

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
33rd Legislative Day
Monday, April 5, 1999

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

Prayer by Pastor Darwin Vail, Bible Believing Baptist Church, Gray.

National Anthem by Lawrence High School Symphonic Band, Fairfield.

Pledge of Allegiance.

Doctor of the day, John Saucier, M.D., Yarmouth.

The Journal of Wednesday, March 31, 1999 was read and approved.

SENATE PAPERS

Bill "An Act to Extend the Jurisdiction of the Real Estate Commission"

(S.P. 754) (L.D. 2130)

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 Improve the Quality of Child Care"

(S.P. 648) (L.D. 1828)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

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.

Resolve, to Establish a Commission to Encourage Incorporations in Maine (EMERGENCY)

(S.P. 697) (L.D. 1972)

Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

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

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

Bill "An Act to Ensure that Agency Use of Collaborative Decision-making and Stakeholder Processes is Fair and Consistent with the Goals of the Maine Administrative Procedure Act"

(S.P. 755) (L.D. 2131)

Committee on **LABOR** suggested and ordered printed.

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

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

Bill "An Act to Consolidate Traffic Movement Permits within the Department of Transportation" (EMERGENCY)

(S.P. 756) (L.D. 2132)

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

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

Non-Concurrent Matter

Bill "An Act to Ensure Access to Prescription Drugs for the Elderly"

(H.P. 1347) (L.D. 1947)

REFERRED to the Committee on **TAXATION** in the House on March 23, 1999.

Came from the Senate **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 111)

STATE OF MAINE

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

March 24, 1999

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

L.D. 395 An Act to Protect Traditional Access to the Allagash Wilderness Waterway

L.D. 853 An Act to Prohibit the Destruction of Structures in Baxter State Park Without Prior Legislative Approval

L.D. 1248 An Act to Resolve Technical Inconsistencies in the Nutrient Management Act

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

Sincerely,

S/Sen. John M. Nutting

Senate Chair

S/Rep. Wendy Pieh

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 112)

STATE OF MAINE

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

March 24, 1999

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 104 An Act to Fund a Cranberry Specialist Position in the Department of Agriculture, Food and Rural Resources
- L.D. 547 An Act to Restore Advocacy Services for Children with Disabilities
- L.D. 599 An Act to Expand Peer Support Services for the Mentally Ill
- L.D. 887 An Act to Authorize a General Fund Expenditure of \$1,000,000 to Provide Water Safety Zone Marker Buoys for Maine's Lakes and Ponds for the Facilitation of Compliance with Safe Boating Laws
- L.D. 1004 An Act Regarding Access to Higher Education
- L.D. 1013 An Act to Provide Funding to Install Water Mains on Certain Roads in Standish
- L.D. 1152 An Act to Fund the Maine Resident Homestead Property Tax Exemption Program

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

Sincerely,
S/Sen. Michael H. Michaud
Senate Chair
S/Rep. Elizabeth Townsend
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 113)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

March 24, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 1060 An Act to Allow Credit Card Users to Purchase Payment Insurance
- L.D. 1097 An Act to Regulate Motor Vehicle Insurance Rates
- L.D. 1112 An Act to Allow Insurance for Drivers of Multiple Vehicles
- L.D. 1127 Resolve, to Study Maine's Individual Health Insurance Market
- L.D. 1409 An Act to Clarify Discounts to Nonsmokers in Health Insurance Premium Rates

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

Sincerely,
S/Sen. Lloyd P. LaFountain III

Senate Chair
S/Rep. Jane W. Saxl
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 114)

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

March 24, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 178 An Act to Appropriate Block Grants for Regional Tourism Promotion
- L.D. 1304 An Act to Amend the Laws Regarding the Hiring of Physicians for Maine Summer Camps
- L.D. 1482 An Act to Amend the Laws Governing Denturists
- L.D. 1483 An Act to Promote Parity on the Board of Licensure in Medicine and on the Board of Osteopathic Licensure
- L.D. 1611 An Act to Integrate the Maine Economic Growth Council's Economic Growth Plan with the State's Economic Strategic Development Plan

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

Sincerely,
S/Sen. Carol A. Kontos
Senate Chair
S/Rep. Gary O'Neal
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 115)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

March 24, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 1320 An Act to Create a Penalty for the Intentional Transmission of a Sexually Transmitted Disease
- L.D. 1443 An Act to Set Aside a Portion of Juvenile Justice Block Grant Money for Quality Child and After-school Care Programs

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

Sincerely,
S/Sen. Robert E. Murray, Jr.
Senate Chair
S/Rep. Edward J. Povich
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 116)

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

March 24, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 517 An Act to Amend the School Funding Formula by Taking Sales Tax in Account
- L.D. 578 An Act to Remove the Percentage Reduction Method from the School Funding Law
- L.D. 589 An Act to Reduce Property Taxes by the State Reimbursing Special Education Costs
- L.D. 999 An Act to Reduce Property Taxes by Reimbursing Out-of-District Special Education Placements and to Establish Oversight of Those Costs
- L.D. 1216 An Act to More Equitably Distribute General Purpose Aid to Schools Based on Property Values
- L.D. 1264 An Act to Ensure Freedom of Speech and Association on Campus
- L.D. 1287 An Act to Use State Educational Facilities Efficiently
- L.D. 1297 An Act to Provide for Timely Implementation of the Maine College Savings Program
- L.D. 1470 Resolve, to Establish the Task Force to Study the Simplification of the School Funding Formula
- L.D. 1663 An Act to Restore Fairness and Equity to the Allocation of School Subsidies

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

Sincerely,
S/Sen. Georgette B. Berube
Senate Chair
S/Rep. Michael F. Brennan
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 117)

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

March 24, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 207 An Act to Clarify the Confidentiality of Health Care Information
- L.D. 286 An Act to Amend the Laws Concerning Release of Information on Hospitalized Individuals
- L.D. 645 An Act to Require Disclosure of Ingredients in Tobacco Products
- L.D. 688 An Act to Allow Medical History and Other Information to be Distributed to Immediate Family
- L.D. 1105 Resolve, Regarding the Competitive Bidding Process for Mental Health Services
- L.D. 1283 An Act to Expand Access to the Elderly Low-cost Drug Program
- L.D. 1511 An Act to Provide Efficient and Continuous High-quality Service to Mental Health Consumers

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

Sincerely,
S/Sen. Judy Paradis
Senate Chair
S/Rep. Thomas J. Kane
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 118)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 24, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 296 An Act to Require Written Permission from Landowners for Hunting

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

Sincerely,
S/Sen. Marge L. Kilkelly
Senate Chair
S/Rep. Matthew Dunlap
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 119)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

March 24, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 889 An Act to Increase Public Awareness in Child Protection Cases
- L.D. 908 An Act to Create Standards for Guardians Ad Litem in Certain Domestic Relations Matters
- L.D. 1109 An Act to Prevent Children From Being Placed with a Parent Who is a Batterer or an Abuser
- L.D. 1230 An Act Allowing Certain Exceptions to Jury Duty

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

Sincerely,
S/Sen. Susan W. Longley
Senate Chair
S/Rep. Richard H. Thompson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 120)

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

March 24, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 796 An Act to Require Employees to be Paid at Least Once Every 2 Weeks

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

Sincerely,
S/Sen. Neria R. Douglass
Senate Chair
S/Rep. Pamela H. Hatch

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 121)

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

March 24, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 668 An Act to Amend the Term "Veteran" for Property Tax and Burial Purposes
- L.D. 714 An Act to Allow Multipart Referendum Questions for Referenda at the Municipal Level
- L.D. 898 An Act to Require Proof of Liquor Liability Insurance Upon Demand by a Municipality
- L.D. 920 An Act to Create a Lottery Ticket to Reduce Hunger in Maine

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

Sincerely,
S/Sen. Beverly C. Daggett
Senate Chair
S/Rep. John L. Tuttle, Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 122)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

March 24, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 160 An Act to Establish a Sliding Scale for That Portion of the Lobster License Fee Paid to the Lobster Promotion Council
- L.D. 203 An Act to Clarify That a Person Who Fishes for Lobster May Fish in More than One Zone
- L.D. 1173 An Act Regarding Elver Fishing
- L.D. 1288 An Act to Establish a Lobster License for 30-year Residents of the State Who are 65 Years of Age or Older

L.D. 1399 An Act to Simplify the Licensing of Seafood Dealers in the State
We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.
Sincerely,
S/Sen. Jill M. Goldthwait
Senate Chair
S/Rep. David Etnier
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 123)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

March 24, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 712 Resolve, Creating a Task Force to Investigate the Effects of Unratified International Treaties Implemented by State Agencies
- L.D. 1114 An Act to Permit Telescopes and Other Scientific Instruments to be Shielded from the Weather
- L.D. 1298 An Act to Amend the Certification Process of Code Enforcement Officers

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

Sincerely,
S/Sen. Sharon Anglin Treat
Senate Chair
S/Rep. John L. Martin
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 124)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 24, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 17 An Act to Require a Mortgagee to Notify Annually the Municipality in Which Mortgaged Property Is Located BY REQUEST

- L.D. 602 An Act to Require Mandatory Training for Harbor Masters
- L.D. 946 An act to Change the Composition of the Somerset County Budget Committee
- L.D. 1038 An Act to Prohibit Conflicts of Interest for Persons Serving on State Agencies, Boards or Commissions
- L.D. 1178 An Act Concerning Public Postings by Political Parties BY REQUEST

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

Sincerely,
S/Sen. Peggy A. Pendleton
Senate Chair
S/Rep. Douglas J. Ahearn
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 125)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON TAXATION**

March 24, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 102 An Act to Change Eligibility for the Elderly Low Cost Drug Program
- L.D. 174 An Act to Modify the Eligibility Standards for Medicaid and Elderly Low-Cost Drug Programs by Discounting the Amount Spent for Prescription Drugs from the Computation of Eligible Income
- L.D. 279 An Act to Adjust the Taxation of Public Pensions
- L.D. 434 An Act to Increase Accessibility to the Elderly Low-cost Drug Program
- L.D. 542 An Act to Increase the Income Eligibility Limits for the Elderly Low Cost Drug Program
- L.D. 789 An Act to Reduce the Amount of Property Acquired by Municipalities for Nonpayment of Property Tax
- L.D. 927 An Act to Establish Property Tax Relief for the State's Senior Citizens
- L.D. 928 An Act to Allow Sales Tax Collectors to Keep a Portion of Revenue Collected for the State
- L.D. 963 An Act to Promote Good Health Practices in Maine
- L.D. 964 An Act to Protect Personal Property
- L.D. 969 An Act to Exempt Food That is Medically Necessary From Sales Tax
- L.D. 982 An Act to Reimburse Municipalities for the Property Tax Loss for County Property that is Used but not Leased by the State

- L.D. 1023 An Act to Increase Eligibility Levels for Access to Prescription Drugs for the Elderly
- L.D. 1041 An Act to Amend Municipal Revenue Sharing to Take Into Account Sales Tax Revenues
- L.D. 1069 An Act to Create Additional Incentives for Landowners to Voluntarily Conserve Land in the State's Conservation Land Program
- L.D. 1136 An Act to Provide an Inflation Adjustment for the Elderly Low-cost Drug Program
- L.D. 1157 An Act to Ensure the Payment of Real Estate Taxes on Transferred Property
- L.D. 1252 An Act to Explain the Check-off Box on Maine Tax Returns for Campaign Financing
- L.D. 1299 An Act to Enhance the Elderly Low Cost Drug Program
- L.D. 1490 An Act to Repeal All State Inheritance Taxes

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

Sincerely,
S/Sen. Richard P. Ruhlin
Senate Chair
S/Rep. Kenneth T. Gagnon
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 126)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

March 24, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 539 An Act to Establish a Citizen Road Watch Program
- L.D. 830 An Act to Remove Uninsured Vehicles from State and Town Roads
- L.D. 896 An Act to Require Identification for Hearing Impaired Persons BY REQUEST
- L.D. 977 An Act to Improve Motorcycle Safety
- L.D. 1020 An Act to Improve Cultural Information on the Interstate
- L.D. 1034 Resolve, Directing the Department of Transportation to Repair Route 2 Between Skowhegan and Newport
- L.D. 1100 An Act to Improve the Enforcement of Traffic Laws
- L.D. 1161 An Act to Create the East-West Highway Authority
- L.D. 1250 An Act to Allow a Change in a Vehicle Registration Date BY REQUEST
- L.D. 1307 An Act Regarding Required Lights on Plow Trucks

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

Sincerely,
S/Sen. William B. O'Gara
Senate Chair
S/Rep. Joseph M. Jabar, Sr.
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 752)

119TH MAINE LEGISLATURE

March 30, 1999
Senator Georgette Berube
Representative Michael Brennan
Chairpersons
Joint Standing Committee on Education and Cultural Affairs
119th Legislature
Augusta, Maine 04333

Dear Senator Berube and Representative Brennan:

Please be advised that Governor Angus S. King, Jr. has nominated Katherine D. Wyman of Farmington and Kenneth W. Allen of Orono for appointment as members of the State Board of Education.

Pursuant to Title 20A, M.R.S.A., §401, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,
S/Mark W. Lawrence
President of the Senate
S/G. Steven Rowe
Speaker of the House

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Finance the Acquisition of Lands and Interests in Lands for Conservation, Water Access, Outdoor Recreation, Fish and Wildlife Habitat and Farmland Protection and to Access \$25,000,000 in Matching Contributions from Public and Private Sources"

(H.P. 1500) (L.D. 2144)

Presented by Representative MURPHY of Kennebunk. (GOVERNOR'S BILL)
Cosponsored by Representatives: BUMPS of China, DUNLAP of Old Town, KNEELAND of Easton, MARTIN of Eagle Lake, PIEH of Bremen, Speaker ROWE of Portland, Senators: AMERO of Cumberland, President LAWRENCE of York.

Bill "An Act to Fund Continuing Public Access to Maine Lands" (EMERGENCY)

(H.P. 1504) (L.D. 2145)

Presented by Representative SAXL of Portland.

BANKING AND INSURANCE

Bill "An Act to Permit the Transfer of Liabilities by a Member of a Workers' Compensation Group Self-insurer"

(H.P. 1494) (L.D. 2138)

Presented by Representative SAXL of Portland.

Cosponsored by Representatives: MAYO of Bath, McDONOUGH of Portland, Senator: ABROMSON of Cumberland.

BUSINESS AND ECONOMIC DEVELOPMENT

Bill "An Act to Change Laws Pertaining to the Loring Development Authority of Maine"

(H.P. 1498) (L.D. 2142)

Presented by Representative O'NEAL of Limestone.

Cosponsored by Representatives: AHEARNE of Madawaska, DESMOND of Mapleton, JOY of Crystal, KNEELAND of Easton, SIROIS of Caribou, WHEELER of Bridgewater.

HEALTH AND HUMAN SERVICES

Bill "An Act to Ensure Community-based Services for Persons With Mental Retardation or Autism"

(H.P. 1507) (L.D. 2150)

Presented by Representative QUINT of Portland.

Cosponsored by Senator PARADIS of Aroostook and Representatives: BRAGDON of Bangor, BROOKS of Winterport, CHIZMAR of Lisbon, SAXL of Portland, SNOWE-MELLO of Poland, TESSIER of Fairfield, Senators: CATHCART of Penobscot, PINGREE of Knox.

LABOR

Bill "An Act to Ensure Just Cause Termination in Employment"

(H.P. 1503) (L.D. 2147)

Presented by Representative BRYANT of Dixfield.

Cosponsored by Senator CAREY of Kennebec and Representatives: DUPLESSIE of Westbrook, GAGNON of Waterville, GERRY of Auburn, GOODWIN of Pembroke, HATCH of Skowhegan, JABAR of Waterville, McALEVEY of Waterboro, SAMSON of Jay.

LEGAL AND VETERANS AFFAIRS

Bill "An Act to Remove the Limit on the Amount of Complimentary Wine that a Wine Retailer may Receive Annually"

(H.P. 1497) (L.D. 2141)

Presented by Representative MUSE of South Portland.

Cosponsored by Senator RAND of Cumberland and Representatives: CIANCHETTE of South Portland, DAVIDSON of Brunswick, GREEN of Monmouth, MARVIN of Cape Elizabeth, O'BRIEN of Augusta, QUINT of Portland, STEVENS of Orono, Senator: RUHLIN of Penobscot.

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

Bill "An Act to Improve Harness Racing in the State"

(H.P. 1505) (L.D. 2148)

Presented by Representative TESSIER of Fairfield.

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

Bill "An Act to Modify the Campaign Finance Laws with Regard to Running for Federal Office"

(H.P. 1508) (L.D. 2153)

Presented by Representative McALEVEY of Waterboro.

Cosponsored by Representatives: BOLDUC of Auburn, DUNLAP of Old Town, HATCH of Skowhegan, MacDOUGALL of North Berwick, PLOWMAN of Hampden, TREADWELL of Carmel, WESTON of Montville.

TAXATION

Bill "An Act to Reduce the Income Tax"

(H.P. 1499) (L.D. 2143)

Presented by Representative CIANCHETTE of South Portland.

Cosponsored by Representatives: BUCKET of Yarmouth, BUMPS of China, GAGNON of Waterville, LEMONT of Kittery, SHOREY of Calais, Senators: AMERO of Cumberland, HARRIMAN of Cumberland.

TRANSPORTATION

Bill "An Act to Allow Authorized Emergency Vehicles to Display a Blue Light on the Rear of the Vehicle"

(H.P. 1495) (L.D. 2139)

Presented by Representative BULL of Freeport.

Cosponsored by Representatives: BERRY of Livermore, BUMPS of China, DUPLESSIE of Westbrook, STANWOOD of Southwest Harbor.

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

Bill "An Act to Exempt from Registration Agricultural Motor Vehicles"

(H.P. 1502) (L.D. 2146)

Presented by Representative DESMOND of Mapleton.

Cosponsored by Senator MICHAUD of Penobscot and Representatives: BELANGER of Caribou, DUNCAN of Presque Isle, KNEELAND of Easton, O'NEAL of Limestone, SHERMAN of Hodgdon, SIROIS of Caribou, STEDMAN of Hartland, Senator: PARADIS of Aroostook.

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

Bill "An Act to Amend Motor Vehicle Title Laws"

(H.P. 1506) (L.D. 2149)

Presented by Representative WHEELER of Eliot.

Cosponsored by Senator O'GARA of Cumberland and Representatives: BOUFFARD of Lewiston, COLLINS of Wells, FISHER of Brewer, JABAR of Waterville, SANBORN of Alton, SAVAGE of Union, WHEELER of Bridgewater.

Submitted by the Secretary of State pursuant to Joint Rule 204.

Bill "An Act to Prohibit Motor Vehicles on Certain Lakes"

(H.P. 1493) (L.D. 2137)

Presented by Representative GAGNON of Waterville.

Cosponsored by Senator DAGGETT of Kennebec.

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

Committee on **TRANSPORTATION** suggested.

On motion of Representative BOUFFARD of Lewiston, **TABLED** pending **REFERENCE** and later today assigned.

UTILITIES AND ENERGY

Bill "An Act to Enhance the Economic Security of Low-income Households with Respect to Utility Service"

(H.P. 1496) (L.D. 2140)

Presented by Representative DAVIDSON of Brunswick.

Cosponsored by Representatives: CIANCHETTE of South Portland, DUNCAN of Presque Isle, ETNIER of Harpswell, LaVERDIERE of Wilton, ROSEN of Bucksport, ROWE of Portland, SCHNEIDER of Durham.

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

ORDERS

On motion of Representative KANE of Saco, the following Joint Order: (H.P. 1501)

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services report out to the House legislation implementing the recommendations of the Commission on Eating Disorders established pursuant to Resolve 1997, chapter 118.

READ and PASSED.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-129)** on Bill "An Act to Make Confidential Certain Information Collected from Maine Farmers and Agricultural Business"

(H.P. 536) (L.D. 743)

Signed:

Senators:

NUTTING of Androscoggin
KILKELLY of Lincoln
KIEFFER of Aroostook

Representatives:

COWGER of Hallowell
CARR of Lincoln
FOSTER of Gray
GOOLEY of Farmington
PIEH of Bremen
GAGNE of Buckfield
GILLIS of Danforth
CROSS of Dover-Foxcroft

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

Signed:

Representative:

VOLENIK of Brooklin

READ.

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

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

Representative **PIEH**: Mr. Speaker, Ladies and Gentlemen of the House. This is a bill that was brought to our committee

by the Department of Agriculture who gather information from different agricultural business around the state and they do that on a voluntary basis. We are quite surprised to discover that that information is not held in confidentiality. The farmers have concerns that information may be used by competitors against them and also may be used by the media. An example is the Pesticides Control Board was gathering information and had a list of apple growers who used an approved pesticide called Flicktren. At the time, apple growing season happened and people went to grow their own, they published lists about who used this pesticide against the growers. They had requested that we make information that they give to the department confidential. Of course, that information is very important for helping control the agriculture industry and help it develop. We are also in the middle of developing plans for how to deal with manure, a nutrient management plan. I ask you to please support the Majority Ought to Pass Report. Thank you.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. As he watched one European nation after another, great and small, declare war on its neighbors in the dark days leading up to the First World War, British Foreign Secretary Edward Grey said to a friend, "The lamps are going out all of Europe. We shall not see them lit again in our lifetime."

Today, the lamps before us are the lamps of public scrutiny, and by passage of this bill, we extinguish one of our brightest and most important lamps, the knowledge of the details of our agricultural activities in this state.

Just as we made forestry legislation in the dark last year, so now and into the future, we will make agricultural policy and legislation in the dark.

There may be some justification for secrecy to protect a business's competitiveness. But how many small Maine farms or businesses are threatened by conniving neighborhood businesses or other farms? Small Maine businesses and farms traditionally cooperate with each other, even help each other, because without each other, our communities fail. Helping to bring in the hay helps all of us.

Who is really threatened today. Do family farms and small Maine businesses spy on each other, steal each others secrets and try to topple each other? Of course not. Large corporate businesses and large corporate agri-businesses have no secrets from each other either, because, as one industry representative admitted to our committee last week, on another bill dealing with public access to company forestry information, admitted that they all engage in corporate espionage. The large corporate enterprise is less threatened by corporate espionage than by the regulator power of public policy that understands the nature of and extent of that enterprises' pollution, resource depletion, labor policies or other actions that may negatively impact the people of the State of Maine. Ladies and gentlemen, the people of Maine grant a charter to a corporation to serve a public purpose and we have a right to know whether that public purpose is being served.

We are not talking about picking on a poor farmer's sales data.

Here is one example of how we will lose if we pass this bill. Last session we passed legislation calling for a reduction in pesticide use. Now we will close off two of our tools to analyze that use: "The Restricted, Limited and General Use Pesticide Dealer Sales Report", and the "Commercial Applicator Annual Summary Report."

Today we know who used what pesticides, what pesticides they used and their totals used or sold, the total area they treated, the method of application and what pests they were used on, among other information.

With the passage of this bill, we will only be allowed to know total aggregate volumes of pesticides used, period.

Can't you feel the wind that extinguishes this lamp of public scrutiny? Don't you wonder what will be the next lamp to go out? Or is the deregulation of all business activity, and the proprietary secrecy of all business activity the mantra of the millennium that will leave us all poisoned, polluted, bereft of tax base, impoverished and forever in the dark? Vote no with me. Thank you. Mr. Speaker, I request a division.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I, too, will be opposed to this LD. I, for one, as a consumer, would like to know when someone is using something. I do not like to drink milk that has bovine hormones. When I know which farmer uses that, I will not buy that product. When Three Mile Island had an accident, I did not eat cheese from that area. It is my right as a consumer and I cannot be informed unless I know who is using what product. As a consumer, I will not support this legislation. Thank you.

Representative **VOLENIK** of Brooklin **REQUESTED** a division on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

A vote of the House was taken. 101 voted in favor of the same and 23 against, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-129)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, April 7, 1999.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act to Make Public Certain Information Regarding Forest Practices"

(H.P. 821) (L.D. 1144)

Signed:
Senators:

NUTTING of Androscoggin
KILKELLY of Lincoln
KIEFFER of Aroostook

Representatives:

CARR of Lincoln
FOSTER of Gray
GOOLEY of Farmington
PIEH of Bremen
GILLIS of Danforth
CROSS of Dover-Foxcroft

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

Signed:
Representatives:

COWGER of Hallowell
VOLENIK of Brooklin
WATSON of Farmingdale
GAGNE of Buckfield

READ.

Representative **PIEH** of Bremen moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **PIEH**: Mr. Speaker, Ladies and Gentlemen of the House. Here is another confidentiality bill. I think confidentiality is a difficult problem. We have been dealing with it in patients and what is going to be available through this modern technology. We have child protective laws that protect children. We also have these departments, like the Department of Agriculture and the Department of Conservation, that take in information on a voluntary basis from the people that they work with. The Forest Service gathers information from individual landowners, largely on a volunteer basis, and reports out annually an aggregate talking about what is happening in the forest industry today. As we all received a report on our desks not that long ago and there is a concern that we are not sustaining the industry adequately. That may be one of the reason for this bill to have come forward. However, landowners like farmers are concerned about how confidential information would be used against them should it become public. It is like you protect your recipes. You protect how you take care of your land from other people knowing.

I think that in this case, we need to keep the confidentiality and I am content to be pushing the Forest Service to hold individuals accountable. They have that information and I will be pushing them to move forward to act on that information of individuals that may not be working toward a sustainable forestry. It is important that you know that the forest industry is working toward what is called third party verification, where large landowners will be having independent auditing services come in and look at their forest and judge them whether they are sustainable or not. You are familiar with Seven Islands and the fact that they are green certified. Irving who has just made a big purchase and is working toward third party. Many of the others are working toward first, second and third party verification as an auditing system to make sure they are sustainable.

The purpose of not having this bill is to keep them giving information to the Forest Service to keep that confidential. It is amazing to me that we would consider voluntary information being given out to people when they don't want it to be given out. I encourage you to support the Majority Ought Not to Pass Report. Thank you.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. The information that would be available to the public and to the Legislature with passage of this bill, is already available to the Executive Branch of Maine's Government. And, as I said before, as an industry representative admitted at the public hearing, more information than this bill would provide is already available to the competition, because, he admitted, the large landowners practice industrial espionage to make certain that they know what their competition is doing. It is only the public, and us, their elected Representatives, who do not have this information.

As it is far more important to the industry that we do not know what they do, than that they prevent each other from knowing what they do. Their greatest fear is that we will be able to point our fingers at those responsible for bad forestry, that we will regulate their depletion of our state's resources. Their greatest fear is that sustainability will replace opportunism, that

policy will be made in the light of day, rather than through the translucent lens of misinformation.

Do we have the willpower to shine the lamp of public scrutiny upon our forest policy, or will we continue not only to fail to light our lamps, but continue also to extinguish those lamps we still have? Thank you.

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. With all due respect to the good chair from Bremen, I ask you to join with my colleague from Brooklin and vote against the pending motion and support the Minority Ought to Pass Report. Very briefly, this bill does three simple things, actually two simple things. It makes information from both landowner harvest reports from landowners that own more than 20,000 acres. These are not small businesses in Maine. These are large landowners of the state. It makes the information from these landowner harvest reports and also wood processor reports available to the public after October 1st of this year. This is information that is already being provided to the Maine Forest Service and it merely makes this information available to the public. It also requires landowners that own more than 20,000 acres, that are planting more than 20,000 acres into new plantations to also report that information to the public.

Most importantly, this bill also keeps confidential, all information about stumpage prices and products. I believe this bill strikes a balance between providing information that is confidential strictly to that company to allow them to remain productive and competitive. It provides information that is already going to the Maine Forest Service available to the public. I urge you to support the Minority Report and vote against the pending motion. Thank you.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. This issue has been before us before in the 118th. At that time, this was voted down. At the present time there is much information available to the public. Since in the 118th we did pass LD 2286 and this requires the large companies to report to the Maine Forest Service on a number of different subjects, including clear-cutting. The forestry business is a competitive business. It is important for owners to have certain rights and confidentiality is one of them. Thank you.

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

Representative **FOSTER**: Mr. Speaker, Ladies and Gentlemen of the House. Although this bill has been debated in the past Legislature, a bill like this contributes to instability, the possibility of less investment in forest management and by the way, forest management is a technical question whether the public had this information or not. The question is, what would the public do after it had the information? It is not a simple answer. The best thing that we can do at this point is at least consider the substantive rules that the last Legislature had asked the Maine Forest Service to do. We haven't voted on those yet. They are going to help the situation. There is no more point in stirring up this controversy with a bill like this when we have other legislation ahead of us that will help the situation. Mr. Speaker, when the vote is taken, I request the yeas and nays.

Representative FOSTER of Gray **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 Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Men and Women of the House. This session the Agriculture, Conservation and Forestry Committee has heard considerable testimony in public hearings from a variety of businesses, including the potato industry, the cranberry, the blueberry and one common theme is that it is very important for those businesses to be able to keep confidentiality in their business operations. They are all working on a global market. Their competitors aren't located just in the State of Maine or in Massachusetts or in New Hampshire. They are located in other countries. That information being available can also deter their ability to stay competitive. The information is collected by the Department of Conservation. They make a report annually on the sustainability of our forest. There are many issues that are brought out and it is available. It is just not available on each individual company. I am sure that many of you are small business owners, have been small business owners or will be small business owners. All of you should bear in mind that it is not good business to open up your books to your competitors, whether you are in the forestry business, the blueberry business or in the potato business. I urge you to vote with the majority. Thank you.

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

Representative **CHICK**: Mr. Speaker, Men and Women of the House. I believe that the elevation of a person's business in the State of Maine isn't proper until you raise this elevation to everyone. I am not a large landowner, however, I am interested in forestry because I own some. I don't have a high production saw mill, however, I have a saw mill that I have for my own use. I would recommend that you give a lot of thought to this and here you are singling out one particular business. I would suggest that we defeat this motion. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. I did not intend to speak on this bill, but after hearing the testimony, I just can't help it. I am a logger and I have been part of the logging industry for 15 years and I feel a necessity to speak at this moment. When I started in the logging business 15 years ago, a person had the freedom to run willy nilly over the land. Regulations started to be imposed on the forest industry, The Forestry Practices Act, EPA regulations. I believe we have a really good grip on the forest industry now. Big companies, small companies, individual loggers, we all have to meet the regulations required by the Forestry Practices Act. We fill out a notification form. We fill out a survey form at the end of the year. There is information there that is provided to the State of Maine so that we can follow these big businesses as they harvest trees. I do not think this bill is necessary. I will be proposing legislation in the future that will address what I believe is a problem with private information being provided that could possibly jeopardize these businesses. I believe that private information is just that and it should not be made public because sometimes that information can be used incorrectly. I ask you to please support this pending motion. Thank you.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. I hadn't intended to rise a second time, however, I

just wanted to point out to the members the editorial from the *Bangor Daily News* from March 17. I just want to read you one paragraph of this. It is near the end of the editorial. It states, "The public has an economic interest in this information as well, because the large tracts of land are under Maine's Tree Growth Tax Law landowners manage for the forest so that it will remain productive over the long term. In exchange for a tax break with everyone else required to make up the difference, if a landowner is not managing tree growth land this way, the public should know about it. This bill will allow the public to know about it." Thank you.

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

Representative **SAMSON**: Mr. Speaker, Men and Women of the House. I stand and urge you to vote against the Ought Not to Pass report. I just want to remind you that the information is currently being collected by the Forestry Department. The information is kept secret. We are often asked to legislate the matters of forestry, but yet the Legislature and the public haven't gotten information that they need to properly legislate. This bill applies to landowners that own 20,000 acres or more and also wood processors. The stumpage and products that are produced are kept secret. It is kept confidential as it is today. This bill also requests information on the forestry plantations. I urge you to vote Ought Not to Pass.

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

Representative **SAMSON**: Mr. Speaker, Men and Women of the House. For me, Monday morning is early. I made a mistake. I urge to vote against the Ought Not to Pass motion.

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. 57

YEA - Ahearne, Andrews, Bagley, Belanger, Berry DP, Bouffard, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Clough, Collins, Cote, Daigle, Davis, Dugay, Duncan, Dunlap, Fisher, Foster, Frechette, Fuller, Gagnon, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Mack, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Brien, Peavey, Perkins, Perry, Pieh, Pinkham, Povich, Richardson E, Rines, Rosen, Sanborn, Savage C, Savage W, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Tessier, Tobin D, Tobin J, Trahan, Treadwell, True, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

NAY - Berry RL, Bolduc, Brennan, Brooks, Bryant, Bull, Chizmar, Colwell, Cowger, Davidson, Desmond, Dudley, Etnier, Gagne, Gerry, Goodwin, Hatch, Jabar, Jacobs, LaVerdiere, Lemoine, McKee, Mitchell, Muse, Norbert, O'Neal, O'Neil, Powers, Richard, Richardson J, Samson, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stevens, Sullivan, Thompson, Townsend, Tracy, Tripp, Twomey, Volenik, Watson, Williams, Mr. Speaker.

ABSENT - Baker, Cross, Duplessie, Green, Lemont, Madore, Matthews, Murphy E, Plowman, Quint, Tuttle.

Yes, 92; No, 47; Absent, 11; Excused, 0.

92 having voted in the affirmative and 47 voted in the negative, with 11 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act to Create a Senior Lobster and Crab Fishing License"

(H.P. 1006) (L.D. 1417)

Signed:

Senator:

GOLDTHWAIT of Hancock

Representatives:

STANWOOD of Southwest

Harbor

ETNIER of Harpswell

VOLENIK of Brooklin

BAGLEY of Machias

LEMONT of Kittery

McNEIL of Rockland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-128)** on same Bill.

Signed:

Senators:

PENDLETON of Cumberland

MacKINNON of York

Representatives:

USHER of Westbrook

HONEY of Boothbay

PINKHAM of Lamoine

PIEH of Bremen

READ.

On motion of Representative ETNIER of Harpswell, the Majority **Ought Not to Pass** Report was **ACCEPTED**.

On motion of Representative HONEY of Boothbay, the House **RECONSIDERED** its action whereby it **ACCEPTED** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Honey.

Representative **HONEY**: Mr. Speaker, Men and Women of the House. I was a little slow getting on my feet here, but I urge my colleagues here not to support the current motion. You will notice that the committee was badly split on this. Seven to six, it sounds like a football score to me. We didn't get into a scrimmage though in the committee. The current law in Maine prohibits anybody to touch lobster gear. If you go out with a friend of yours that fishes with lobster gear, you cannot touch anything. You cannot help the guy measure his lobsters, assist him with the gear when it is coming about aboard the boat. Anything to do with lobstering, you cannot participate. However, current law allows students, and this includes kids 6 years old or younger, to go lobster fishing. This bill would permit grandparents 65 years or older or parents to assist their grandchildren or children in the operation of the gear and operation of the boat. Under this Committee Amendment grandparents would not be able to fish any gear of their own. This would not add any new gear to the water. It is simply a bill to allow grandparents or parents to go out with their kids and to help with the operation of the boat and the hauling of the gear. These individuals came to us and said that they would be willing to buy a license just for the privilege of going with their grandchildren to help with the operation of the boat and the gear. They were willing to pay up to \$118 to fish no gear of their own.

Ladies and gentlemen of the House, this is simply a safety issue and a grandparent's rights issue. When the vote is taken, I request the yeas and nays please. Thank you Mr. Speaker.

The same Representative **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 Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. This is Representative Honey from Boothbay's bill. I hate to speak against the good Representative from Boothbay because we rarely disagree on anything coming out of our committee. This is one of the rare occasions that we do. Also, Representative Goodwin from Pembroke had a similar bill in before our committee. They both were heard at the same time. This is not an end of the world bill. No businesses will leave the state. This is not the slippery slope. It is none of those things. It is just what I think and I think the majority of the committee agreed was a poorly worded attempt to address the concerns of a hand full of constituents. Two of whom came forward at the public hearing, constituents of Representative Goodwins. Those were the only people who spoke in support of the original bill. All others who spoke at the public hearing did speak against it. I will also give the Representative from Boothbay credit. This Committee Amendment is better than the original bill. I still believe that it creates more problems than it solves.

Under current law, anyone in the State of Maine may fish five traps under a non-commercial license. You may keep the proceeds from those five traps. Under current Maine law, any student in the State of Maine under the age of 22 who is a full-time student can fish up to 150 traps. That is any young person in the State of Maine that can do that. Current law allows anyone to go with that student on the vessel. Any of these people who wish to possess a senior license can now currently go with that student on their boat at present. The difference between current law and what is proposed under this Committee Amendment is that in the future, the senior license holder would be allowed to tend the lobster gear. What I view as the problem with that is it largely creates a loophole that will allow any of these seniors to essentially fish 150 traps. All they will have to do is have a child or a grandchild on the vessel who is a holder of a student license, that child or grandchild could sit over in the corner of the stern of the vessel and grandpa can haul 150 traps on his own without the student ever having to touch them. He just has to be on the boat. There is no prerequisite for experience for this grandfather or grandmother to have in the fishing business. Anyone off the street who is 65 years old or older who has lived in the state for the last five years can get this license. They never have to have been in a boat before.

The Representative from Boothbay, Representative Honey, mentioned the issue of safety. To me, there is a safety issue there potentially of folks who have no experience on the water and certainly no experience handling lobster gear attempting to help their grandchildren and the two of them getting into a far more serious mess than perhaps the grandchild would have if he had been on his own with someone else on the boat.

We have taken many difficult steps to reduce and decrease fishing efforts in the lobster industry over the last five or so years. We have passed trap limits. The individual zones in the state have gone down even further than what the state did of 1,200. The fishermen have gone down on their own down to 800. We have passed a moratorium eliminating new entry for

the time being. We have an apprentice program that requires two years experience in order to get a new license. Individual fishermen have removed hundreds and in some cases thousands of lobster traps in an attempt to reduce effort in this fishery. That is a tremendous sacrifice made by the hardworking fishermen in this industry.

This bill would allow those individuals who have made this huge reduction to potentially fish along side a person with a senior license and see him or her hauling their 150 traps that they have been able to add to the water through the vehicle of the student license while they, themselves, may have had to take out hundreds or in some cases some of my own constituents, thousands of traps in order to preserve the long-term health of this fishery.

I can anticipate the phone calls that I will be getting from this bill if it passes down the road from constituents. For example, I am 50 years old with six grandchildren and I have been a resident for my entire 50 years in the state and yet, you tell me I can't go with my child or grandchild because this law only effects people who are 65 years or older. I anticipate those sort of calls. I can anticipate a call that says I am 65 years old and had a medical situation a couple of years ago that caused me to leave the state for one year in the last five and you are telling me I can't fish my traps with my grandchild in his boat. These are the sort of things that this bill will create.

I believe we should not pass this bill because fishermen throughout the state are making huge sacrifices in order to sustain this fishery for future generations. Again, this is not the end of the world bill. The fishing industry will not come to a grinding halt if this bill passes, but it will create some inequities and I urge you to support the majority on the committee. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Lemoine, Representative Pinkham.

Representative **PINKHAM**: Mr. Speaker, Men and Women of the House. I, too, am on the Minority Report on this. I urge you to not vote for the Majority Report. This bill would only allow grandparents, 65 and older, to go with their grandchildren. It could be a safety issue with young children out there hauling traps. They get caught in the rope or something that would allow the grandparents to finish pulling the traps, even around the motor if need be. Right now, under current law, as Representative Honey said, grandparents can go with their children, but they can't touch anything in the boat. They can't operate the boat. They can't haul traps or do anything that would be assisting. This bill would allow them to do it. They are willing to pay the full price for a lobster license. They can't have any traps of their own so it is not going to put anymore gear in the water. It is a sad fact in the State of Maine that not all children have a loving mother and father that lives with them in the household. Some of these children rely on their grandparents for guidance. This would be a great bonding with the grandparents and the children while they are fishing. It is a great thing to do. As Representative Etnier said, some fishermen are already sacrificing by taking traps out of the water. To me, there is no greater sacrifice than not allowing a grandparent to be with their children when they are trying to make a few dollars or work. To have the bond there with the grandparents and the grandchildren. Like I say, some grandchildren the only people they have to look up to are their grandparents. It is a great thing to have. Like I said, again, it could be a safety issue. It could save lives. Right now students can fish 150 traps. I wouldn't put anymore traps in the water. They already can fish 150. If the grandparents get this license,

they can't fish any. They can just assist in the student fishing, those 150. Like I said, I think it is a great thing. I hope that you can vote against this Ought Not to Pass so we can pass this. It only affects a few people. It is not going to put a lot of people on the water, but what is there is there to help their grandchildren. I hope you vote against the Majority Report. This, to me, rates up there with motherhood, baseball and apple pie. Thank you very much.

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

Representative **MCNEIL**: Mr. Speaker, Ladies and Gentlemen of the House. Tomorrow we have 13 lobster bills at the Elks Club. A lot of them are reducing the amount of traps, the fishing effort into the ocean and although I am a grandmother and I would dearly love to do wonderful things with my grandchildren, this could very possibly put a lot more traps out on the ocean. Right now it only affects the few that came to the meetings to ask for this privilege. I could, indeed, allow a lot of grandparents to go and get their grandchildren a license for 150 traps. I would urge you for the conservation issue that we are now facing to please go with the Majority Ought Not to Pass. Thank you.

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

ROLL CALL NO. 58

YEA - Ahearne, Andrews, Bagley, Berry RL, Bouffard, Bowles, Brennan, Brooks, Bryant, Bull, Bumps, Campbell, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Davidson, Dudley, Dunlap, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Glynn, Hatch, Jabar, Jacobs, Jodrey, Kane, Labrecque, LaVerdiere, Lemoine, Lindahl, Mailhot, Martin, Marvin, McGlocklin, McKee, McNeil, Mitchell, Muse, Nass, Norbert, O'Neal, O'Neil, Perkins, Perry, Povich, Powers, Richard, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, True, Twomey, Volenik, Watson, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Belanger, Berry DP, Bragdon, Bruno, Buck, Cameron, Carr, Daigle, Davis, Desmond, Dugay, Duncan, Foster, Gerry, Gillis, Goodwin, Gooley, Heidrich, Honey, Jones, Joy, Kasprzak, Kneeland, Lovett, MacDougall, Mack, Mayo, McAlevey, McDonough, McKenney, Mendros, Murphy T, Nutting, O'Brien, Peavey, Pieh, Pinkham, Richardson E, Rines, Shields, Shorey, Snowe-Mello, Stedman, Tobin J, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM.

ABSENT - Baker, Bolduc, Cross, Duplessie, Green, Lemont, Madore, Matthews, Murphy E, Plowman, Quint, Tuttle.

Yes, 88; No, 50; Absent, 12; Excused, 0.

88 having voted in the affirmative and 50 voted in the negative, with 12 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act Concerning Sheriffs' Annual Meetings with Municipal Officers" (H.P. 583) (L.D. 823)

Signed:
Senator:

Representatives:
PENDLETON of Cumberland
AHEARNE of Madawaska
BAGLEY of Machias
McDONOUGH of Portland
TWOMEY of Biddeford
BUMPS of China
KASPRZAK of Newport
JODREY of Bethel
RICHARDSON of Greenville
GERRY of Auburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-122)** on same Bill.

Signed:
Senators:
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representative:
RINES of Wiscasset

READ.

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-125)** on Bill "An Act to Increase the Frequency With Which Message Boards May Change Their Message"

(H.P. 585) (L.D. 825)

Signed:
Senators:
O'GARA of Cumberland
CASSIDY of Washington

Representatives:
FISHER of Brewer
COLLINS of Wells
SANBORN of Alton
CAMERON of Rumford
WHEELER of Eliot
JABAR of Waterville
BOUFFARD of Lewiston
SAVAGE of Union
WHEELER of Bridgewater

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

Signed:
Representative:
LINDAHL of Northport

READ.

On motion of Representative BOUFFARD of Lewiston, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

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

Representative **LINDAHL**: Mr. Speaker, Men and Women of the House. I just want everybody to understand what this bill does. Current law allows businesses like the Civic Center that has a changeable message sign. That sign is allowed to change every four hours. This bill merely allows public education institutions to have theirs change every 20 minutes. There is no need to debate this bill. It is not going to adversely affect safety.

I just decided that I would draw the line here. I suspect that you should probably accept the Majority Ought to Pass Report. Thank you.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-125)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, April 7, 1999.

CONSENT CALENDAR

First Day

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

(S.P. 35) (L.D. 45) Bill "An Act to Appropriate \$50,000 for the Muskie Memorial Committee in Rumford" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

(S.P. 376) (L.D. 1077) Bill "An Act to Prevent Minors from Acquiring Beer-making or Wine-making Equipment" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass**

(S.P. 496) (L.D. 1481) Bill "An Act to Increase the Contingency Reserve Fund Percentage for Consumer-owned Electric Utilities" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(S.P. 508) (L.D. 1509) Bill "An Act to Amend and Improve the Education Laws" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(S.P. 130) (L.D. 327) Bill "An Act to Provide for Additional Management Measures of the Scallop Industry" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-48)**

(S.P. 198) (L.D. 587) Bill "An Act to Ameliorate Penalties for Late Filing of Municipal Tax Returns" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-49)**

(S.P. 208) (L.D. 597) Bill "An Act to Allow Certain Companies' Operations that Started in 1996 to Qualify for Employment Tax Increment Financing Treatment" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-50)**

(S.P. 261) (L.D. 756) Resolve, to Create a Task Force to Study Ways to Improve and Streamline the Regulation of Water Utilities (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-45)**

(S.P. 301) (L.D. 874) Bill "An Act to Remove Certain Records Concerning Minors From the Definition of 'Public Records'" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-39)**

(S.P. 313) (L.D. 947) Bill "An Act to Clarify Certain Liens" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-38)**

(S.P. 316) (L.D. 950) Bill "An Act to Consolidate and Improve Agricultural Market Research and New Technology Grants in the Department of Agriculture, Food and Rural Resources to Encourage Economic Development of Maine Farms and Food Processors" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-41)**

(S.P. 383) (L.D. 1162) Bill "An Act to Require Legislative Review of Rules Regarding Campaign Report Filing Forms" Committee on **LEGAL AND VETERANS AFFAIRS** reporting

Ought to Pass as Amended by Committee Amendment "A" (S-44)

(S.P. 396) (L.D. 1187) Resolve, to Preserve the Temporary Assistance to Needy Families Block Grant Funds Reserved for Future Use (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-40)**

(S.P. 419) (L.D. 1208) Bill "An Act to Amend the Enhanced 9-1-1 Laws" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-47)**

(S.P. 428) (L.D. 1265) Bill "An Act to Amend the Charter of the Tenants Harbor Standard Water District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-46)**

(H.P. 793) (L.D. 1116) Bill "An Act to Clarify Minimum Size Standards for Marine Species under Aquaculture" Committee on **MARINE RESOURCES** reporting **Ought to Pass**

(H.P. 1099) (L.D. 1546) Bill "An Act to Encourage Payment of Certain Workers' Compensation Premiums Owed to a Previous Insurer" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass**

(H.P. 154) (L.D. 216) Bill "An Act to Prohibit the Transportation of Open Containers that Contain Liquor" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-134)**

(H.P. 721) (L.D. 1011) Bill "An Act to Change the Application of the Durable Financial Power of Attorney Provisions" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-138)**

(H.P. 814) (L.D. 1137) Bill "An Act to Allow Police Officers to Prosecute Their Own Traffic Infractions in District Court" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-136)**

(H.P. 918) (L.D. 1296) Resolve, to Create the Task Force to Explore Alternative Payment Mechanisms for Dental Health Care Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-146)**

(H.P. 977) (L.D. 1375) Bill "An Act to Provide Pre-judgment and Post-judgment Interest in Small Claims Actions" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-137)**

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:

(S.P. 285) (L.D. 803) Bill "An Act to Increase the Penalties for Violation of Lobster Conservation Laws" (C. "A" S-33)

(S.P. 361) (L.D. 1065) Bill "An Act to Increase Fines for Long-term Care Facilities that Fail to Provide Quality Care to Residents" (C. "A" S-31)

(H.P. 57) (L.D. 71) Bill "An Act Regarding Commercial Beano Halls" (C. "A" H-126)

(H.P. 90) (L.D. 103) Bill "An Act to Implement the Recommendations of the Commission to Study Poverty Among

Working Parents with Regard to State Earned Income Credit" (C. "A" H-119)

(H.P. 580) (L.D. 820) Bill "An Act to Allow a Car Dealer to Operate a Motorcycle for Purposes of Testing or Transportation" (C. "A" H-123)

(H.P. 742) (L.D. 1032) Bill "An Act to Require Motor Vehicles to Stop for All Pedestrians in a Crosswalk" (C. "A" H-124)

(H.P. 767) (L.D. 1090) Bill "An Act to Change the Tax Treatment of Truck Campers" (C. "A" H-120)

(H.P. 871) (L.D. 1228) Bill "An Act to Increase Payments to Foster Parents" (C. "A" H-131)

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

BILLS IN THE SECOND READING

Senate As Amended

Bill "An Act to Permit Local Control and Funding of An Educational Building in Accordance With a Municipal Charter"

(S.P. 280) (L.D. 798)

(C. "A" S-34)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence

ENACTORS

Emergency Measure

An Act to Create a Seamless Treatment Plan for the Adult Offender with Substance Abuse Problems

(H.P. 621) (L.D. 861)

(C. "A" H-82)

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

Representative GLYNN of South Portland **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 59

YEA - Ahearne, Andrews, Bagley, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Lovett, MacDougall, Mack, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Richard, Richardson E,

Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Joy, Kasprzak, Stedman.

ABSENT - Baker, Cross, Lemont, Madore, Murphy E, Plowman, Quint, Tuttle.

Yes, 139; No, 3; Absent, 8; Excused, 0.

139 having voted in the affirmative and 3 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Clarify the Laws Governing Service of Protection from Abuse Orders in Court

(H.P. 798) (L.D. 1121)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Establishing the Commission to Study High-speed Chases and Emergency Responses

(H.P. 194) (L.D. 272)

(C. "A" H-63)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 22 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Amend the Beano and Games of Chance Statutes

(S.P. 61) (L.D. 131)

(C. "A" S-25)

An Act to Amend the Law regarding Reportable Motor Vehicle Accidents

(S.P. 123) (L.D. 320)

An Act to Clarify the Probate Code Regarding Durable Financial Powers of Attorney

(H.P. 442) (L.D. 605)

An Act to Establish the Maine Communities in the New Century Program

(H.P. 467) (L.D. 630)

(C. "A" H-66)

An Act Concerning Minors' Consent for Services

(H.P. 492) (L.D. 699)

An Act to Increase Adoptions

(H.P. 515) (L.D. 722)

An Act to Allow the State's Laboratory Certification Program to be Consistent with National Environmental Laboratory Accreditation Program Standards

(S.P. 263) (L.D. 758)
(C. "A" S-23)

An Act to Amend the Law Regarding the Evaluation of Juvenile Sex Offenders

(H.P. 571) (L.D. 811)

An Act to Change the Percent of Gross Sales of Tri-State Lotto That May Be Paid Out As Prizes

(S.P. 373) (L.D. 1074)
(S. "A" S-30)

An Act to Enhance Tourism Promotion and Provide Additional State Revenue

(H.P. 914) (L.D. 1292)

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

Resolves

Resolve, to Study Current Regulations Imposed on Small Businesses to Require Greater Efficiency

(H.P. 99) (L.D. 112)
(C. "A" H-79)

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

An Act to Amend the Laws Governing the Hancock County Budget Process

(H.P. 323) (L.D. 439)
(C. "A" H-69)

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

On motion of Representative POVICH of Ellsworth, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and specially assigned for Wednesday, April 7, 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:

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.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-98)** - Committee on **BANKING AND INSURANCE** on Bill "An Act to Improve the Delivery of Services in Insurance"

(H.P. 246) (L.D. 350)

TABLED - March 31, 1999 (Till Later Today) by Representative RICHARDSON of Brunswick.

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

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

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. I rise in opposition to the Majority Ought Not to Pass Report. I presented this bill to the committee and we did so quite some time ago. This bill came through a series of amendments during which we watered down the bill to a point where we could get it amenable to all the parties who were involved. Ultimately, what ended up happening was the bill ended up going down because it had a lot of weight under it, the weight of several amendments. The amendments that we finally came up with were good. The bottom line was this, the bill does a couple of things. It allows insureds who are individual life, health and disability, but it looks to help people in long-term disability policies. It is a pretty small market. You take their insurance agent with them, agents are called producers now.

What will happen, should this bill pass, an agent would be able to represent that insured with the policy. This is the kind of policy that has tax implications and it had long-term planning implications. It has lots of personal issues involved with it. It is not like going to get a fire policy on your garage or get liability coverage for your automobile. Long-term care is a very fast growing market and it is a very complicated one. It is the only line of insurance where the insured and the insurance agent can't maintain that relationship should the insurance agent move to a different agency. I am working for Agency A as an agent or a producer and I go to work for Agency B, I can no longer service or can no longer be paid for servicing the customers that I developed over all these years. Those clients like me. They want me. They bought me as much as they bought that policy. What this bill would do is maintain that strong, bonded relationship that the insured has with the person in whom they placed faith and trust. They probably wrote the policy on the kitchen table. That agent or that producer knows the people's kids. They know what schools they go to. They ask questions about them. They know the family and their life story. It is important for the insured to carry that person, that agent, with them as the title of the bill implies, "An Act to Improve the Delivery of Services in Insurance."

We do it in all other lines of insurance. Why not do it with this one? One that is extra important in terms of having a relationship with your agent. I would ask folks not to support the Ought Not to Pass Report and vote red. Thank you.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I ask you to support the Majority Ought Not to Pass Report. This bill would alter long standing and generally accepted business arrangements. The substance of the bill primarily impacts on the relationships between first, insurance companies and producers and two, insurance agencies and producers. These relationships may take numerous forms. Some producers are insurance company employees. Some are independent contractors. Some are captive to only one company while others are independent to represent all other insurers. Some producers are full-time agency employees while others may have different types of affiliations. The one thing that all of the situations almost always have in common is the relationships are defined by contracts between the parties. Disputes that may arise regarding the terms of employment or other working relationships have historically been subject to

resolution through the civil process. In a nutshell they have been considered private contractual matters. When the Bureau of Insurance has been contacted by companies, agencies or producers disenchanted with another performance under producer contracts or agency agreements, they are referred to private council.

Enacting statutory provisions regarding the relationships would inject the offices of a state agency into the resolution of historically private disputes. While the state has the right to impose regulatory standards and the Bureau of Insurance has regulatory authority with respect to many aspects of the business of insurance. There are some aspects of the insurance business where it is difficult to find a public policy, or a regulatory interest, sufficient to warrant the exercise of the state's public policy powers. We, the majority of the committee, feel that this is just such a case. This bill was introduced to satisfy the needs of a single person. We urge you not to change the current practice, but to vote with the majority of the committee. Thank you.

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise this morning to urge that you accept the Majority Ought Not to Pass Report. On its face this bill as amended appears harmless. However, as is so often the case in committee work, the more that the committee played with this bill, worked with this bill, the worse it became. Because of the issues involved, the Superintendent of Insurance told the committee that he had serious reservations about the bill. The superintendent also told the committee that there was little evidence in terms of complaints to the bureau for bad service by disability or long-term care agents. In fact, ladies and gentlemen, we heard from only one individual on this bill. It is really about one insurance agent who made a mistake. He did not have a written employment agreement with the insurance agency for which he was employed concerning some policies he sold. Now he wants the Legislature to correct his mistake. The Legislature should not write new laws to solve the problems of one person. There is no public policy need at this time to be the first state in the nation to allow insureds to redirect commissions in disability, life and long-term care insurance. Ladies and gentlemen, I urge you to support the Majority Committee Report, Ought Not to Pass. Thank you.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. I want to rise to comment the sponsor of the bill, the Representative from Saco, Representative O'Neil. Time and time again the insurance lobby lead the committee to believe that a deal could be worked out between the sponsor and the insurance lobby themselves. We sent them off on a number of occasions to work the bill privately and then bring it back before the committee. We, on the minority, felt that we were misled by the lobby. There was an opportunity for compromise and at the last minute they came back and they said they were not, in fact, going to follow through what they lead us to believe they could do. I urge you to reject the Majority Ought Not to Pass Report and support the Minority Ought to Pass as Amended Report. Thank you.

Representative **GLYNN** of South Portland **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 Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. Just in response to a couple of the arguments in form of a rebuttal. The argument that has been made by the good chair of the committee, I respectfully disagree that this is about disputes and resolutions. It doesn't have anything really to do with disputes and resolutions. The bill simply says that I can go with the agent that has my policy or the policy can go with that agent. I set up a scenario for you to illustrate it clearly. I have 22 letters from consumers of long-term care policies in my bill folder from folks who said they didn't realize that, but when my agent left and went someplace else, I no longer had his services. Now, my policy is a house account. The house account goes to the agency. The agency continues to earn the very small commission renewals that come every year. The agent who wrote the policy got a decent sized commission when he wrote the thing. The little, very small trails, as they call them, follow in the years that ensue. Those trails are enough in the aggregate to ensure that that agent is accountable for the servicing of that account or of that policy. What happens when it becomes a house policy, does the insurance consumer call the agency and say I have to get a little bit of an update on my long-term care policy. Can I speak with Agent John Doe? I am sorry Agent John Doe no longer works here. Who is handling the account now? We will find a clerk to do it for you. Whoever is on the very bottom wrung of the agency pecking order or letterhead get the file, if they can find it, and gets a call back to the person who is insured and maybe gives them some halfhearted advice. The idea being that that person isn't necessarily being remunerated for his or her services.

What this does is it allows the person who sold the insurance policy and who has a vested interest in maintaining that insurance relationship with these people because chances are that agent or that producer has other products with them. That is what it is all about. Will somebody who works for nothing actually give the consumer the value? I suspect that they won't. I gave the analogy in the committee that if I were to go into a store wearing a suit and tie and somebody comes up to me and says, "Sir, can you tell me where the children's bicycles are?" I say, "Gee, I am not sure." They complain to the manager about me and I say that I don't work here. If I am not actually working there, but I am doing out of the goodness of my heart. Lord knows there are people out there who do that, but there are folks who don't. As I said, it wasn't just one person. There were at least 22 folks that we heard of who said they feel like they have been short changed here. I don't have my agent or my producer, the person with whom I have a long-term relationship.

When the insurance commissioner talked about very few complaints, we talked about that in committee. Sure there aren't a whole lot of complaints. It is mostly a nuisance to these folks. Sure, they are still covered, they haven't suffered egregiously. What has happened is they have lost that very important producer, client relationship. The insurance business, as you all know, has that at its very core. I would ask you folks to go along with the Minority Report and vote red. Again, thank you.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I just want to remind you that insurance companies have an obligation to assist their insureds. If they do not

respond, the insureds can turn to the Bureau of Insurance for assistance. They are there to serve as well. There are many avenues for people who have their policies to be worked with and have help if they need it. It is the basic responsibility of the company to take care of those who have their policies. It seems very foolish to change a long-standing relationship unless there is real cause to do so. When the bureau advises against it, I think we would be well advised to stay with the current work. Please vote the Ought Not to Pass report.

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. 60

YEA - Ahearne, Andrews, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brooks, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Daigle, Davidson, Davis, Dugay, Duncan, Dunlap, Etnier, Fisher, Foster, Frechette, Gagne, Gillis, Glynn, Gooley, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemont, Lindahl, Lovett, MacDougall, Mack, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Murphy T, Nass, Nutting, O'Brien, O'Neal, Peavey, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Richard, Richardson E, Rines, Rosen, Samson, Sanborn, Savage C, Saxl JW, Saxl MV, Schneider, Sherman, Shields, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Tessier, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Tripp, True, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Bagley, Brennan, Bryant, Bull, Cowger, Desmond, Dudley, Duplessie, Fuller, Gagnon, Gerry, Green, Hatch, Kane, Lemoine, Mendros, Mitchell, Muse, Norbert, O'Neil, Quint, Richardson J, Savage W, Shiah, Shorey, Sirois, Skoglund, Sullivan, Townsend, Tracy, Twomey, Volenik, Watson, Williams.

ABSENT - Baker, Cross, Goodwin, Madore, Murphy E, Plowman, Tuttle.

Yes, 109; No, 34; Absent, 7; Excused, 0.

109 having voted in the affirmative and 34 voted in the negative, with 7 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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

HOUSE DIVIDED REPORT - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-99)** - Committee on **BANKING AND INSURANCE** on Bill "An Act to Improve Insurance Company Practices Pertaining to Collision Appraisals"

(H.P. 425) (L.D. 567)

TABLED - March 31, 1999 (Till Later Today) by Representative RICHARDSON of Brunswick.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative **MCKENNEY**: Mr. Speaker, Men and Women of the House. The bill before you today, LD 567, is a small attempt at regulating the conduct of insurance appraisers. The insurance industry is the most heavily regulated industry in this country and for good reason, I might add. The entire relationship between the insurance company, the body shop and appraiser is regulated except for the conduct of the appraiser. The appraiser is quite arguably the most important link in the process. He is an unlicensed, unregulated individual and he is the eyes of the insurance company, even though he is not the last word. The opinion he gives about the repair process is usually taken without question by the insurance company. The insurance industry felt so threatened by this bill that I think they turned out every hired gun that they own. You might hear from committee members that there weren't many body shops speaking as proponents of this legislation and for very good reason. Body shops will talk all day long one on one about this problem, but they are afraid to turn out in a public hearing. They are afraid that their work will dry up, being blackballed by the insurance company. It is a very real fear. This legislation would require appraisers to conduct business in a professional manner with all body shops, not just those that they have established a preferred relationship with.

It is called a DRP, direct repair provider. It is an arrangement just like it sounds. In return for a steady stream of work, a body shop gives back a hefty discount to the insurance companies. Anything that you have heard or read about or received testimony on regarding managed healthcare could just have easily been said about the body shop industry. After all, the training ground for HMO abuses was the collision industry. Insurance companies, through the appraiser asks collision repair specialists to cut corners just like they do in the medical industry. When a health provider cuts corners, the patient gets sicker or dies. When a body shop cuts a corner, an unsafe car is returned to the road. All because an insurance company wants the job done as cheap as possible. Car owners nationwide lose millions of dollars in diminished value to their automobiles all because an insurance company wants the job done as cheap as possible.

Let me leave you with this automotive tip of the day. If any of you are ever in an accident and up close and personal with your insurance company, your body shop and appraiser and there are some in this room who are doing that, insist on your rights to have original equipment, sheet metal parts installed on your car. Do not allow the use of inferior off shore imitation parts. They don't fit. They don't have the corrosion protection of the originals and most importantly, they have never been crash tested. It is just another way to cut corners.

Finally, for those of you having your car repaired because the incident in our own parking lot, I would advise you right after you get that car back from your body shop, take it to a third party to have it inspected. I think you would be surprised. Thank you. Mr. Speaker, I request a division please.

Representative McKENNEY of Cumberland **REQUESTED** a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. This proposal requires that any estimates be made in person. It is a change from where we are currently. It would not allow any innovation in collision repair shop work. For example, it would not allow facsimile machines to be used in the

process or telephones or other innovations in this appraising method. The proposal also establishes a new private call of action, which we certainly do not need. There are other kinds of problems within the bill. I ask you not to support it. Thank you.

Representative MAYO of Bath **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I stand still with this report. I am one of those people from the incident in the parking lot. There may need to be changes, but this bill does not do it. Probably the hardest thing about having an accident is you have to stay on top of people constantly. It can work out. It has worked out. I think the people that were involved in the accident in the parking lot, well, we weren't really involved, it just happened, have had to stay on top of it because it is a third party insured. The idea behind this bill may be a good idea. This bill does not do what we want it to do. It does not protect the consumer. I stand by where I stood when we took a vote on this bill. I ask you to go with the Majority Ought Not to Pass Report. Thank you.

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

A vote of the House was taken. 77 voted in favor of the same and 36 against, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass** - Committee on **BANKING AND INSURANCE** on Bill "An Act to Ensure that Persons Issuing Bad Checks are Solely Responsible for Overdraft Charges"

(H.P. 657) (L.D. 913)

TABLED - March 31, 1999 (Till Later Today) by Representative RICHARDSON of Brunswick.

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

Representative GERRY of Auburn **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 PRO TEM**: The Chair recognizes the Representative from Standish, Representative Mack.

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

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. Would someone please explain to me what this bill does before we vote on it?

The **SPEAKER PRO TEM**: The Representative from Standish, Representative Mack has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative **SAXL**: Mr. Speaker, Men and Women of the House. This bill puts in place a \$2 maximum fee on a check that is returned for insufficient funds. Although it sounds very

appealing, it is not practically workable for the institutions. In 1989, the Maine Banking Code was amended to include a provision that was virtually identical to LD 913. At that time, the measure was enacted and it also contained a sunset provision that automatically repealed that provision on July 1, 1991. It stated that the intent of the sunset provision was to allow legislative review of the experience under the new provision before it is continued.

The Legislature has already addressed this issue once, when it was first enacted, and then again when the provision was automatically allowed to repeal. The financial institution or credit union incurs a cost when an item that has been deposited is returned because of insufficient funds. If this cost is not borne by the specific depositor, it will ultimately be borne by all the other customers of the institution.

The disclosure of all the depositor account charges are made known to people at the time an account is open. Advanced disclosure is required prior to an increase in those charges of the implementation of new charges. We feel strongly that this disclosure is important and that the banks ought to be able to recover their costs at the time. Though it is appealing not to be charged any more than \$2 for a returned item, I think we have to face the piper and that person who is responsible for that action must pay the price. Thank you. I ask you to vote yes with the Ought Not to Pass.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the motion to defeat LD 913 and ask for you to follow my light in voting in opposition to it. Through the testimony before our committee, a couple of things were learned. One is, that there are no limits on the fees that banks may charge. Minimum charges will assist small businesses faced with bad checks was also part of the testimony. In a recent issue of *Collections and Credit Risk*, December 1996 issue, it was stated that banks make a lot of money off checking account fees. These include return check fees to consumers, return check fees to merchants who accept them and deposit fees to merchants. The average check bounce charge is \$17 for consumers. A separate charge to merchants on returned checks is about \$5. Banks typically impose a check deposit fee of 10 cents to 15 cents per item. Checks are a loss leader for banks. They are used to getting deposits.

Fellow members of the House, this is a consumer bill and I urge your defeat of this motion. Thank you.

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. I bring to your attention a couple of issues with regard to this particular legislation. It is my understanding that the complaint or complaints that drove this bill came from a particular bank that would not be covered by the legislation anyway. This piece of legislation does not affect federally chartered banks or federally chartered credit unions. It only will affect state chartered institutions. The marketplace can easily handle this. There are banks in this state that do not charge a fee for a returned check. If the consumer is unhappy with his or her particular bank and the fees that are charged, there are other banks and other credit unions to which that consumer can go. Banks do, as the good Representative from Bangor indicated, incur costs with this type of a transaction. If the people involved do not pay that, you and I will pay it. From

my perspective, that is not particularly consumer friendly if we are all paying for what a particular individual did or did not do. I would urge that you would follow the committee's Ought Not to Pass report, which was a 12 to 1 report. Thank you.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I will be very brief. I think the testimony that we have heard and I understand the good Representative from South Portland had talked about the issue of a fee. A fee of \$2 is too small in comparison to the administrative cost that a bank incurs. Maybe the charge that we are being forced to pay now is too much, but \$2 is too little. Additionally, I think when voting on this you have to balance the two issues. One is about what is the best interest of the consumer and the other is about what is in the best interest of the banks. In this case, it is anti-competitive because in most instances we are going to have a situation where a \$2 fee will apply to state banks, but federally chartered banks can have us pay any price that they want to. I ask you when voting on this, do you want to set up certain banks at a comparative disadvantage? It is really anti-competitive for two reasons. One, it costs more than \$2. Two, we are going to set certain banks up to have this rule and other banks will not. Thank you.

The SPEAKER PRO TEM: 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. 61

YEA - Ahearne, Andrews, Bagley, Belanger, Berry DP, Berry RL, Boiduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Ethier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gillis, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor.

NAY - Gerry, Glynn, Mendros, Snowe-Mello.

ABSENT - Baker, Cross, Madore, Plowman, Tuttle, Mr. Speaker.

Yes, 140; No, 4; Absent, 6; Excused, 0.

140 having voted in the affirmative and 4 voted in the negative, with 6 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (S-29)** - Minority (3) **Ought Not to Pass** - Committee on **STATE AND LOCAL**

GOVERNMENT on Bill "An Act to Establish the Chesuncook Soil Series as the Official State Soil"

(S.P. 203) (L.D. 592)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-29)**.

TABLED - March 31, 1999 (Till Later Today) by Representative AHEARNE of Madawaska.

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

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

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. This bill has generated some discussion early among the members of this body, but also out in the public and also by the press. I think it requires a little discussion before we accept the Majority Ought to Pass Report. In all seriousness, this is an idea that establishes a Maine soil. It began many billion years ago as an informal discussion among soil and other natural resource scientists in Maine. It was the belief that an official state soil would serve as a talking point. It will become a tool for educational purposes, to bolster public pride in our rich natural resources based in Maine and to call attention to issues related to soil resources that may be critical to assure the quality of life we enjoy in Maine for many generations to come.

In 1994, discussions began in Orono to establish a Maine State Soil. A group came together with representation from the Maine Agriculture and Forest Experiment Station, Maine Association of Professional Soil Scientists, Maine Department of Agriculture, University of Maine, the USDA Natural Resource Conservation Service and Maine Soil and Water Conservation Districts and members of the private sector. From this group, a survey was created. This survey was to be distributed to practicing soil scientists and other soil and water conservation professionals throughout the State of Maine. The purpose of this survey was to determine if there was an interest and support in establishing a state soil and what soil type should be selected. There was also a set of criteria outlined within the survey. The soil should be widely distributed representative of Maine conditions and also controlled by Maine.

It was through a process of elimination that Chesuncook was chosen. It fit within the set of criteria outlined in the survey. Chesuncook was supported by a strong majority of the participants in the survey process. The following points were summarized as the rationale for this selection. The Chesuncook soil series is derived from glacial till, the most common type of parent material, which is material from which the soil is made in Maine. Chesuncook soil series is one of the most widely distributed soil types in Maine. The Chesuncook soil series is controlled by the natural resource conservation service in Maine. What that means is no other state can change the Chesuncook soil services by changes in their own taxonomy criteria. The Chesuncook soil was first identified in Maine and anything influencing its future taxonomy is under Maine control. Many soils found in Maine were first identified in other states and therefore those states ultimately control the future of those soils.

The Chesuncook soil series is a relatively productive soil having a good texture and drainage quality. In summary, the Chesuncook soil series was selected to be a representative of Maine soils after nearly two years of discussion and surveys among soil science and conservation professionals from

throughout Maine. It was not arbitrarily decided by any individual or group. It was a collaborative effort by soil scientists and conservation professionals. Having the official state soil would be a productive educational tool for Maine schools and universities and for the state. I ask you to accept the Majority Ought to Pass Report.

Representative MACK of Standish moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. The whole idea of an official state soil I thought was a bit silly and a bit a waste of our time. We have gone for years and even decades without an official state soil and the State of Maine is doing all right. Why the Chesuncook soil? Why not mud flats or even the Caribou soil series or Sebago mucky peat? There are some other items and options that we will get to debate if this Indefinite Postponement fails. Please join with me in Indefinitely Postponing this. Thank you.

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

Representative AHEARNE: Mr. Speaker, Ladies and Gentlemen of the House. I hope you vote against the Indefinite Postponement motion because I believe there was a process set forth by the interested parties in this. It was all professionals in the area of soil and regarding natural resources. I believe that the survey that was sent out was not just limited to one type of soil. They considered all types of soils. The fact that they also looked at all the names that my good friend from Standish listed, but they felt that this one best represented Maine. I ask you to vote against the pending motion. Mr. Speaker, I request a roll call.

Representative AHEARNE of Madawaska **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. I would like to speak briefly to this issue and perhaps put it in its proper perspective and at the same time prove to all of you that there is not a poet in all of us.

The issues of state weigh heavy on my mind.
 Bills pile up, we find ourselves behind.
 An then, as if our load weren't big enough,
 we find ourselves knee-deep in earthy stuff.
 Some lads in Academia have spoke
 and have the name of Chesuncook evokes.
 In praise, big shovels full of soil,
 which brings by legislative blood to boil.
 No balanced budget, no land acquisition,
 instead we're sent out on this dubious mission
 to find the mud most beloved to our state.
 I guess this other stuff will have to wait.
 So, what of soil? (don't ever call it "dirt!")
 You might offend some scientific squirt
 holed up behind those ivy walls all day
 pondering o'er the properties of clay.
 Earth is earth, that's all I need to know
 and someday it's where we're all bound to go,
 laid out upon old mother nature's lap

a snack for worms while we take that long nap.
 So, let's get this business all behind us
 and honor all those principles that bind us
 and then, if we have found ourselves the wiser,
 let's make those guys our own state fertilizer.

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

Representative KASPRZAK: Mr. Speaker, Men and Women of the House. I would like to speak on the Indefinite Postponement motion on the floor being one of the committee that voted against this bill. In testimony at the public hearing, we heard from two sponsors from the Orono area of the bill, a couple of UMO scientists or a graduate thereof. No citizens testifying in favor of this bill. How desperately needed it is, I don't know.

The purpose of this bill I am questioning, because when I consider a bill that comes before our committee, before this body, I need to know that there is a real need for it. The reason given for this bill was that it might suit educational purposes. Something came across our desks a while back that perked by interest. The article was printed in the *Bangor Daily News* on 3/17/99. It celebrates the idea that we may have an official state soil. I quote, "Consider someone, perhaps a student, that just read this article and is wondering how soils are named. How do soils affect water quality? What does air pollution have to do with soils? Why do soils influence how we grow and harvest food or trees? Is there soils in a wetland? If we did not have or were not establishing an official state soil, one might never have wondered." I might also mention that this article was written by some of the soil scientists who appeared at our public hearing. My question is, is passing a bill for the purpose of causing people to ask questions a good reason? Will these questions ever be asked by students in government schools? I don't know. Will this assure that that would happen? I don't know. Is this a statewide soil? No. According to the testimony given by some environmentalists that appeared in our public hearing, 8 counties out of 16 find it amongst them. Does that represent the entire state? I don't know.

The question has been asked in the media and in other forums. Don't we have anything better to do or don't we have anything better to spend taxpayer money on? Yes, we do. Let's get to it. I hope your answer will be yes as well. Thank you.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House. I, for one, am getting a little bit nervous with all these different state this and that. We did the herb the other day. We have done square dancing and all these things. They all sound kind of worthy. On the desk today, on this debate, I won't hold it up. I guess it is a prop if you hold it up off your desk. If you leave it on your desk it is not. One of the proponents sent this one around. It has a barn on it with a silo and over to the right at the bottom it has our state animal, the moose. Almost every season when it comes time to harvest this great renewable resource or a small portion right now, there is a human cry. We shouldn't kill it. This is our state animal. I am wondering if we passed this bill making this the state soil, what does that mean, that we will be able to do on it or with it or not do on it. It makes me nervous. Just to ponder, thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Belmont, Representative Berry.

Representative BERRY: Mr. Speaker, Men and Women of the House. Even though I have an amendment for this bill, that

is not the topic of discussion right now. The topic of discussion is a flyer that I have here on my desk from the University of Maine that is entitled the *Maine State Soil, Chesuncook*. What authority does the University of Maine have to declare a Maine state soil that we have not approved? The same is listed on their web page. I believe this is highly out of order with who sets the policy and who does not.

In 1992, a nations soil survey people recognizing that 1999 was going to become the centennial of the service decided somewhere that we probably should have a state soil for every state. That will help us celebrate 1999. Uniqueness, 14 states have approved as the document that you have in front of you shows. Widespread distribution, not if you look at some of the soils that are mentioned in that list. If you were familiar with those soils, they are not highly distributed throughout their state. I just simply have a major concern about the process and the development of the Maine state soil, not as a recommendation, but in a document that says here it is and their web page also saying who it is. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Cote.

Representative **COTE**: Mr. Speaker, Men and Women of the House. I urge you to vote against this Indefinite Postponement. We as citizens of the State of Maine during history we do have a state flag. We have a state moose. We have a state herb. Now it is time to have a state soil. As my ancestors and my grandparents, they have done a lot of gardening. I have done a lot of gardening with them. As far as having a state soil, it would be an honor to have a state soil, especially for planting different vegetables, plants or everything. I urge you to vote against this Indefinite Postponement. Thank you.

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I have had the privilege and enjoyed several times attending for people that have trees on their property very interesting little seminars and it would include going out in the forest and selecting the trees for harvest. These were always conducted by a forester. If I was to go to Franklin County and listen to one of these, I would expect it might be conducted by my esteemed colleague from Franklin County, Representative Gooley. My recollection of attending these was the explanation of how the various soils contribute to hardwood and softwood and there are many types of soil that contribute to our forest. I don't recall hearing much about the one that is in question here today. I would believe that we would do well to not name one soil because we have so many that contribute to our forest. Thank you.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. I wasn't going to get up on this subject. However, the people at the University of Maine and with the federal agencies which have to do with soils in the United States is a very serious matter. Millions and millions of dollars have gone into the research and the maps for soils. It is a big serious industry and it is important to all of us from a scientific perspective. In Franklin County we do not find Chesuncook soil, but I have listened to the soil scientist talk about the recommendation of having the Chesuncook soil as the state soil. I know these scientists have been coming down here and lobbying us last session and this session. I would really like to

see us get on with this. Obviously it isn't important to a lot of us whether or not we have a state soil, but soils are paramount in our lives, whether it is from the aspect of gardening or growing trees or whatever. I would recommend that we vote against the Indefinite Postponement and go on to the LD. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. I am a cosponsor on this legislation and when I was asked to cosponsor it, I laughed pretty hard, really I did. I thought this was really rather silly, but at second blush I agreed to take a longer look at it, which I did. Some information was forwarded to me and I learned an awful lot more about soils than I thought was possible to know. It is a very broad field of scientific study. I don't think it really matters whether or not the Chesuncook soil is the state soil or not. I do think the education of science in the general community is a very valuable venture. I certainly got an awful lot out of this. I think in that spirit you have to remember that there have been times in the past when we didn't know an awful lot about a lot of things. For example, it was one time feared that tomatoes were poisonous. They were called devil's apples. Until somebody took the initiative to actually bite into one to see that they weren't poisonous, we didn't know that. It is very easy to dismiss soil as mud or dirt or gravel or whatever you want to call it and laugh it off. There is a great deal of scientific research that has been done on these soils and they are vital to the state in terms of agriculture, agronomy, forestry and I do think that the educational effort that has been put forth by these scientists is well worth it. By enlarge, I think it is important for everybody to remember that if we pass this bill, we are not really doing any harm. I would urge my colleagues to defeat the pending motion and go on to support passage of the bill. Thank you very much.

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

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

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

Representative **CAMPBELL**: Mr. Speaker, Men and Women of the House. For anybody who might want to answer it, could someone please explain the compelling qualities of this soil over other soils located in the state for its submission as the state soil?

The SPEAKER PRO TEM: The Representative from Holden, Representative Campbell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Orono, Representative Stevens.

Representative **STEVENS**: Mr. Speaker, Men and Women of the House. In response to the good Representative's question, I think the most compelling quality of this soil is that it was nominated by a statewide group of soil scientists who thought that it was the best. I, myself, am not a soil scientist. Unfortunately, I think we have none here in the House. They collectively agreed that this was the best soil. As I am listening to the debate this morning, I am reminded of the words of the poet, Aldenon Charles Winborn who wrote once that "Winters rains and ruins are over and all the season of snow and sins, the days dividing lover and lover and the nights loses the light that wins. Time remembered is grief forgotten. Frosts are slain and flowers forgotten and in the under wood and cover blossom by blossom spring begins." Another good point about this soil is

that the snow has finally gone and we can get to the soil. Our crocus can grow through the soil and for those of you who are from Aroostook, Piscataquis, Penobscot, Hancock, Washington, Somerset, Franklin and Oxford Counties, I would hate to have to go home and explain to the people who care about that soil in your counties that you had to vote against this bill in principle. Please join me in voting against the Indefinite Postponement and against any further amendments and support the original bill. It is so important to the soil scientists even though it may not be as important to some of you. Thank you.

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

Representative **MC ALEVY**: Mr. Speaker, Ladies and Gentlemen of the House. In all seriousness, the most compelling reason for me to urge that you defeat this motion and pass the bill is because this is the third time in three sessions I have head the bill. I think we have spent enough of the state's resources in public hearings and printing costs. Let's be on with the thing so we won't invest anymore money into it next year.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I have to rise because I must say that some of the very comments that I am hearing today do indicate that we do indeed need to have some sort of educational tool in order to educate not only ourselves, but those who are going to follow after us. I looked on the day that we were sworn in at our backgrounds. I noticed that there are very, very few farmers now in the Maine Legislature. Perhaps that is one of the reasons some of the comments came forth today. I am the daughter of a farmer and the granddaughter of farmer. My husband and I have tried very hard for 27 years to eke out somewhat of a side business in farming in Wayne, Maine. We are very interested in soils. I will have to tell you that sitting on the Natural Resources Committee, I must admit that there is an enormous need for knowledge about soils, MTBE, sludge, buffer zones and when I sat of the ACF Committee, pesticides, farming practices. A great deal of knowledge is necessary in order for life to be sustained.

I remember how pleased I was when I was in high school and a social studies teacher had the good sense to teach a course called conservation. I had never heard of it. My father was what I would call a dirt farmer and his father was. I was so pleased when she talked about what my grandfather did called contour farming. It was something that was going to save the soil of the south and it has. As an English teacher teaching the *Grapes of Wrath* and talking about the dust bowls, I realize that students know very, very little about soil and the part it plays. It is any wonder that no citizens came forth to speak in behalf of something as important as soil. Would we be having the same reaction about drinking water. The purpose here is to raise awareness. If it can raise just a little bit of awareness about the importance of soil just as that symbol does on the rug over in the other body, that raises awareness about dirigo. If the designation of glacial till or Chesuncook soil can raise awareness in the people who are to follow us, then God bless the bill. Let's go on to defeat this Indefinite Postponement of an important bill that soil scientists from our land grant university, a place that I am tremendously proud of has decided to bring forth as a way of educating people about it. I hope you will join me. Thank you.

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

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

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

Representative **CAMPBELL**: Mr. Speaker, Men and Women of the House. The question is to whoever might want to answer. Is this the most frequently found soil in this state?

The SPEAKER PRO TEM: The Representative from Holden, Representative Campbell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. The answer to my good friends question is it is found in 9 counties. I am not a soil scientist either, but from what I believe in this survey, one of the questions was asked regarding one of the criteria is that it be widely distributed. This Chesuncook is found over nine counties in the State of Maine. In terms of the qualities, I will go through some criteria of the soil to answer my good friend's question that he feels wasn't answered. The soil is derived from a glacier till which is a mixture of sand, silt and clay. The most abundant soil parent material in the state. The soil has a seasonable water table greater than 16 inches. The soil is greater than five feet of bedrock. The soil is a Maine soil. It was originally recognized and described in Maine and its name is associated with historically significant Chesuncook Lake.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Belmont, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I was going to save this for my amendment, but due to the questions that are being asked, I have to address this issue. The Chesuncook series, which is a soil series, every series of soils in this country that is identified is registered in a registry, that registry is located at Ames, Iowa, at the university in their Division of Statistics. Anyone can download from that site the characteristics of those soils. I personally believe it is very important to realize that the Chesuncook series is not only isolated to Maine. The Chesuncook series is also found in Vermont. It also extends off into the Canadian provinces. It is not an isolated Maine soil. The Chesuncook series was also not named until 1992.

I can't talk about my amendment, but my adopted was named in 1906 and is unique to Maine. I don't know why we have chosen a soil series that is so new to be the representative soil of the state. I am a farm kid. I did attend the University of Maine. I did take my courses in agronomy. I believe that the head of the Agronomy Department at that time would be highly surprised that this soil was being named as a state soil. It is important. Of course it is important. Every soil in this state is important. Every soil has its basic characteristics that are extremely important. In my hometown some of the finest soil to exist in Scarborough is now houses. That soil is now out of production forever. You can grow your flowers, but you can't grow those other crops that fed people on the east coast for years and years.

I am not against the concept of having a state soil, but what I am against is having a soil that really has not given Maine its identity. Thank you ladies and gentlemen.

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

Representative **JOY**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to direct your attention to a yellow paper that was passed out and says, "Scientists want state to name official state soil." At the bottom of the middle column it says, "Possible future changes in the taxonomy of Chesuncook soils are most directly the responsibility of professional soil scientists in Maine." During the testimony I heard control the future of these soils. Guarding our natural resources, which is the responsibility of all, however, the last line of this is a question about answering this. Did we mention this legislation will cost taxpayers nothing if approved. Mr. Speaker, may I pose a question through the Chair? My question is this, with these comments that are made and this turning the soils and the future over to soil scientists, is this going to result in rules, laws and regulations that are really going to hamper the economy of the State of Maine? Thank you.

The **SPEAKER PRO TEM**: The Representative from Crystal, Representative Joy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative **AHEARNE**: Mr. Speaker, Men and Women of the House. No.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 62

YEA - Andrews, Bowles, Bruno, Buck, Cameron, Cianchette, Clough, Daigle, Davis, Duncan, Foster, Glynn, Jones, Joy, Kasprzak, Kneeland, Labrecque, MacDougall, Mack, McAlevey, McKenney, Mendros, Murphy E, Murphy T, Nass, O'Brien, Perkins, Pinkham, Rines, Savage C, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Twomey, Volenik, Waterhouse, Wheeler EM, Winsor.

NAY - Ahearne, Bagley, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bryant, Bull, Bumps, Campbell, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Kane, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Martin, Marvin, Matthews, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Muse, Norbert, Nutting, O'Neal, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Shorey, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, Usher, Watson, Weston, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Baker, Cross, Dugay, Madore, O'Neil, Plowman, Tuttle.

Yes, 46; No, 97; Absent, 7; Excused, 0.

46 having voted in the affirmative and 97 voted in the negative, with 7 being absent, the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-29)** was **READ** by the Clerk.

Representative **BERRY** of Belmont **PRESENTED House Amendment "A" (H-121)** to **Committee Amendment "A" (S-29)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Belmont, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. The amendment that I offer is to remove the Chesuncook as the state soil series. First of all, after listening to people in this chamber, it is understandable that the Caribou was a much easier word to say. The Caribou soil series, as I said prior, was identified in 1906. This series consists of a very deep, well drained soil that is also formed on glacial till, like most soils of the State of Maine. Its permeability is moderate. It is found on the upland slopes that range from 0 to 45 percent slope. In comparison in that characteristic, the Chesuncook series, very deep, moderately well drained soil on tilled plains, hills, ridges and mountains. It is interesting to look at the soil profile of these two soils and recognize that the so-called "A" horizon in the Chesuncook soil, it is called a "OA" actually, is 0 to 1 inch. Yet, the "A" horizon and so-called "AP" horizon of the Caribou soil is 0 to 13 inches deep of gravelly loam, light yellow brown. The type location of the Caribou soil is Aroostook County. The Caribou soil identifies the State of Maine. It identifies the State of Maine because of what grew most adequately on the Caribou soil. That, of course, is potatoes. It is an easy location to find the Caribou soil because it is found at Aroostook farms. That is where it was first identified in 1906. The entire Caribou area was surveyed in 1908, which is the first area to be done in the State of Maine.

All of these dates kind of fall back in perspective. When you look at the Chesuncook series being named in 1992. Yes, it does have wide coverage. Yes, it is used for agriculture and trees. Trees identify Maine, of course, but so does the potato. I am not from Aroostook County, but I have a great deal of respect for the soil series that exists in that county. It could have been the Mapleton soil. It could have been the Easton soil. It could have been the Madawaska soil. It could have been the Bangor series. In Waldo County it could have been the Thorndike series or the Dixmont or the Stetson. When we look at the entire picture of the soils and the development of those soils in this state, I think it is very important to look at the history of whence that soil came and what that soil has contributed to the identity of the State of Maine. It is not the case of simply denying that there be a state soil. My vote on the last motion made that very clear how I felt about that issue.

I would ask that you support the amendment to name the Caribou series the official state soil of the State of Maine. Thank you.

Representative **AHEARNE** of Madawaska moved that **House Amendment "A" (H-121)** to **Committee Amendment "A" (S-29)** be **INDEFINITELY POSTPONED**.

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

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. I appreciate my good friend from Belmont's amendment. I believe there are some issues by which I raise concern. One is, I believe it was in this survey that from all these professionals, which is just over 150 individuals that participated in this survey, these are soil and water conservation professionals. I believe they did consider all what he had mentioned about the history, where it came from, what contributions it brought to the state. I think that I also believe that these were issues that were on everybody's minds when

they discussed this. I don't see the need necessarily for this amendment because Chesuncook is located in nine counties. Caribou is located in only two counties and is not widely distributed throughout the whole county. I ask you to vote for the Indefinite Postponement.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hartland, Representative Stedman.

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

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

Representative **STEDMAN**: Mr. Speaker, Men and Women of the House. Would the good Representative from Madawaska please identify the seven counties that do not have Chesuncook soil?

The SPEAKER PRO TEM: The Representative from Hartland, Representative Stedman has posed a question through the Chair to the Representative from Madawaska, Representative Ahearne. The Chair recognizes that Representative.

Representative **AHEARNE**: Mr. Speaker, Men and Women of the House. I would defer to the good Representative from Orono. I don't have the answer.

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

Representative **STEVENS**: Mr. Speaker, Men and Women of the House. I believe the question was which counties do not have the Chesuncook variety soil. Very good. They are Waldo, Knox, Kennebec, Lincoln, Androscoggin, Sagadahoc, Cumberland and York. There are recruitment initiatives underway. Thank you.

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. I want to point out two issues to you. As a civil engineer, I have great respect for all the soil scientists and specialists who worked very hard to come up with the Chesuncook as the state soil. I also want to point out that Chesuncook is a very fertile soil with excellent drainage and I think in a state that has the history or agriculture that we have and a state that wants to encourage the development of agriculture into the future, that we need to pick a soil for our state that is an excellent farming soil. Finally, I would just like to address a comment raised earlier by the good Representative from Belmont, is that Chesuncook is not just unique to Maine. Indeed, that is true. I would also like to point out that we already have a state animal, which is the moose, which is indeed found in other states. We have a state flower, the white pine cone and tassel, which is indeed found in other states. We have a state bird, the chickadee. It is indeed found outside of Maine. We also have a state berry, which is not indeed the Representative from Belmont or Livermore. The state berry is the wild blueberry, indeed found in other states. We have a state fish, the landlocked salmon, found outside of Maine. A state tree, the white pine, found outside the State of Maine. A state mineral, tourmaline and also a state insect, the honeybee. I encourage you to support the pending motion. Thank you.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-121) to Committee Amendment "A" (S-29)**.

A vote of the House was taken. 75 voted in favor of the same and 52 against, **House Amendment "A" (H-121)** to

Committee Amendment "A" (S-29) was **INDEFINITELY POSTPONED**.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

Representative MACK of Standish **PRESENTED House Amendment "B" (H-130)** to **Committee Amendment "A" (S-29)**, which was **READ** by the Clerk.

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. Indefinitely Postponing the whole thing failed so we have decided we want an official state soil. I don't mean to offend the soil scientists and the elitist at the university, but I call it dirt and most people I speak to call it dirt. If we are going to have a state dirt, let's make it a dirt with character. I can't think of a dirt with more character than Sebago Mucky Peat. A couple of other benefits are Sebago Mucky Peat is very prevalent in the district of the Right Honorable Representative from Naples who just served as Speaker Pro Tem, as well as my own district. If we want to encourage economic development and if you are an environmentalist and you think wetlands are valuable and worth preserving, then the wetlands are full of Sebago Mucky Peat. There is a lot of value in Sebago Mucky Peat. Also, tourism. The lakes regions, Sebago Lake and the mountains. It is a very important area for tourism in our state. Sebago Mucky Peat will give this area the vital boost that we need. If you look at the flyer that was on our desk, all the other states that have state soils have quite boring names. The same with Chesuncook. Let's have Maine lead. If we are going to have a state dirt, let's have it stand out. Let's make it Sebago Mucky Peat. Thank you.

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

Representative **AHEARNE**: Mr. Speaker, Men and Women of the House. I think my friend from Standish is spreading a little bit more than just Sebago Mucky Peat around here. In all seriousness, ladies and gentlemen, I believe there is a process of which we followed. I believe there is a process by which they obtained Chesuncook. It is widely distributed in nine counties. I believe this is a good piece of legislation. I ask this amendment be Indefinitely Postponed.

Representative AHEARNE of Madawaska moved that **House Amendment "B" (H-130)** to **Committee Amendment "A" (S-29)** be **INDEFINITELY POSTPONED**.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-130)** to **Committee Amendment "A" (S-29)**.

A vote of the House was taken. 95 voted in favor of the same and 20 against, **House Amendment "B" (H-130)** to **Committee Amendment "A" (S-29)** was **INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (S-29)** was **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, April 7, 1999.

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

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

Bill "An Act to Prohibit Motor Vehicles on Certain Lakes"
(H.P. 1493) (L.D. 2137)

Which was **TABLED** by Representative BOUFFARD of Lewiston pending **REFERENCE**.

On motion of Representative JABAR of Waterville, the Bill was **REFERRED** to the Committee on **NATURAL RESOURCES**, ordered printed and sent for concurrence.

SENATE PAPERS

The following Joint Resolution: (S.P. 753)

JOINT RESOLUTION RECOGNIZING PARKINSON'S DISEASE AWARENESS MONTH

WHEREAS, Parkinson's disease, or paralysis agitans, is a brain disorder that usually affects adults over 40 years of age, although it can occur in any of 3 forms: late life Parkinson's disease, young onset Parkinson's disease, which affects adults under 40 years of age, and juvenile Parkinson's disease; and

WHEREAS, Parkinson's disease is a devastating, painful and incurable brain disorder of unknown origin that disrupts and may end the lives of those who suffer from the disease, as well as overwhelming the lives of their families and friends; and

WHEREAS, more individuals suffer from Parkinson's disease than multiple sclerosis, muscular dystrophy and Lou Gehrig's disease combined; and

WHEREAS, Parkinson's disease often takes an enormous emotional, psychological and physical toll on the families and friends surrounding their suffering loved ones; and

WHEREAS, Parkinson's disease appears eventually in approximately one of 4 persons older than 80 years of age and in one of 10 persons older than 60 years of age, touching the lives of at least one of every 10 families in the State; and

WHEREAS, according to the American Parkinson Disease Association there are approximately 1,500,000 people in the United States diagnosed with Parkinson's disease, of which an estimated 7,000 or more are in the State of Maine; and

WHEREAS, the symptoms of Parkinson's disease, which are tremors, slowness of movement, shuffling gait, difficulty with balance, malfunction of vocal cords, intestinal difficulties and emotional changes, are often mistaken as a normal part of the aging process; and

WHEREAS, the cause of Parkinson's disease is due to a loss of cell function deep within the brain, and the reasons for this loss are unknown. Medications can only control some of the symptoms of Parkinson's disease for uncertain periods of time; and

WHEREAS, there is a great need for further training and education in the health care and legal professions to protect the rights of persons with Parkinson's disease; and

WHEREAS, full implementation of federal law, the Morris K. Udall Parkinson's Disease Research Act of 1997, which, starting with the current fiscal year, directs the National Institutes of Health to spend up to \$100,000,000 annually on Parkinson's disease research, is critical; and

WHEREAS, April 11th has been proclaimed to be World Parkinson's Day, a day for all to recognize the need for more research and help in dealing with the devastating effects of Parkinson's disease; and

WHEREAS, increased education and research are needed to help find more effective treatments and ultimately to find a cure for Parkinson's disease and to provide more effective support programs and services to Parkinson's disease patients and their caregivers and families; and

WHEREAS, the leading public officials of the State and leading officials in the State's medical community are now called upon to aid in reversing the invisibility and voicelessness of its citizens suffering from Parkinson's disease; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the First Regular Session, recognize the month of April as Parkinson's Disease Awareness Month throughout the State; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Parkinson Society and the American Parkinson Disease Association, Maine State Chapter.

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

READ.

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

Representative **NORBERT:** Mr. Speaker, Men and Women of the House. I'm happy to rise in support of today's Joint Resolution recognizing April as Parkinson's Disease Awareness Month in the state.

Like many of you, I did not know much about the disease until recent years. The struggles of well-known individuals such as Muhammad Ali, Janet Reno and Michael J. Fox have brought the issue to light, but there is much more we can learn from those in our local communities, to increase public awareness and efforts toward understanding and ultimately curing this painful, debilitating, mysterious affliction.

For my own part, I owe considerable gratitude to my constituent in the gallery today, Mr. Ivan Suzman, for educating me firsthand about the nature and scope of the disease. I first met Ivan while campaigning door to door one spring day, seated on this back porch, in one of his low, off moments of medication. It was then that he first started teaching me about the disease. Through his leadership statewide, and through the tutorials he has put me through both in his kitchen and on the phone, I have come to appreciate how serious and widespread this disease is in Maine. Ivan is in his fourteenth year of Young Onset Parkinson's Disease, and he lives in a beautiful, Parkinson-adapted home in my district.

Parkinson's Disease, as you just heard, is a devastating, painful and incurable brain disorder of unknown origin that disrupts and can end the lives of those who suffer from it, and can overwhelm the lives of their families and friends. More individuals suffer from Parkinson's Disease than Multiple Sclerosis, Muscular Dystrophy and Lou Gehrig's Disease combined. It appears eventually in approximately 1 in 4 persons older than 80, and in 1 in 10 persons older than 60, thereby directly touching the lives of at least 1 in 10 families in this state. There are approximately 1.5 million people in the US diagnosed with Parkinson's Disease, of which an estimated 7,000 or more live in Maine.

Unfortunately, as with so many things, one is finally awakened to the suffering of others through personal experience. It has been that way for many of us with respect to AIDS, cancer, heart disease, etc. I learned more about this disease because of my personal experience with Ivan. But it shouldn't have to take a personal experience for all of us to realize that this disease is real, far-reaching and devastating to

so many of our neighbors. There are people here today who can tell us much about what they go through each day. That they can only wait so much longer for help, for us to act, for us to fund much-needed research and healthcare and support programs and services for them, their caregivers and their families. That we need further training and education in healthcare and legal communities to protect the rights of persons with Parkinson's.

Ladies and gentlemen of the House, April 11th has been proclaimed as World Parkinson's Day, a day for us all to recognize the need for more research and help in dealing with the effects of this horrible disease. Let us, the public officials of this state, reflect on how we can do our part in aiding those who have been voiceless and forgotten in their courageous daily struggles against Parkinson's Disease.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. As a member of a family that has been afflicted by Parkinson's Disease for 15 years, I can attest to what my colleague from Portland just described. It is a devastating and debilitating disease. I have a brother who is only a year and a half older than I, but has been afflicted with Parkinson's Disease for 15 years and has been in a nursing home for the last eight years. I applaud the Legislature in acknowledging the significance of giving attention to this disease and appreciate the support of my colleagues in the House in passing this resolution. Thank you Mr. Speaker.

ADOPTED in concurrence.

SENATE PAPERS

Bill "An Act to Amend the Laws Governing Financial Institutions"

(S.P. 762) (L.D. 2152)

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

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

Resolve, Directing the Commission on Governmental Ethics and Election Practices to Simplify the Reporting Form for Candidates

(S.P. 757) (L.D. 2133)

Bill "An Act to Improve Maine's Ballot Access Law"

(S.P. 758) (L.D. 2134)

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

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

Bill "An Act to Revise the State's Water Quality Standards"

(S.P. 761) (L.D. 2151)

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

REFERRED to the Committee on **NATURAL RESOURCES** in concurrence.

Bill "An Act to Create the Capital Riverfront Improvement District"

(S.P. 760) (L.D. 2136)

Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

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

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

Bill "An Act to Make Supplemental Allocations from the Highway Fund and Other Funds for the Fiscal Year Ending June 30, 1999" (EMERGENCY)

(S.P. 759) (L.D. 2135)

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

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

On motion of Representative NORBERT of Portland, the House adjourned at 12:25 p.m., until 9:00 a.m., Wednesday, April 7, 1999.