written in February, 1953. I was a Corporal working with Dog Company 1st Tank Battalion just North Soule, Korea. This letter and I will only read part of it to you and it is in a book now called *Dearest Buckie*. This letter was written by my commanding officer. Colonel Williamson, a gentleman as a Corporal I never met. I

was on a retriever crew in this tank outfit. If you would bear with me for just a minute please.

"Dearest Buckie, Twas a dismal day today, Buckie, and my heart is heavy tonight. On such a night a commander needs the sympathy and comfort that only a wife can provide, but alas, my wife is 7,000 miles away. The operation, like most military operations, can be characterized as successful. Only one who has experienced it can realize what a mass of melancholy can be concealed by the happy adjective "successful" when used in reference to battles. I believe that most military leaders are sentimental, if not sensitive, and therefore deeply affected by what happens to the men placed in their charge. This commander's melancholy is occasioned by the loss of one officer killed and six men wounded in today's action.

We arose before dawn this morning, breakfasted, and drove up to the front, traveling the last few miles blacked out in the moonlight. We arrived up on the OP just as the tanks were moving out. They paused for about a half hour to await the preparatory barrages, in the meantime blasting holes in the barbed wire to their front with the tank guns. Their progress was further handicapped by the frozen dikes between the rice paddies, which were difficult to cross. About an hour after the tanks started out, the infantry jumped off, and within an hour and a half of the start both were making good progress. Some of the tanks had reached their objectives, and the flame tanks were moving up onto an enemy-held hill. About this time the wind slacked off and shifted and the field was literally obscured by the "fog of war" - all the smoke and dust raised by the firing drifted over our troops and hid them from my view and from the view of each other, except at close range. About this time we started to hear alarming transmissions over the radio: "My tank is on fire!" "One of the flame tanks is burning!" "Tank has been hit! The hatch is open and all I can see is a bloody head sticking out of the turret, but there's at least one man left alive in the tank!" "The enemy is closing in and within 3 yards of Tank 3!" "Have them close the hatch and we'll bring VT fire down on them!"

As the information ebbed and flowed around us, our hopes were alternately plunged and raised. After another hour or so the haze began to lift, disclosing one of our flame tanks burning uncontrollably, and a few others disabled on the field. My men were dismounting to work on them, lead retrievers out to help, hooking up tows for those disabled, generally doing what had to be done and running around with the utter disregard for their personal safety, characteristic of Marines on the field of battle. I never cease to marvel at this virtue, particularly in my tankers, who unflinchingly leave the comparative safety of those steel hulls to saunter about in the face of the enemy.

The flame tanks had it the worst. They ran into a veritable nest of close range anti-tank fire. Two took three solid hits each. One was set on fire and had to be abandoned by the crew. In the other, the platoon leader was killed and the rest of the crew wounded, all seriously. One lad lost an arm and may lose a leg. This tank was not lost, however. Knowing the crew was knocked out but seeing that the tank apparently was not, one lad jumped out of another tank, ran up and got in the one full of casualties and drove it back to the lines. He was wounded too, but he saved the tank and possibly the lives of the other men. The goonies were trying to close in on this tank, too, so the lad who lost the arm would reach up every now and then and squeeze off the coaxial machine gun in hope of keeping them away. Utterly magnificent. Eventually all the tanks except the one got back, and all the men, including the dead Lieutenant. Could have been much worse, but was bad enough. I haven't heard yet how the infantry did, but my men were bringing back their wounded in

our armored personnel carriers, and I didn't notice too many. It was just a raid; we didn't intend to stay.

I brood a bit about Lieutenant MacAdams, the lad who was killed, for he had three sons who were the apples of his eye, just as I do, on a six month old baby whom he'd never seen. He, too, seems to have suspected that his number was up from the meticulous arrangements about his personal affairs he made just prior to going out. Ironically enough, it was he who was telling me about the premonition of disaster "Tiny" Rhoades had, and that not a week ago. He was a fine lad. I'd just recently moved him from the Recon job to take over the flame platoon."

Ladies and gentlemen, I sat with that Lieutenant that cold morning in a warming tent eating breakfast. He sat with my retriever crew. After we were finished the meal the artillery had been going on all night long and after the meal this Lieutenant stood up and he said I would like to say goodbye and shake hands with each one of you. I have to say we were all set back and wondered why. We asked the Sergeant as he left when he got up on his flame tank. He says he has a premonition that he is going to die today. He was decapitated about an hour and a half later. The young man that left his tank to run to another tank was drafted the same day in the Marine Corp. that I was. He came from Austin, New York. His name was Clausson. Why I am bringing this up is because you do have responsibility and we do have duty and we do have honor. Clausson left the safety of his tank and ran through Chinese infantry and boarded the Lieutenant's tank. As he pushed the driver out of the way so he could back it out of the way, he got the lower part of his face shot off. He continued to complete his mission. The young man in the turret with one arm fired for a while with a 45 pistol and then took over the coaxial machine gun. He died the next day.

When the raid was over and it was just a little raid. Our loses were 14 dead, 91 wounded. I am told that we killed or wounded 400 Chinese. My heart goes out to those Chinese too. Life is so important. If we don't live in that perfect world, we do need a Selective Service. We darn near lost World War II because we weren't ready. We took over 50,000 casualties in Korea because we weren't prepared. I love this country and every time we sing the Star Spangled Banner in here I pledge, I guess I fog up my glasses. I love this country with my heart and soul. If I was called to fight tomorrow, I would fight again. I haven't hunted since I came back from Korea because I can't bear to kill something.

I have to read you something that my son gave me and then I will sit down. I have spoken enough. "War is an ugly thing, but not the ugliest of things: the decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse. A man who has nothing for which he is willing to fight; nothing he cares about more than his own personal safety; is a miserable creature who has no chance of being free, unless made and kept so by the exertions of better men than himself." Thank you ladies and gentlemen.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House. I just want to let you know that I am on the Minority Ought Not to Pass Report. I want you to know that people can be on that side of the argument and love their country too. It is a very moving and powerful speech by my friend. I appreciate his words and I know he is speaking from his heart. I just want to let you know that there is the other side of it from people who feel the same way. They also speak from their hearts. We have war heroes in this room and we just heard from one. We have others. I am not one of them. I spent

four years in the Navy and I wasn't in any combat, but I certainly was in harms way. I was in a helicopter squadron, sonar man, in peace time activities, training. We lost a lot of people. In fact, I heard the Representative from Westbrook, Representative Usher, telling somebody about a helicopter crash on the carrier he was on. It caught my ear. Come to find out, it was one of our own helicopters that I had flown in many times. It was a cruise that I happened to not be on, but four people were burned to death. I will never forget seeing the photographs from one of our planes. All of this is to say there are other ways of looking at things. I love this country. People like Representative Heidrich have kept us free and I applaud them.

The question here to me is, it is very important that we don't try to pass laws because of our strong feelings that don't need to be passed? I just feel like it is a non-problem as far as I can see. There is 97 percent compliance. My son just turned 18 a little while ago and he got the notice and I told him he had better get down there and do it. I just wonder if it is a real problem or not. That is why I am on the minority side of that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative TREADWELL: Mr. Speaker, Men and Women of the House. This is a very emotionally charged issue. I realize that. I would like to go back and repeat something that has already been mentioned here, a little history lesson. The draft got us through World War II. Without the draft we may have had a little different outcome in World War II than what we did have. People who refused the draft were branded as draft dodgers. They hid. They were afraid to show their face because they were dishonored by being called a draft dodger. What would the opponents of this bill have us do in the event that we had another national emergency? Should we surrender to our potential enemy? I don't think that is a good option. War is hell. I can speak from experience. It is not a pleasant situation, but the alternative may be much worse. If we don't have any penalty, how do we enforce compliance? I realize we are talking about a 97 percent compliance rate. If we put the teeth of this bill into law, then we can have one more level of compliance or penalty for non-compliance, which I think is a good idea.

Being a citizen of the United States is a privilege. Along with that privilege comes responsibility. One of those responsibilities is to stand up and defend your country if you are called upon to do that. It is a duty just the same as it is a duty to pay your taxes. I have one question if anybody here can answer it. Why does the draft only apply to males? If anybody could answer that question. I don't want to start another complete debate on this, but why does it only apply to males?

The SPEAKER: The Chair would suggest that that question is not relevant to the bill that is before the body.

The Chair recognizes the Representative from Freeport, Representative Bull.

Representative BULL: Mr. Speaker, Men and Women of the House. This bill is very troubling to me. I rise in opposition to the pending motion on philosophical grounds. I feel it is wrong to pass a law that denies people access to education because they are very often acting in conscience. The Representative from Winterport mentioned the issue of conscientious objection being addressed if the draft actually gets called up. There are people who do not even wish to register for the draft because of their conscientious objection to the draft. I do not think it is right or proper that we deny those men access to education here in Maine for expressing their philosophical moral beliefs. Many of these are based on very strongly held

religious based feelings. I would argue in all due respect to the good Representative from Oxford that failure to register for the draft is not necessarily un-American. You can still love your country, but be opposed to the draft. We do have high compliance already with the registration. Federal law has numerous penalties in place to force compliance with registration. I fail to see how state action denying access to education is going to do anything more to induce young men to register. Philosophically I feel this is wrong. We should not be passing a law that denies access to public education that that man paid money into. That man should not be denied access to that educational institution for expressing his moral beliefs. I urge you to reject the pending motion. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. One of my favorite quotes is believe it or not was "Ask not what your country can do for you, but ask what you can do for your country." We all remember that from our President, President Kennedy. I have listened to both sides of the debate. This boils down to one thing to me. That is that quote there, along with a couple of questions. Do we owe something to our country? Does freedom have a price? Is this too much to ask?

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

Representative **MARTIN**: Mr. Speaker, Men and Women of the House. Let me first begin by indicating to you how pleased I am to see a number of legislators talk about conforming with federal law and perhaps requiring that the state be involved in following federal law. You will have an opportunity to do that with a number of bills that will be coming from the Committee on Natural Resources.

Having said that, let me just make a couple of points. I know of no one who has not registered for the draft. I say that having been at the university for about 20 years. I personally would support the military draft today and, frankly, I would support every person graduating from high school, male and female, spend two years in either the military service, the peace corp. or Ameri Corp. It is one of the things which I admire most about the Mormon religion. I think it sends young men out to learn about the world before they start college. Last Friday night as a member of the SAD 27 school board, I as a member along with the entire membership, voted to allow the registration and the board to place their documents and material at the high school in the Admissions Office and the Guidance Office so that they would be available, so that they would have it easier than having to go to the post office to pick up the card. It is amazing, I think, that all of us felt on the board that this would ensure even greater participation on the part of the young men as they became 18 at the high school. I would hope that every school board in the state would follow that lead. I believe that the percentage would get even higher than what it is that we now have.

I have basically no philosophical problem. My problem focuses in another point of view and I am not sure how best to handle it. I am at one of the University of Maine System's university. Most of the students that go there require financial help of one sort or another. They, of course, when they apply for financial aide in the federal law have to sign as to whether or not they are a member. Of course, the federal consequences apply if they are not. When I read this legislation, it is clear to me that if you have money and you go to a state system, university, or you go to Bowdoin, Bates, Colby, Thomas, etc.,

and you don't require financial monies from the federal or the state government. This law does not apply. My problem is not with the requirement. My problem is the discrimination that occurs under this bill. If you have money, you avoid the law. If you need financial help, the law hits you. To me, that is sending a bad message. That is what bothers me about it. If someone can figure out a way that it is going to impact them as well, I join the proponents of the legislation.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. It will come as no surprise for those who know me that I will speak in favor of this bill. I am a person who was registered for the draft during the Vietnam War, who served his country in the Army on active duty for four years and in the reserves for eight more. I like to boil these down to essential issues. The issue here is there is a law, a federal law, that says young men reaching the age of 18 are supposed to register for selective service. What this bill does is establish a state policy, that is a legislative job, the policy of the State of Maine is the people under this law should comply. It is a very simple matter. We are further backing that up by saying that if you choose not to comply, the State of Maine is legitimately in a position to deny you subsidies, not of an education because you have that already in the school system, but of a state sponsored subsidized higher education or employment or other things that are optional to your life. The essence of this argument is if you thwart the law of the land and your responsibilities to participate in our government, this government does not therefore have a right, an obligation, to subsidize you. You can do whatever you want with your conscience, get your hands out of my pockets while you do so. 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. 41

YEA - Ahearne, Andrews, Belanger, Berry DP, Bolduc, Bowles, Bragdon, Brooks, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Collins, Cross, Daigle, Davidson, Davis, Dugay, Duncan, Foster, Gagne, Gerry, Gillis, Glynn, Gooley, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Matthews, Mayo, McAlevey, McDonough, McKenney, McNeil, Murphy E, Murphy T, Nass, Nutting, O'Brien, Perry, Pinkham, Plowman, Richardson E, Rines, Rosen, Sanborn, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stedman, Tobin J, Trahan, Treadwell, True, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

NAY - Bagley, Baker, Berry RL, Bouffard, Brennan, Bryant, Bull, Clark, Colwell, Cote, Cowger, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagnon, Goodwin, Green, Kane, Labrecque, LaVerdiere, Lemoine, Mailhot, Martin, McGlocklin, McKee, Mendros, Mitchell, Muse, Norbert, O'Neal, O'Neil, Peavey, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson J, Samson, Savage W, Saxl MV, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Twomey, Volenik, Watson, Williams, Mr. Speaker.

ABSENT - Jabar, Saxl JW, Shiah, Tobin D.
Yes, 83; No, 63; Absent, 4; Excused, 0.

83 having voted in the affirmative and 63 voted in the negative, with 4 being absent, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-67)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 25, 1999.

By unanimous consent, all matters having been acted upon were **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. 571) (L.D. 811) Bill "An Act to Amend the Law Regarding the Evaluation of Juvenile Sex Offenders" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(H.P. 914) (L.D. 1292) Bill "An Act to Enhance Tourism Promotion and Provide Additional State Revenue" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 1025) (L.D. 1436) Bill "An Act to Transfer the Regulatory Responsibilities of the Arborist Examining Board to the Department of Agriculture, Food and Rural Resources" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 99) (L.D. 112) Resolve, to Study Current Regulations Imposed on Small Businesses to Require Greater Efficiency Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-79)**

(H.P. 323) (L.D. 439) Bill "An Act to Amend the Laws Governing the Hancock County Budget Process" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-69)**

(H.P. 434) (L.D. 576) Bill "An Act to Update and Amend the Maine Pharmacy Act" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-80)**

(H.P. 537) (L.D. 744) Bill "An Act to Change the Way Nursery License Fees Are Established" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-75)**

(H.P. 621) (L.D. 861) Bill "An Act to Create a Seamless Treatment Plan for the Adult Offender with Substance Abuse Problems" (EMERGENCY) Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-82)**

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

CONSENT CALENDAR

Second Day

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

(H.P. 442) (L.D. 605) Bill "An Act to Clarify the Probate Code Regarding Durable Financial Powers of Attorney"

(H.P. 492) (L.D. 699) Bill "An Act Concerning Minors' Consent for Services"

(H.P. 515) (L.D. 722) Bill "An Act to Increase Adoptions" (H.P. 798) (L.D. 1121) Bill "An Act to Clarify the Laws Governing Service of Protection from Abuse Orders in Court" (EMERGENCY)

(H.P. 194) (L.D. 272) Resolve, Establishing a Commission to Study High-speed Chases (EMERGENCY) (C. "A" H-63)

(H.P. 467) (L.D. 630) Bill "An Act to Establish the Maine Communities in the New Century Program" (C. "A" H-66)

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

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

UNFINISHED BUSINESS

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

Bill "An Act to Amend the Right of Entry Clauses"

(H.P. 1363) (L.D. 1961)

(Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested)

TABLED - March 23, 1999 (Till Later Today) by Representative PIEH of Bremen.

PENDING - **REFERENCE**.

On motion of Representative PIEH of Bremen, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

JOINT RESOLUTION - Relative to Encouraging the Department of Education to Teach the Eddie Eagle Elementary Gun Safety Education Program

(H.P. 1374)

TABLED - March 23, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - **ADOPTION**.

On motion of Representative SAXL of Portland, **TABLED** pending **ADOPTION** and specially assigned for Thursday, March 25, 1999.

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass** - Minority (3) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Require a Fixed Number of Signatures on Initiative Referenda Petitions

(S.P. 219) (L.D. 641)

- In Senate, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED**.

TABLED - March 23, 1999 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - Motion of same Representative to **ACCEPT** the Majority **Ought to Pass** Report.

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

Representative **GERRY**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion of acceptance of the Majority Ought to Pass Report. I feel that this bill is going to change our Constitution's age old signature requirement for initiatives and people's veto. I believe this is also bad because the other states that allow their citizens the same right to use the citizen's initiative uses their template, a percentage of the General Election vote, Maine would become the only state to have a fixed amount. Fifty thousand signatures has no basis in reality even the sponsor himself said he just chose that number. The current 10 percent of the vote for Governor, most states require much less than this. The signature requirement be based on actual political interest. If people do not bother to come out to vote, you can be sure they are in no mood to stop and sign petitions. The vote for Governor gives an accurate and fair and time tested gauge for signature requirements and reflects actual real political interest and not someone's arbitrary numbers. I feel it is bad policy to change the Constitution for our political gain.

Our Constitution should be changed, if at all, after long and considerable deliberation. It is unprincipled to change our Constitution flippantly, especially when it is entirely unnecessary. I feel that Maine doesn't have a problem with increased citizen initiative activity. Maine ranks in the bottom one-third of all the initiative activity across the country. Last year there was no initiative on the ballot. Some states such as Oregon have as many as 20 initiatives on the ballot in one year and no one there seems threatened by the people. It is true that the signature requirement is temporarily low, but that is because of the essentially uncontested Governor's race, but this, of course, is a one time event. I feel that the people will be back to vote when the race is contested again. I don't understand why we feel threatened by allowing our citizens this right to petition.

I feel that LD 641 would put an irresponsible and dangerous precedent in our Constitution. Please vote against this pending motion.

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. I don't have too much more to say after the good Representative just got done speaking. I think she presented a very good reason for voting against the pending motion. In 1951, the present 10 percent rule or 10 percent of the number of people who voted in the gubernatorial election are what we based the need for signatures on petitions. It has worked well. I don't believe it is confusing. There was a comment that was made that it is always confusing because the number is different every four years, for those people who are out there and working on petitions, they keep a very close handle on what that number is and what they need to get for signatures. I would also further point out that 10 percent is very close to what all of the other states are using as a term. Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I also rise in opposition to this bill. I truly believe that referendums are the most democratic process that we can have. I can tell you that before I was ever elected, I circulated more petitions than anyone I know. As a matter a fact when I went door to door and people would open the door and they

would say, where do you want me to sign, Joanne? That was a tool, a vehicle, that I could use. As I said in caucus and some of you weren't here, we do make mistakes sometimes. The people are out there for checks and balances. This is a tool that they can use. It is effective. It works. I has been working for a long time. I would urge my colleagues to vote Ought Not to Pass. Thank you.

Representative **TUTTLE** of Sanford **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 Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. As you have heard, this bill amends the Constitution by replacing the current provision of the Constitution, which requires valid signatures adding up to 10 percent of the total vote from the last gubernatorial election be present on a petition in order for an initiative to be placed on the ballot to a fixed number of the 50,000 signatures. The proponents of the issue feel that because of the voter turnout being so poor at the last gubernatorial election has been a significant impact to the initiative process. Because of the low turnout in 1998 in which the vote was 420,009, 10 percent of that would be 42,101 signatures. It would require the number necessary if the bill is not passed. I think that is the reason why we are here before you today. From 1994 to 1998, the 10 percent rule required an average of about 51,000 votes. Because of the election in 1998 that is going to go down to 42,000 votes. 1998 was the lowest percent turnout since 1950 when we had a percent turnout of 41.8 percent. In 1998, the present percent was 44.5.

For many of you who don't know, the initiative process enables citizens to bypass their State Legislatures by placing these issues, Constitutional Amendments, on the ballot. Historically, I have always been a proponent to many of these issues. This is the first time, I think, I can ever remember getting up and speaking on a proposal on a Constitutional Amendment of this nature, but because of the low turnout, I think the process itself has sort of tilted the wrong way. I think the key to a good government is always keeping things in balance. That is the reason why I am supporting the amendment today.

Since Maine initiated the process, I believe there are 23 other states that have included initiative rights in their Constitution. The most recent being the State of Mississippi. I want to let you know that there are 27 states that have no such provisions in law. Once an initiative is on the ballot, the general requirement for passage is majority vote. The exceptions to that rule are the states of Nebraska, Massachusetts and Mississippi. Those states require a majority provided votes cast on the initiative are equal to percentage of the total votes cast. In Nebraska that would be 35 percent. Thirty percent in Massachusetts and 40 percent in Mississippi. In Nevada the initiative amending a Constitution must receive a majority vote in two consecutive elections. From the assessment of many of us, in this area Maine's law is pretty lenient on this issue, for better or for worse.

There are probably going to be questions on how long the 10 percent rule has been in the Constitution. It has been in the Constitution since 1948. It was amended from less than 10,000 electors to not less than 10 percent of the total vote for Governor. There may be questions also on how many amendments to the Constitution have we done since 1911. I

tracked that through the Reference Library and I was surprised on the number of times we have done this. We have approved 101 different amendments. We have not approved 22 for a total of 123 times. I hadn't thought it was that much.

In closing, I hope that you will support the Majority Ought to Pass Report. I have said before that I have always been skeptical in changes to the initiative process. I think in this case it is justified. I think because of the unique situation at the present time, I am supporting this bill. I would ask that to have your support on this issue. Thank you Mr. Speaker.

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

Representative **GERRY**: Mr. Speaker, Ladies and Gentlemen of the House. We only give our citizens of Maine the right to amend statutes. There are only five states of all the initiative states that allow them to amend the Constitution. Second, by reading the committee report, it doesn't show the true reflection of who came to testify at the public hearing. There were only two people that spoke in favor of this bill. One was the sponsor and one was a lobbyist. There were over 14 people, three of which were regular citizens. I guess all 14 were regular citizens. Some of those represent the different parties and the different other groups.

In my experience of being up here, the committee usually factors in all the testimony of everybody, not just a few. I feel that the committee didn't truly reflect the true sentiment of the testimony at this public hearing.

Representative **AHEARNE** of Madawaska **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **OUGHT TO PASS** Report.

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

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

Representative **MAYO**: Mr. Speaker, Men and Women of the House. I stand in support of the chairman of the Committee on Legal and Veterans Affairs, the good Representative from Sanford. I, too, am on the Majority Report on this particular issue. The good Representative from Biddeford may be a little wrong in her approach to this particular issue. It is not going to do away with the ability for referendums. It is adding clarity to what is now a rather confusing situation. As Representative Tuttle said, every four years the number of signatures required changes. It is now at a particularly low point. I haven't been this low in 16 years. That was due to an unfortunate situation in the 1998 election. I think we all hoped that the number of voters will increase and go back to the average in the year 2002. If that happens, the number of signatures required will go over the 50,000, which is being proposed in this particular piece of legislation. I, too, support the entire concept of referendums. I have circulated petitions and I have signed petitions. I will continue to do so. I would repeat that this particular constitutional question, which would go before the voters to be voted upon, adds clarity to what has become very confusing every four years or so that we are currently operating under. I would urge that you follow Representative Tuttle's light and my light and vote with the majority of the committee to accept the Ought to Pass report. Thank you.

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

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. I am on the minority side of this one. The referendum citizen's initiative is a long revered tradition in

Maine. I think if you listen carefully to the previous couple speakers, my friends Representative Mayo and Representative Tuttle, you heard them say that things went along pretty smoothly until 1998. Before that, the average was around 50,000 or so signatures needed. We had a low turnout in 1998 and if you listened carefully I believe you will have heard them say, therefore, we need to amend the Constitution. It seems to me that is a fairly drastic thing, as Representative Mayo, my friend said. It may go back up above 51 and then it will be over this 50,000. My question would be to anyone. What is it that is broken that we are trying to fix? I maintain there really isn't anything. I would like to know the answer to that if there is one.

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 Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I think in answer to the gentleman's question, I think it was because of the low turnout in 1998 that would take the number of signatures necessary below the average of about 51,000 to about 42,000 signatures. As I said before, historically I normally am very leery of doing things like this, but I think because of the extreme disparity and the difference between the number of signatures necessary, in this case the 50,000 would add more clarity as the Representative from Bath, Representative Mayo, had told us.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. Make no mistake about it. This Constitutional Amendment, if passed, will make it more difficult to get petitions through. We will need 8,000 more signatures. One thing that I have learned up here in my few short months is there seems to be an us/them philosophy far more than I think there should be. Usually the us/them is Ds and Rs, sometimes it is regional. As far as this goes, I see the very us versus them battle with the bill. Us being the Legislature and them being the citizens and the public. We are trying to make it more difficult for the citizens and the public when they disagree with what we do. I have a great deal of respect for all my colleagues in here. If it is us versus them, then I choose to be one of them because I am a citizen of the public. I am a member of the public. I ask each of you to join me in voting no and being one of them and voting for the public and the citizens of this state and not for our own power.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. I was on the Majority Report and to respond to a couple of things that were said, the low number had nothing to do with my consideration of it. Really Representative Perkins, it isn't broken. If the number fluctuates up or down, we are going to live one way or the other. I tend not to want to mess with the Constitution if at all possible. Maybe this isn't absolutely necessary, but I want you to consider the fact that this is going to give a degree of stability. For those who are worried about people who are going to be disenfranchised by putting a stable number down. Think about it. More often than not, the numbers of signatures they have to get are above that 50,000 threshold that we are going to be putting in the Constitution. We actually are, in the long run, going to make this an easier process for people. It is not an attempt at keeping people from going through this referendum process. Those who listened to the

committee process know. I want to make that process as easy as possible. I have often offended some of my committee members by supporting referendum drives at the polls. I am not going out to disenfranchise you folks. I think in the long run it will be better for them. Thank you very much.

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

ROLL CALL NO. 42

YEA - Bagley, Bouffard, Bruno, Cameron, Chizmar, Dunlap, Fisher, Frechette, Gagnon, Hatch, Heidrich, Kane, Mailhot, Mayo, McAlevey, McKenney, Schneider, Tuttle.

NAY - Ahearne, Baker, Belanger, Berry RL, Bolduc, Bowles, Brennan, Brooks, Bryant, Buck, Bull, Bumps, Campbell, Carr, Chick, Cianchette, Clark, Clough, Collins, Colwell, Cowger, Cross, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Duplessie, Etnier, Foster, Fuller, Gagne, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Honey, Jacobs, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Lovett, MacDougall, Mack, Martin, Marvin, Matthews, McDonough, McGlocklin, McKee, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Savage C, Savage W, Saxl JW, Saxl MV, Sherman, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Thompson, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

ABSENT - Andrews, Berry DP, Bragdon, Cote, Daigle, Jabar, Lemont, Madore, Sanborn, Shiah, Sullivan, Tessier, Tobin D, True, Williams.

Yes, 18; No, 117; Absent, 15; Excused, 0.

18 having voted in the affirmative and 117 voted in the negative, with 15 being absent, the Majority **Ought to Pass** Report was **NOT ACCEPTED**.

Subsequently, the Minority **Ought Not to Pass** Report was **ACCEPTED** in non-concurrence and sent for concurrence.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was **TABLED** and today assigned:

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Reduce the Amount of Paperwork Required for Transactions Involving the Sale of Wood"

(H.P. 709) (L.D. 976)

TABLED - March 23, 1999 by Representative PIEH of Bremen.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. Have you heard the statement, don't treat the symptoms, treat the disease? Trip tickets are an effort to solve the serious problem of timber theft. Unfortunately, they do nothing more than create red tape costing citizens time and money and in some cases create a traffic hazard. A trip ticket, which I have provided for you, on page 1 of the handout, if you

didn't throw it away yesterday, is filled out by the trucker or the contractor on every load of wood. In most cases truckers will have to fill out 5 to 800 of these trip tickets a year. They will have to be filed and saved for future reference. Thus creating more work. The trip ticket information is recorded on a scale slip at the mill, which requires more work at the mill. They must record the information. It takes more time. The trucks back up. They back up to the point in Skowhegan at the Sappi mill where the trucks are in the road creating a hazard for the other drivers.

Once the trucker drives on the scales, the information is recorded from the trip ticket to the scale slip. This is where the duplication and paperwork occurs. I ask you to review the information under Commerce and Trade on page 2 of my handout, Section G. I will read from that. "A person buying stumpage from a landowner shall provide a stumpage sheet or a copy of the measurement tally sheet to the landowner for every truckload sold. Included is the name of the landowner, the name of the contractor, the name of the hauler, a description of the product, the date, the destination of the truckload. This sheet must be provided to the landowner."

The important information on the trip ticket is already required on the scale slip. The problem begins on the scale slip. The Forest Service testified that up to 50 percent of the information on the scale slip is recorded incorrectly. That is the problem. If that information had been recorded correctly there never would have been a problem that needed to be addressed by the trip ticket. I say to you that if we pass a trip ticket law and we don't enforce it, if we pass a scale slip law and we don't enforce it, nothing will happen in the area of timber theft.

I would like to take you down through the stages of a timber sale. I think it is very important that we understand how the process works and why a trip ticket is worthless. There is an agreement made between the landowner and the harvester to harvest the woodlot. They strike a deal either a verbal contract or a written contract, the landowner receives a certain amount of wood for each cord or 1,000 feet of lumber sold. They hire a contractor or a truck driver. That truck driver pays the harvester a set amount. This is where the problem starts. The contractor picks up a load of wood at the yard. They take that load of wood to the mill. That wood belongs to them. They have an agreement with the harvester to pay them a certain amount. The trip ticket is where the problem begins. This information can be recorded incorrectly. The trucker may not have the name spelled properly or whatever the problem is, it can't be recorded correctly. This is what my bill tries to address. By requiring the landowner notification number, it does away with that problem of misinformation because the landowners name, the origin of the wood is on the landowner notification form and can be tracked back to the woodlot. At this point, the mill buys the wood from the contractor. The contractor fills out the scale slip. This is the most important time in a sale of wood because from that point on, all of the information on the scale slip, if put on incorrectly, jeopardizes a timber theft case.

I will point to a scale slip that I passed out today, if you still have it. You take a look at line 6 and see how my name is spelled. It is spelled incorrectly. If someone wanted to investigate theft and they wanted to go to scale slips and count how many loads of wood came off my woodlot, they could not track it because my name was incorrect. Again, this is where if we required a number, it could be easily tracked. It doesn't make any difference if they spell the name wrong on the scale slip. If the number is correct, they can trace it.

At this point the mill makes a check out to the contractor. The contractor then makes a check out to me. The Forest

Service how they enforce the trip ticket is they follow the truck to the mill as the truck is going into the mill they check the information on the trip ticket. If that trip ticket information is incorrect, the only thing that the truck driver has done is he has put the wrong information on the trip ticket because the wood belongs to him at that point. There is no timber theft. Timber theft doesn't occur until weeks, possibly months, after the transaction when a landowner is not paid. The trip ticket does nothing. The trip ticket information is recorded on the scale slip after the Forest Service can check them. The next step is to record it on the scale slip. That is the information that is used to prosecute timber theft, not the trip ticket. The trip ticket just creates violations. That is why it is very important that the scale slip information be recorded correctly.

At this time I have an amendment that deals with the trip ticket, the stage and the process that I think closes the door to timber theft. It will force the truck driver to record the information correctly. If you will defeat this motion, I will bring that amendment out and I will explain to you exactly how it shuts the door. I ask you to please defeat this motion so that I can introduce my amendment. Thank you.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. Last session the Forestry Committee took a long hard look at timber theft. We authorized and we heard an excellent report of the Logger Licensing Review Committee and we took action. We passed simple legislation that we felt addressed the issue without unduly impacting the industry.

At the public hearing on this bill we heard testimony from Stan Mallay, who is the Inspection Program Manager, Division of Quality Assurance and Regulations, who said in part, "LD 976 is a step backward for accuracy and verification in the wood industry. I would focus your attention to the 1998 report of the Logger Licensing Review Committee, which studied many issues in the wood industry and made a number of recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry. One of those recommendations to create a trip ticket system to track wood from the stump to a mill or wood yard was enacted by public law in 1997, chapter 648 and was signed by the Governor on April 1, 1998. This bill proposes to repeal the provision that requires a trip ticket to accompany each load of wood transported and will do so before the Department of Agriculture and the Bureau of Forestry have time to evaluate the effectiveness of this requirement. The requirement only became effective on June 30, 1998, a matter of seven months ago. The joint enforcement efforts between forestry and agriculture are only just beginning and are still in the educational mode."

Existing laws prior to the trip ticket legislation simply did not require enough information on the part of truckers and it is too soon to see if the trip ticket requirement will prevent some of the chronic accountability problems we have encountered in the wood industry in the past. The department believes that a change in the law after such a short period of time will create confusion among the industry and the regulators. Consensus existed seven months ago. Legislation was passed. The Department of Agriculture and the Bureau of Forestry have barely begun the implementation process."

It wasn't just from the department. We also heard testimony from Joel Swanton who is Manager of Forest Policy at Champion International who said in part, "Champion and our predecessor, St. Regis, have utilized trip tickets for over 24 years in Maine for all timber harvested from our own land and

timber purchased through stumpage contracts. We have found them to be an excellent internal control tool to minimize the risk of timber theft from our lands as they provide written documentation for any load of wood leaving our operations. In addition, the information on the trip ticket is the basis for our wood payment system and is fully integrated into the wood scaling procedures at our three mills in Maine. It has not added any significant time to scaling or truck turnaround in our mills. It has provided a better basis to identify non-champion wood sources and confirm location and distance from the mill, which help determine wood payment rates. It has also provided us better information concerning harvest location for the purposes of monitoring harvest operations for best management practice compliance and other criteria under our sustainable forestry initiative commitment to encourage loggers and other landowners to utilize sustainable forestry practices. Last but not least, the intent of this provision in LD 1405 was to provide a deterrent to timber theft. The Maine Forest Service has the responsibility to provide data on that affect. We feel strongly that implementing this requirement has resulted in an improvement in the credibility and integrity of truckers and loggers. There seems to be a halo affect. Folks who previously did not have to commit this information on paper, before now, seemed personally more accountable for their wood sources and have an increased awareness that the Maine Forest Service harvest notification is important. We see this as a positive impact for truckers, loggers and the landowners."

We also heard from Jim Pinkerton of Sappi Fine Paper who said that it takes the scaler 15 seconds to collect and enter this data from the trip ticket. Fifteen seconds is a small price to pay to reduce one of the most serious problems in the woods today, timber theft. Thank you.

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

Representative **PIEH**: Mr. Speaker, Ladies and Gentlemen of the House. If you don't have a back forty or own some timber in Maine, you may not be aware of the fact that the Forest Service gets over 800 complaints of timber theft and trespass a year. We don't have problems with car jacking or much problems with car theft, but we do have problems with timber theft. This morning I was talking to one of the realtors from my country. She said her grandmother came back from being away and found that her entire timber tract was gone. When we had a session two years ago to hear this, the Agriculture, Conservation and Forestry Committee had a packed room talking about you have got to stop theft. They said let's not move forward right away, let's do a study. As you know we seem to do that fairly often in the Legislature. That was made up of two foresters, two loggers, the head of the Maine Forest Service and two members of the public, one of whom many of you will know. It was the former Honorable Walter Whitcomb. He is someone who understands the legislative process very well. They came back. The title of their report was *Make Current Laws Work*. They also said that the legislation that we had, currently, were not adequate. The committee worked very hard with the industry and they came up with LD 1430, a unanimous report to start trip tickets. Trip tickets are not new to the industry. Most of the large landowners have used them for years. In a fairly informal survey of large landowners over this last week, most of them say, thank you. In particular, International Paper, the largest buyer in the state said, "We have been wanting to institute trip tickets and we have not done it, but thank you very much for doing that."

I think the Representative from Waldoboro has some very good points about duplication. There is duplication. We need to streamline this process. It just became a law last July. It is still being phased in. I think that we need to give it a chance to work. It seems to be in the opinion of at least many of the large landowners that it deterring theft. Maybe it is a halo affect while people figure out how to work their way through it. Certainly not something that we should get rid of right away. Even in our work session and our public hearing there were some ideas expressed for streamlining. One of which was providing a duplicate. Three years ago apparently that kind of an idea came through and it was bought by some members of the loggers industry saying that it would be too hard for them to push down on a pencil hard enough to go through multiple copies. I can understand that people don't want additional regulation, nor do I. Let's remember that you could walk out into your back forty after a hard campaign and a snowy winter and find that favorite tree gone.

This happened to a neighbor of mine. Sure, cut my wood. She never saw a cent. One could say you need to learn about loggers and who to hire. People get a bad reputation, but if you are not part of the industry, you don't know that. You don't know how to ask the questions or even what questions to ask or what paperwork you should receive to help you know that you are not being stolen from. Once you agree to cut your wood, it is not uncommon to go across somebody's property line and take a bit of wood, especially that nice big pine that can bring you quite a bit of turnaround on your lack of investment. Some of the ideas that might come through in streamlining also were things like numbering tickets. I used to live out in Western Canada and to haul an animal you had to have the same thing, a bill of lading to prove that you didn't steal it. Horse theft is a problem out there. Another idea that came from Sappi was to make it numerical and not alphabetical. They said we do not agree with getting rid of trip tickets. We like them, but we sure would like to streamline them. We would like to keep this bill. We would like to keep this law on the books. Check it out. Streamline it. Fix it up. Make it better. Plug holes that perhaps it is leaving and we can't do that if we take it off the books before we have even tried it out. I urge you to support the Majority Ought Not to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I hope you do not accept the Majority Ought Not to Pass Report. I would like to briefly explain why. Jim Pinkerton from Sappis name was mentioned here in the debate. I would like to read a little bit of Mr. Pinkerton's testimony. "My name is Jim Pinkerton and I am here representing Sappi Fine Paper North America. Sappi owns and operates two major pulp and paper mills. One in Westbrook, Maine and one in Skowhegan. It employs approximately 1,700 people. As a major consumer of wood fiber, they are interested in forestry issues. This LD rectifies some of the unintended consequences created by the original legislation enacted in 1998. The 1998 law requires that their Somerset mill scale house to collect significant additional information. The information is collected from the trip ticket and driver while the truck is sitting on the scales. It takes the scaler at least an extra 15 seconds to collect and enter this data, although a 15 second delay seems minimal on the average 16 hour day, they scale 300 trucks, one every 3.2 minutes. On heavy delivery days, they scale over 400 trucks per day, one every 2.4 minutes. As a result of collecting the extra data, waiting trucks build up to the

point that there are 20 to 30 that are lined up on the public road headed out on 201. This creates a serious safety issue and one not easily solved. Prior to the change in the law, this situation occurred only rarely. However, it now occurs about twice per month. The situation has come to the attention of the Skowhegan town officials. Sappi is cooperating with them to correct it.

LD 976 would eliminate this safety issue and allow Sappi to once again manage the wood on the mill property. This data collection results in lost patience and lost time for the truck and driver. Many of Sappi truckers are independent operators. Lost time means lost earnings for them. In addition, they are burning fuel and frequently park waiting in an unsafe situation. Not only does Sappi and the trucker lose, but so does the environment. During peak delivery periods, some trucks wait up to one and a half hours in line. During this time engines are running as people inch ahead to the scales. LD 976 will eliminate much of this nonproductive fuel consumption. Sappi is most concerned about the safety issue of trucks lined up on a public roadway to turn into the mill. As soon as the weather allows, Sappi will start work on the design of a much larger access road that can contain many more trucks than the present 12 to 15 backlog. However, permitting will be required and a wetland may be involved and a construction expense of at least \$50,000 will be necessary. It will not be a quick fix. Although the additional road will eliminate some of the safety issues, it will not alleviate the burden on either the trucker or the environment. LD 976 is a well thought out proposal that streamlines the data collection. It does keep sufficient linkage to maintain an identifiable chain of ownership throughout the series of transactions. Sappi strongly supports this legislation."

During the work session down there, Mr. Pinkerton made the statement that they have to put into the computer 90,000 transactions a year, ladies and gentlemen. Ninety thousand transactions and they do dispute the trip ticket the way it is. They would like to streamline it. They would go with a numerical way so that it would be more convenient and faster for them to put it into the computer.

Presently the trip ticket is like a doctor's prescription. You can hardly figure out the writing on the slip. Sometimes, yes sometimes folks, we are trying to prevent wood thievery. Yet, some truck drivers insist on using the trip ticket up to three times. I would urge you to not accept the Majority Ought to Pass Report so we can go on to amend this bill. Thank you.

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

Representative **CROSS**: Mr. Speaker, Ladies and Gentlemen of the House. Representative Trahan brought me these trip tickets and samples and scale tickets to ask me about what I thought about them. Very eloquently Representative Volenik and Representative Pieh have done a great job in referring to the testimony that was given at the hearing that we had. My whole idea about this thing was, I was on this committee two years ago, when we went through the bill and came up with the ticket and we had everybody there telling us that they were stealing us blind. We need to have something to stop them from stealing wood and those types of things. I am well aware of what was said. Again, we came up with the trip ticket as all readily knows. We thought we had it licked. We were represented by the truckers, cutters and everybody who had anything to do with this. Like all things that are done, when you think you have done the best job that you could and you have everything stopped, you can always go a step further. As far as I am concerned, the scale ticket with the numbers that

that Representative Trahan has shown you, is that step further. What that does is it increases or it cuts down the time that is used by the truckers, the scalers and whatever. I always thought that one of my jobs here was, if I could, help small business. That truck driver in my area hauling wood is a small businessman. This will cut at least 20 minutes for every stop that he has at the mill. That is money in his pocket. I think this is, again, an improvement on what we have. I ask you to take into consideration that just because we have agreed on something once that it is the final say. There is always a step further we can go this better. I think this is better. I would ask you to support Representative Trahan and his attempt to beat the Ought Not to Pass.

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

Representative **COWGER**: Mr. Speaker, Colleagues of the House. Since my good friend and colleague from Rome has been citing some testimony from the hearing, I would like to, in fact, cite a piece of additional testimony. This was from Joel Swanton. Mr. Swanton works for Champion International. I will be brief here. "Champion feels that they have found trip tickets to be an excellent internal control tool to minimize the risk of timber theft from their lands as they provide written documentation for any load of wood leaving our operations. In addition, the information on the trip ticket is the basis for our wood payment system and is fully integrated into the wood scaling procedures at our three mills in Maine, for all of Champion's mills." Champion has, in fact, added to the requirements for the trip ticket and actually added the forest practices act harvest notification number to the information required. They have done that voluntarily because they think it is a good idea. Furthermore, they feel and they testified that it had not added any significant time to scaling or truck turnaround time in any of their mills.

Finally, I would like to just quote this, "Although we usually oppose additional regulatory requirements that have no apparent benefit, we, Champion, feel this is one situation where the benefits for the people of Maine outweigh the small additional burden." They urge the committee to let the trip ticket provisions that was adopted by LD 1405 work. I urge you to support the pending motion along with me. Thank you.

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

Representative **GILLIS**: Mr. Speaker, Ladies and Gentlemen of the House. If you listen to the good Representative Pieh's testimony just a moment ago, you would have heard that trip tickets are not new. She stated that Champion and some other mills have done that. In light of that, I will say to you that it has been up ever since they have used it. Evidentially, it is of no use. What it really has done is the thief will always get away with it. He will always find a way to get around it. What you have done here is you have put the burden on the innocent person to do the extra paperwork. As far as the theft, it is usually after the fact when the person finds out. When the little old lady finds out that her wood has been stolen three months ago. The trip ticket is irrelevant at that point. The Forest Ranger is not going to chase him to the mill and find out that he stole the wood. It is after the fact. Therefore, I ask that you follow my light, which will be right, and I also ask you to remember there is no sense closing the barn door after the horses got out. Thank you.

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

Representative **FOSTER**: Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the work that people did on the Forestry Committee in the last session to try to in some way get at the problem of timber theft. The real problem lies back with the landowner. That doesn't mean that I am blaming him. The real problem is that many landowners don't know where their lines are. When they sell wood, they don't know the amount that they are selling and they don't know the value of what they are selling. The problem with the trip ticket is that if the landowner doesn't realize what he is selling or what it is worth, he has no idea whether he is getting back the money that he should for the wood. That is the real problem. I don't know how to solve that, I think Representative Berry made some sense when he said the bad guys are always going to get around whatever you try to do. I think in this case Representative Trahan's bill is a step a little further in the right direction to stop this.

In my business, we probably make between 50 and 100 sales of wood for people every year. We rely totally on the scale slips. We know what we are going to sell. We know what the value is. The landowner gets the slips and he gets the money. If the landowner doesn't know what he is selling and he doesn't know the volume and he doesn't know what it is worth, then there is no way a trip ticket is going to help him out. It is going to take somebody or something along the line to trigger an investigation of where is my wood going. If he doesn't know what he has sold, who is going to do it? I would say that we should support Representative Trahan's bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Men and Women of the House. I rise to share with you my feelings about this and being a member of this committee as well. You will notice that my name was in the Majority Ought Not to Pass, but I voted very reluctantly for that because I thought there were some very good points that were brought up. The Representative from Waldoboro made many of those points. The Representative from Rome as well. The people who came to testify who actually dealt with these tickets were actually opposed to it. Only those people who would never actually work hands on with these tickets spoke in favor. During the workshop I asked the Department of Conservation how many investigations had been triggered by the trip tickets? They said that none had been. I asked for information about timber thefts. The information that I was provided is in 1990 there were 65 reports of timber theft and trespass. In 1996, there were 466. In 1998, it has risen to 814. This law took affect in June 1998. Since June of 1998, there have not been any investigations triggered as a result of this bill that we passed in the last Legislature.

To go along with that, Representative Pieh spoke briefly a minute ago about the lady who came home and found that her woodlot had been stripped. Obviously the trip ticket did not prevent that. I think that there are some ways to prevent timber theft. It certainly is a problem and it is certainly one that this body probably wants to address. I think that what we need to do is to vote against the majority in this and allow a presentation of some modifications to this. I think we can come up with something that is very workable and that would be easy for people and there won't be quite as much paperwork for those that have to deal with it. Thank you.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. In this business there is always going to be a way to beat the system no matter what we put into affect. There will always be those who will find a way to circumvent the system. I am a consulting forester. I do handle timber sales. I deal with scale slips. The key to controlling timber theft is a simple system, the trip ticket system. The trip ticket system that is currently being put into place is, too me, not really a simple system. Back in the last session we had LD 2286, that was the committee bill. I was on that committee and that was the major substantive forestry legislation that we came out with last year. It had a lot to do with companies having to make reports and everything that we did. It was a major bill. That included this trip ticket. I went along with LD 2286, but I didn't particularly like the trip ticket part and one other little part, which we will probably get into later on in this session.

I should say also that the piece of information that you were given on your desk says that the Logger Licensing Committee identified timber theft as the number one problem in the woods. It is not really the number one problem in the woods. The number of complaints and number of convictions are far, far different. Eight hundred complaints and 36 convictions. We are talking about 10,000 timber sales in the State of Maine in a given year. The actual problem, although it is there, it is not as major as you might think.

The Department of Conservation has spent some time and some expense educating the public about this requirement. In my conversations with the Department of Conservation people is that yes, they have done some work, but really it is not enough so that we can make this change. I feel we can make this change. One thing that I would like to say is that if we make this change, Representative Trahan's recommendation, it still maintains a trip ticket approach because with his amendment what it would mean is carrying a copy of the notification to the mill. All the information would be on that notification. I think that that simplifies it. One thing about Forest Rangers is they are all over the state and they have two way radios. They can stop any truck anytime they want and use and check out the notification and if something is questionable, they can call on the two-way radio to Augusta. For each timber sale, there is supposed to be a notification filed with the Maine Forest Service. The forest ranger can check right then and there while he or she is out in the field and so there is good control as far as I can see. There is similarity to the trip tickets. I think the way we are going without making this change, that it will still be somewhat of a can of worms. My dealing with truckers out there is I get scale slips from mills. I get different notifications on some of the scale slips that I get. The landowner is different because there are a number of people trucking wood. It is a can of worms.

The other thing I would like to mention is that pulp companies have a sophisticated system for trip tickets for wood from their own land. When they take wood from their own land, they have a real sophisticated system. I think where some of this falls down is that the small sawmills and turnery industries that we have here around the state that is where the sophistication tends to fall apart. So, I think what we are trying to do with the current law is to try to pound a square peg through a round hole. I think with this change, it would be a positive thing. I would urge you to press the red button. Thank you.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. My first term here in the Legislature, I served on the

Natural Resources Committee. We worked with the Agriculture Committee on some of the forest compact issues. We traveled around the state and heard some of the concerns of people. We heard the concerns from the landowners from the people that worked in the mills. We heard from the harvesters and the truck drivers. Our intent was to somehow require that we track the logs or the wood that is coming off people's property. My concern is for the landowner in this. That is the reason I think it is important that we do this. Previous speakers have said that the tickets aren't needed. They are not checked. They don't enforce it. To me, maybe that is something we have to work on. The Forest Rangers are being trained. We know they are moving more and more towards enforcement on the Forest Practices Act.

My brother is a land surveyor and I can remember going out and doing some surveying one day and checking some lines. A guy that happened to be in the woods business, he was out after some high winds in New Hampshire and they were harvesting some salvage operations there. While he was gone, someone cut some wood off his land. He has some beautiful maple trees on a side hill. His plans were in a few years when he was going to retire, he was going to set up a sap operation and retire and enjoy life. We saw a presentation at the paper expo the other day about how everything is going to come back. Well it is not going to come back in this guys lifetime. To me, it is not the right thing to do to get rid of this law. What we need to do to this law is to make it work. I think that is what we need to stand by now. I would ask you to support the pending motion.

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

Representative **PIEH**: Mr. Speaker, Men and Women of the House. Had the industry been united in their support of this LD, I would have been 100 percent behind it. I think Representative Trahan brought some good points to our attention. The industry was divided. Many people that I have talked to at home that are local, small outfits, said that this is happening. The other thing is that since we are discussing the amendment, which I didn't know we could do before it was presented, one difference that it has is that it does not require the truckers signature. My hunch is that with the trip tickets is maybe what is deterring theft. Mr. Speaker when we make our decision, I request the yeas and nays.

Representative PIEH of Bremen **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. I would like to address just a few comments. I will be brief. If you will notice on that scale slip that I gave you from International Paper, there is a contract number. The last time that I knew, a contract was as good as a signature. When a person sells a load of wood to a mill, if the trucker's signature is what is needed to prosecute timber theft, then I think that we have been barking up the wrong tree. Let's just force truckers to put a signature on the scale slip and then we can prosecute all timber theft. That has little or nothing to do with it. The problem we have had in the past is inaccurate data on the forms.

The Forest Service said in their testimony that up to 50 percent of the information was incorrect. When I asked them a blunt question, How may prosecutions for violations of that law,

the pre-existing law to this trip ticket? I got a blank stare. In my opinion, that meant zero. What I am saying is the enforcement has never been there. The trip ticket just piled more work on the individual, the honest person. It cost them money. It slowed the mills and without enforcement it did nothing. If we are serious about stopping timber theft, a law is only as effective as its enforcement. Maybe this bill won't pass, but I think I have been successful in bringing that to the attention of the people in the Forest Service. Thank you.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. I would just like to say that this bill is not to eliminate the law, but to change it to a simplified trip ticket. I am going to call it a trip ticket. This trip ticket will include a copy of the Maine Forest Service notification. It has all the information on it. You can't make it any more simple than that. I think it is the proper way to go. Thank you very much.

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

ROLL CALL NO. 43

YEA - Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chizmar, Colwell, Cowger, Davidson, Dudley, Dugay, Dunlap, Duplessie, Etnier, Frechette, Fuller, Gagne, Gagnon, Green, Hatch, Jacobs, Kane, Lemoine, Mailhot, McDonough, McKee, Mitchell, Muse, Norbert, O'Neal, O'Neil, Pieh, Povich, Powers, Richard, Richardson J, Rines, Rosen, Samson, Savage W, Saxl JW, Saxl MV, Skoglund, Stevens, Thompson, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Mr. Speaker.

NAY - Ahearne, Belanger, Bowles, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Clough, Collins, Cross, Davis, Desmond, Duncan, Fisher, Foster, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lindahl, Lovett, MacDougall, Mack, Madore, Martin, Marvin, Matthews, Mayo, McAlevey, McGlocklin, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien, Peavey, Perkins, Perry, Pinkham, Plowman, Quint, Richardson E, Savage C, Schneider, Sherman, Shields, Shorey, Sirois, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Andrews, Berry DP, Bragdon, Cote, Daigle, Jabar, Lemont, Sanborn, Shiah, Sullivan, Tessier, Tobin D, True, Williams.

Yes, 57; No, 79; Absent, 14; Excused, 0.

57 having voted in the affirmative and 79 voted in the negative, with 14 being absent, the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, March 25, 1999.

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

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

ORDERS

On motion of Representative KASPRZAK of Newport, the following House Order: (H.O. 18)

ORDERED, that the House vote on adoption of **JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO RATIFY THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD** (H.P. 1373) be rescinded.

READ.

On motion of Representative KASPRZAK of Newport, **TABLED** pending **PASSAGE** and specially assigned for Thursday, March 25, 1999.

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

COMMUNICATIONS

The Following Communication: (H.C. 106)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

March 24, 1999

Honorable Joseph W. Mayo

Clerk of the House

2 State House Station

Augusta, Maine 04333-0002

Dear Clerk Mayo:

Pursuant to my authority under House Rule 201.1(1), I have appointed Representative David C. Shiah of Bowdoinham to fill the vacancy on the Joint Standing Committee on Legal and Veterans Affairs.

Sincerely,

S/G. Steven Rowe

Speaker of the House

READ and ORDERED PLACED ON FILE.

On motion of Representative GOODWIN of Pembroke, the House adjourned at 6:01 p.m., until 9:00 a.m., Thursday, March 25, 1999 in honor and lasting tribute to Dr. Robert G. MacBride, of Lubec.