

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
43rd Legislative Day
Tuesday, May 4, 1999

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

Prayer by Reverend John Mitchell, Minot United Methodist Church.

National Anthem by Bucksport High School Band.

Pledge of Allegiance.

Doctor of the day, Andre Benoit, Jr., M.D., Boothbay Harbor.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 791)

**JOINT RESOLUTION RECOGNIZING MAY AS
BETTER HEARING AND SPEECH MONTH**

WHEREAS, audiologists and speech-language pathologists in the State observe and celebrate Better Hearing and Speech Month each year during the month of May; and

WHEREAS, the State recognizes and values the efforts of all who work to eliminate or minimize the isolating effects of communication disorders in the one in 10 families affected by communication disorders; and

WHEREAS, many citizens of the State have overcome their communication disabilities through the services of dedicated audiologists and speech-language pathologists; and

WHEREAS, audiology and speech-language pathology services throughout our nation help to enable and empower individuals with communication disorders to lead independent, productive and fulfilling lives; and

WHEREAS, the State is proud and honored to have many audiologists and speech-language pathologists offering high-quality education and health care services to its citizens; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the First Regular Session, proclaim the month of May as Better Hearing and Speech Month and encourage all citizens to recognize the achievements of audiologists and speech-language pathologists in improving the quality of life of people with communication disorders.

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

READ and **ADOPTED** in concurrence.

Non-Concurrent Matter

Bill "An Act to Require All Voting Places to be Accessible"

(H.P. 74) (L.D. 87)

Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** in the House on April 27, 1999.

Came from the Senate with the Minority (2) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250)** in **NON-CONCURRENCE**.

On motion of Representative TUTTLE of Sanford, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

JOINT ORDER - Relative to Recalling S.P. 427, L.D. 1264 from the Legislative Files to the Senate

(S.P. 779)

READ and **FAILED** of **PASSAGE** in the House on April 26, 1999.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Joint Order was **PASSED** in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

Non-Concurrent Matter

JOINT ORDER - Relative to Establishing the Legislative Task Force on Transportation Access, Air Pollution Reduction and Family Self-sufficiency

(S.P. 612)

Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in the House on April 29, 1999.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (7) **OUGHT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES** was **READ** and **ACCEPTED** and the Joint Order **PASSED** and **ASKED FOR A COMMITTEE OF CONFERENCE** in **NON-CONCURRENCE**.

On motion of Representative KANE of Saco, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act to Require the Commission on Governmental Ethics and Election Practices to Report Delinquent Filers"

(H.P. 177) (L.D. 255)

Minority (2) **OUGHT TO PASS** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on April 29, 1999.

Came from the Senate with the Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

COMMUNICATIONS

The Following Communication: (S.P. 809)

119TH MAINE LEGISLATURE

April 30, 1999

Senator Beverly Daggett

Representative John Tuttle

Chairpersons

Joint Standing Committee on Legal and Veterans Affairs

119th Legislature

Augusta, Maine 04333

Dear Senator Daggett and Representative Tuttle:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable Harriet P. Henry of Standish for reappointment and the Honorable Donald A. Strout of East Corinth and the Honorable Virginia Constantine of Bar Harbor and the Honorable Michael E. Carpenter of Houlton for

appointment as members of the Commission on Governmental Ethics and Election Practices.

Pursuant to Title 1, M.R.S.A., §1002, these nominations will require review by the Joint Standing Committee on Legal and Veterans 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 **LEGAL AND VETERANS AFFAIRS**.

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

ORDERS

On motion of Representative DUNLAP of Old Town, the following Joint Order: (H.P. 1571)

ORDERED, the Senate concurring, that the Joint Standing Committee on Banking and Insurance and the Joint Standing Committee on Health and Human Services shall jointly report out legislation to the House that delays implementation of changes to the mail order prescription plan under the State of Maine health insurance program required under the Maine Revised Statutes, Title 5, chapter 13, subchapter II.

READ and **PASSED**.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Robert Bukaty, of Freeport, who won the Pulitzer Prize for feature photography for the Associated Press. Mr. Bukaty, who has been an Associated Press photographer in Maine since 1993, won the prestigious journalism prize for his contribution to a collection of photographs of the events surrounding President Clinton's impeachment proceedings. We extend our congratulations and very best wishes to him on his achievement; (HLS 335)

Presented by Representative BULL of Freeport.
Cosponsored by Senator HARRIMAN of Cumberland.

On **OBJECTION** of Representative BULL of Freeport, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative BULL: Mr. Speaker, Men and Women of the House. I'm very proud today to recognize Robert Bukaty, of Freeport, who won a Pulitzer Prize. It is a tremendous honor to have somebody from Freeport honored with this very prestigious award. He was a member of the Associated Press who did a series of photographs surrounding the impeachment proceedings and he took a picture of one of those screens in Times Square the Jumbotron in the middle of the picture working on the screen and for that photograph, he was awarded along with numerous other Associated Press photographers for his work, so I'm very proud to call him my constituent and I'm very proud to recognize him here today. Thank you.

Was **PASSED** and sent for concurrence.

In Memory of:

George R. Wentworth, a well-known and admired teacher and coach. Mr. Wentworth, the beloved husband of the late Hildred (Nelson) Wentworth, will be long remembered as the Stearns High School basketball coach whose team won the 1963 New England Championship. Mr. Wentworth had been an outstanding member of the "Fighting Irish" basketball and baseball teams during his years at Notre Dame University and was drafted by the Detroit Tigers after one particularly momentous season as a second baseman batting .412. After his college years he returned to his native Maine where his illustrious career as a teacher and coach began. He will be sorely missed by his family and friends;

(HLS 333)

Presented by Representative CLARK of Millinocket.

Cosponsored by Senator MICHAUD of Penobscot, Representative STANLEY of Medway, Representative JOY of Crystal, Representative WHEELER of Eliot, Representative MURPHY of Kennebunk, Representative RICHARD of Madison, Representative MARTIN of Eagle Lake, Representative TRUE of Fryeburg, Representative CARR of Lincoln, Representative SKOGLUND of St. George, Representative AHEARNE of Madawaska, Representative O'NEAL of Limestone, Representative JABAR of Waterville, Representative SHERMAN of Hodgdon, Senator KIEFFER of Aroostook, Representative USHER of Westbrook, Representative HONEY of Boothbay.

On **OBJECTION** of Representative CLARK of Millinocket, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. It brings me honor and also deep sadness to speak about a well known teacher and coach for the Katahdin area. George Wentworth, as most of the State of Maine knew, was a fabulous coach who coached the 1963 Stearns Minutemen to the New England's. They lost against Morse in double overtime in the state championship game in Portland and that qualified them when they used to have New England's in Boston to play at the Boston Garden against Morse who beat a team from Connecticut to be in against Stearns. In that New England team back in 63 won against Morse to make them New England champions. Whoever has graduated from Stearns High School, whoever has played basketball, or any kind of sport in the Millinocket area was striving to reach that ultimate goal of the 1963 team, which was the New England Championship. Now we don't have that as a prestigious honor now, but everybody who does attend Stearns High School and plays basketball tried to attain creditability as state champions. Mr. Wentworth was a very strong and strict coach. My father played under his reign when he coached for Stearns Minutemen. He was very known. After he was done coaching, he and his wife spent the rest of their lives in the town of Millinocket where they enjoyed golf, going to church and other extracurricular activities and will be sadly missed when Mr. Wentworth passed away. The town had just a glow over the whole town when he was laid to rest two weeks ago and his pallbearers were the starting five and also the sixth man from the 1963 team. It brings me with deep regret to stand in front of you today and read this memoriam. Mr. Speaker when the House adjourns, I wish they

do so in long lasting tribute to Mr. George R. Wentworth. Thank you.

Was **ADOPTED** and sent for concurrence.

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

Recognizing:

the University of Maine Black Bears Women's Basketball Team on its terrific 1998-99 basketball season which included a first round win in the NCAA Women's Basketball tournament. We send our congratulations to the members of the team on this occasion;

(HLS 305)

Presented by Representative STEVENS of Orono.
Cosponsored by Representative WILLIAMS of Orono, Senator CATHCART of Penobscot.

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

READ.

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

Representative **STEVENS**: Mr. Speaker, Men and Women of the House. I stand today as the Orono Representative, very, very proud of the U Maine Women Black Bears Basketball Team. As you can well image, they make not only our town and our school very, very proud, but the rest of the state as well. They excel not only athletically, but academically and they are role models for all of us, young and old alike who aspire towards excellence. I'd like to congratulate you and thank you so much for taking the time to come down to see us during finals week, nonetheless and congratulate you and Coach Palumbo on an excellent season.

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

Representative **WILLIAMS**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, wish to rise and congratulate the women's basketball team on a fine season. As Assistant Director of Admissions at the University of Maine, I have had the opportunity to travel all over the Northeast and talk to students, faculty, staff, parents about the University of Maine. As somebody whose background was in the arts, I always grew up with that sort of conflict between the arts and athletics, but I can tell you that I am a convert, because I cannot tell you how many people have come up to me in my travels who approached me and said, "How about those Black Bears, how about those women Black Bears." I am a believer that they do so much for our state and so much for our university system. Representative Stevens also touched on their academics, as impressive as their national rankings on the court is, off the court this team consistently ranks in the top 20 grade point average in academic ability. Three of the people that are here with us today have grade point averages of 4.0. That's the best you can do. It just speaks to the incredible talent both on and off the court that these ladies possess, but also they can't do it alone, their coaches, their trainers and all the support staff, they really make it happen. It is truly a team effort and we are very, very proud of you.

The **SPEAKER**: The Chair recognizes Coach Joanne Palumbo McCallie.

COACH JOANNE PALUMBO MCCALLIE: Thank you very much Speaker Rowe. It is an absolute pleasure to be here

again. We would like to make this a habit, if you would allow us to do so. It was an extremely rewarding year and I hope that you were able to capture some of the games either in person or watching on TV. This is a great group here, academically and athletically, I think they represent the University of Maine very well and I also want to thank you for your support of higher education in the state. If you all haven't been up to the University of Maine lately, you've got to come. It looks better than it ever has. There are more students from the State of Maine choosing the University of Maine as a first choice. That's very exciting to me, seeing as Maine is certainly my personal first choice when it comes to institutions, so we really want to commend you for your efforts. I hope that you haven't had to do too many double sessions yet, but as a coach I just think that's great. I'm really impressed with that and if you did push-ups in between sessions, I would be even more impressed and if you really want to play for a national championship, you might try a triple session or two, so I hope you can.

I would like to introduce my staff that is here with us today. They don't always get a chance to come so I am quite pleased that they are here, Assistant Coach Jodie Benner, Assistant Coach Kim Laser, a person who is very important to us is hiding in the back, so we won't see her is Lisa MacAvoy, she's our Sport's Information Director. Assistant Athletic Director for develop and marketing and lots of other good stuff, Scott Lowenburg. We apologize for not having the whole team here, because I've got to tell you, one of our girls from Estonia, Ava Moldra, came to me and she said, "Oh, coach I really want to go, I've never seen anything like it, I've got to go," and I said but Ava you've got a final at 3:00 and she said, "but really I've got to go." Ava is not here, but that kind of enthusiasm is the kind of enthusiasm the rest of the players have had. Let me introduce who could make it and we are very happy that they could, Kristan McCormick, Captain next year from Medford, Massachusetts studying kinesiology. A gal from Wisdom High School, and she says the Governor comes to visit her, her team won a state title and Governor King came on up there, Tracy Guerrette, pre-med major, outstanding academically. Then we have a gal from Whitefish Bay, Wisconsin, Lacey Stone, guard for us this year. Lacy is a first year and she's decided on psychology. Chaney is a great story, she is a psych major, she's entering into the graduate program at the University of Maine as a junior. Obviously she's done well academically, Chantell McClean, from Pierforce, Quebec. Andrea Clark is from Starks, Maine, she was one of our captains this year, she's a strength and conditioning all American, she's a nutrition major, she's very sorry to be leaving the program. She's sad about this, but very, very anxious to head into her new life and what's interesting is her brother, just so you know this, her brother is marrying Coach Laser, in May. Isn't that nice? Then we have a gal here you all know pretty well, we think she could run for Governor some day, she's really special to Augusta, at Cony High School, she's one of our captains, this year and next year. She's a great person she's led the nation in assists has really done an excellent job and I think you know her as Amy Vachon.

Again we have just a quick presentation that Amy is going to make to the Speaker and we want to thank you so much for the opportunity to be here. Once again, your work is really appreciated, we wish you the best and we hope that you can enjoy a great summer after you get all your work done here. Thank you very much.

AMY VACHON: We just want to thank everyone for allowing us to come here today. It's an honor to be here. We want to present this basketball to Mr. Speaker and to tell you guys that next year we have a game in Augusta so you all can come there when you're working.

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

Representative **O'BRIEN:** Mr. Speaker, Ladies and Gentlemen of the House. I think Amy Vachon thinks I'm going to speak about her because I've know her since she was born, before born, but I'm not going to. I'm going to just say quickly. I'm sure I speak for everyone here to thank the team, especially thank Coach Palumbo for staying where she's going to stay. We're really glad you stayed. Thank you.

Speaker **ROWE:** I also want to thank the team and thank you Amy and team members for the presentation of the ball. I watched many of your games and you were great this year, but I think next year you're going to even be greater, so we have real high hopes for you. At this time would the Sergeant-of -Arms please escort the Representative from Orono, Representative Stevens forward to present the Special Sentiment to the team.

Was **PASSED** and sent for concurrence.

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

REPORTS OF COMMITTEE

Change of Committee

Representative O'NEAL from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Create and Regulate the Profession of Legal Document Technician" (H.P. 1557) (L.D. 2213)

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

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY.**

Sent for concurrence.

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-141)** on Bill "An Act to Ensure Adequate Nutrition Services for Maine's Elderly and to Create the Senior One-stop Program"

(S.P. 518) (L.D. 1552)

Signed:

Senator:

HARRIMAN of Cumberland

Representatives:

TOWNSEND of Portland

STEVENS of Orono

BERRY of Livermore

MAILHOT of Lewiston

POWERS of Rockport

KNEELAND of Easton

WINSOR of Norway

BRUNO of Raymond

NASS of Acton

TESSIER of Fairfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-142)** on same Bill.

Signed:

Senators:

MICHAUD of Penobscot

CATHCART of Penobscot

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-142).**

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (S-141)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, May 5, 1999.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Create Staff Positions at the Maine Commission on Domestic Abuse"

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

Signed:

Representatives:

KNEELAND of Easton

TOWNSEND of Portland

BERRY of Livermore

WINSOR of Norway

BRUNO of Raymond

NASS of Acton

TESSIER of Fairfield

MAILHOT of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-140)** on same Bill.

Signed:

Senators:

MICHAUD of Penobscot

HARRIMAN of Cumberland

CATHCART of Penobscot

Representatives:

POWERS of Rockport

STEVENS of Orono

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-140).**

READ.

Representative TOWNSEND of Portland moved that the House accept the Majority **Ought Not to Pass** Report.

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

Representative **TOWNSEND:** Mr. Speaker, Men and Women of the House. This is a bill which touches on a very serious issue, but as you can see, the majority of the members of the committee felt that it was not the appropriate method with which to address the issue of domestic violence. The original bill requested the hiring of an executive director for the commission on domestic abuse and gave that person the ability to hire and to make purchases for the office. As amended, there is a Minority

of the committee supporting an amendment, which creates a clerk typist for that commission. When I speak about the bill, I don't know that I speak to represent the views of all of those on the Majority Ought Not to Pass Report. I can speak for myself, however, in saying that I was elected in the election of 1992 and I remember vividly the budget crisis that we were in at that time, when all these good commissions were eliminated and defunded. I was not able to get enthused about recreating those very commissions and establishing the bureaucracy once again which would vaporize, should we encounter another time of fiscal hardship. Although the amended report spends very little money, I would prefer to spend it on direct services such as increasing the cost of living allowance to shelters which house abused women to probation and parole, perhaps for substance abuse, but merely hiring another bureaucrat does not, I don't think, do the most important thing that we could do to address domestic violence. I would ask you to join me in voting Ought Not to Pass.

The Majority **OUGHT NOT TO PASS** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Confine Tribal Gaming to the Reservation of the Licensed Organization"

(S.P. 275) (L.D. 793)

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec

Representatives:

THOMPSON of Naples
BULL of Freeport
JACOBS of Turner
LaVERDIERE of Wilton
MITCHELL of Vassalboro
NORBERT of Portland
MADORE of Augusta
SCHNEIDER of Durham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-163)** on same Bill.

Signed:

Senator:

BENOIT of Franklin

Representatives:

PLOWMAN of Hampden
WATERHOUSE of Bridgton

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

READ.

Representative THOMPSON of Naples moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. This bill came before the Judiciary Committee and pretty much says what the title asks and that is to confine tribal gaming to the reservations and not move gaming off from the reservations. I am on the Minority Report on this.

On motion of Representative MURPHY of Kennebunk, **TABLED** pending the motion of Representative THOMPSON of

Naples to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Resolve, to Allow Zelma Rudge to Sue the State

(S.P. 104) (L.D. 243)

Signed:

Senators:

DAGGETT of Kennebec
FERGUSON of Oxford
CAREY of Kennebec

Representatives:

TUTTLE of Sanford
CHIZMAR of Lisbon
FISHER of Brewer
LABRECQUE of Gorham
McKENNEY of Cumberland
O'BRIEN of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-155)** on same Resolve.

Signed:

Representatives:

GAGNE of Buckfield
MAYO of Bath
PERKINS of Penobscot
HEIDRICH of Oxford

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

READ.

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Buckfield, Representative Gagne.

Representative **GAGNE**: Mr. Speaker, Ladies and Gentlemen of the House. I would like you to vote with me in opposing this motion. We receive a lot of suits against the state and we heard several of them during that particular week, but I would feel remiss just as an individual listening to this story if I didn't get up and at least talk about that. First of all, the parent of a little boy came forward to tell us that her son died and felt the state was responsible for that. During her marriage, there was a lot of problems and domestic abuse and even child abuse, so when there was a divorce, the judge gave the custody of the little boy, named Victor, to the State of Maine, so that any visitations with his father would be done through DHS office. And so this particular day, as many other days that he had visited his son in this office, he comes to DHS and tells the aid, not the social worker who is usually there, that he has presents in the car for his little boy and he would like to bring him outside instead of having the supervised visit so that he can give them, so he takes them to his car, opens the door, takes the gun and tells her that he wants the boy and she's to get back into the building and so the boy gets into the car. She's afraid, according to the notes that we had for the explanation, tries to protect herself, afraid that she's going to be shot and he drives off with his little boy into a vacant field somewhere, shoots the boy 3 times, turns the gun on himself, but he doesn't die and he is now serving time in prison.

My feeling was that there was responsibility here for the State of Maine because they were given custody. In fact, last year with the Rendy Haines situation the responsibility of the state at AMHI and the result of that did favor that family, in fact, in our presentation and the questions that we asked, we heard that there were people talking of putting a bill in to make the state responsible for those in their custody sometime in the future. Well, I think everyone of us in this room is responsible, because we answer to the people for the departments that we supervise and in this particular incident, we are responsible, everyone of us here and if we were the ones taking care of the child, or if a foster parent was, they could be sued and I agree and we were told that we are the court of last resort and you don't come to us unless you really have tried all other alternatives. When the alternative is not there and the one who is responsible is the state, they're immune from being sued, it's pretty tough for a family or a mother to come forward and complain, which she did do.

So I really feel that what we should do today is vote against the motion, have the bill go to Appropriations and even if some money isn't given away, I still feel that it acknowledges that we do take responsibility for what happened. That situations like this that occur, perhaps we can stand up and say it isn't right and we do say that we are responsible. The DHS representative said he did not feel he was responsible. He said that everyday 60 or more of those custody kinds of visitations going on all around the state, well this worries me because I know very well that an angry parent in a very difficult breakup is going to make charges and he did three times threaten to kill the boy. In fact, the little boy didn't want to go with his father at all, he was required to go to these visitations and if there are more of those around, I think more precautions should be taken.

When you talk about abused women shelters, they are very careful about this. They make sure you can't see through the windows, when the child goes out to play there's a 10 foot fence so no one can see in there. There's nothing here that would protect. Another argument was that he could have gone in there with his gun and taken the boy out anyway. Well, I don't know if any of you have ever gone into DHS office and gone through the procedure, you go to the receptionist and you can't go in until someone comes to get you to go in and talk to the person and it's the same way getting out, if he tried anything like that there would have been umpteen difficulties like a labyrinth of places before he could have gotten out. I believe we are responsible and I think everyone in the room is responsible as I said, as supervisors of DHS and I would like you to vote against this motion at least take it to Appropriations.

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

Representative LABRECQUE: Mr. Speaker, Ladies and Gentlemen of the House. One of the most difficult jobs that we have as legislators is addressing these suits against the state. For me it's like somebody coming up and saying to me, I'd like permission to sue you because we are the state. With that said, however, I do believe when people are aggrieved that there is another step for them and as the good Representative said, we are, if you will, the court of last resort. When all other processes have occurred and you have followed them and you still feel that you are aggrieved, then you come to the Legislature for permission to sue the state. In my humble opinion, you do that once. You come forward. You make your case and it is passed, yes or no. In this particular instance, in this particular situation,

this is the second time that this bill has been before a state legislature. In the past it was voted out Ought Not to Pass. Thank you.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. As the good Representative from Gorham has stated, Representative Labrecque, these issues about suits to the state are probably the most difficult issues that I've had to deal with during my time in the Legislature and being chairman of that committee makes me wish that I were not on that committee. There are some nights that I go home and I can't sleep when I hear about these issues. As you've been told the Resolve before you today would allow Zelma Rudge as personal representative of the estate of Victor Lessort, her son, to bring civil action against the state for damages resulting from the alleged negligence of the Department of Human Services concerning the death of her son Victor Lessort. Put yourself in the role of a DHS worker that's taken away by gun point, what do you do, ladies and gentlemen? What do you do? Mrs. Rudge testified that DHS had prior knowledge that George Lessort had threatened his son's life and that he was mentally unstable.

Ladies and gentlemen of the House, I don't know if you've been involved in these situations before, I've been an emergency medical technician for 20 years. It's disheartening, but the majority of cases it appears that these individuals do want to commit violence. Sometimes it's almost impossible to do anything to prevent that from happening. I wish I could tell you otherwise but from my experience I've seen it time after time and I don't know what the solution is. As has been mentioned before, the Department of Human Services had custody of Victor Lessort and the case worker failed to protect him by allowing Mr. Lessort to bring Victor Lessort to that parking lot where the boy's life was lost. Peter Walsh from the Department of Human Services stated that George Lessort had visitation rights at the DHS Office and had previously brought presents to his son. While it was a judgment call, Mr. Walsh indicated that the case aide worker did not violate DHS procedure by allowing the father to visit the son in the presence of a case worker to go out into the parking lot. DHS, he indicated, is unable to protect everyone at all times.

Some committee members questioned why George Lessort was allowed to leave the building with Victor given his prior history and background, some also questioned that he should not have been allowed access to the child. When asked if DHS would have had the capacity to protect Victor Lessort if his father had brought a concealed weapon inside the DHS building and kidnapped the boy, Mr. Walsh indicated that DHS does not have metal detectors and that DHS workers would not have been in a position to protect the boy if the father had brought a gun into the building and as mentioned before, there may be legislation coming that may attempt to address that.

The Attorney General's Office did provide testimony at the hearing and in their presentation to the committee it clearly mentions that any time the Legislature weighs a governmental immunity for a particular person in the case of a Constitutional issue is raised. Special legislation on behalf of a particular person is generally prohibited under the Constitution. Where general legislation such as amending the tort claim laws allows a person to sue the state. They mentioned that such special legislation on behalf of a particular person may also violate the equal protection clause by providing special benefit to one person that is not provided to others. They mention that all

persons that have been authorized a particular suit against a government entity these issues are raised and nevertheless there have been a number of instances of the years where the Legislature has done this on numerous occasions.

I can honestly tell you that I did agonize over this decision. If I could do anything in my power, Mr. Speaker, Men and Women of the House to bring that young man back, I would vote for this bill, but unfortunately that is not going to be the case. I would ask that you vote your conscience on this issue. This is a very difficult issue that comes before our committee and I have supported issues in the past that I thought justified the merit based upon the evidence that was given. In all honesty, Mr. Speaker and Men and Women of the House, in this case, I'm not a lawyer, but in my opinion, it does not meet that standard and I would ask that you support the Majority Ought Not to Pass Report.

The same Representative **REQUESTED** a roll call on his 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. I would not generally support civil action that would allow people to sue the state, however in this case I have some knowledge about the case and I'm familiar with many of the principles in it. This was a very unfortunate situation that ultimately ended the life of a young boy, but I think that DHS failed to make good decisions long before this act and what ultimately ended up as a situation on Interstate 95 near the Hogan Road in Bangor where the police held off for a couple of hours before they were able to get to the vehicle and ended the life of this young man. I think there were many errors made along the way prior to this and I'm sure that the people in the Medway, East Millinocket, Lincoln area, if they had an opportunity to vote on this today, I'm pretty sure that many of them would vote for the Ought Not to Pass on this so with that, I intend to vote Ought Not to Pass on the pending motion.

The **SPEAKER**: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative **STANLEY**: Mr. Speaker, Ladies and Gentlemen of the House. In my past dealings with the DHS when it comes to child care issues, anything to do with a child, I've been told that everything is confidential because of the welfare and safety of that child is at stake. Here we go in a situation that occurred here over time, it took time to do, it wasn't just an overnight deal, but the safety and welfare of that child were not protected in this situation here and I feel that this Resolve ought to allow Zelma Rudge to sue the State of Maine because the state's lack of responsibility to do what it had to do, protect the welfare of that child. When I as a legislator cannot get information about a child, when I know everything about it and they're concerned about the welfare of that child and I feel that in this incidence here they didn't do a very good job of doing the welfare of that child that was involved in this case. 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. 107

YEA - Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Bruno, Bryant, Bull, Campbell, Chick, Chizmar, Cianchette, Collins, Colwell, Cote, Cowger, Davidson, Davis, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagnon, Gooley, Green, Hatch, Jabar, Jodrey, Jones, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Madore, Mailhot, Martin, Marvin, Matthews, McGlocklin, McKee, McKenney, Murphy T, Nass, Norbert, O'Brien LL, O'Neil, Peavey, Perry, Pieh, Plowman, Povich, Powers, Quint, Richardson E, Richardson J, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shorey, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Treadwell, Tripp, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Ahearne, Andrews, Bagley, Baker, Berry DP, Buck, Bumps, Cameron, Carr, Clark, Clough, Cross, Desmond, Dugay, Duncan, Foster, Gagne, Gerry, Gillis, Glynn, Goodwin, Heidrich, Honey, Jacobs, Joy, Lovett, MacDougall, Mack, Mayo, McAlevey, McDonough, McNeil, Mendros, Murphy E, Muse, Nutting, O'Brien JA, O'Neal, Perkins, Pinkham, Richard, Rines, Rosen, Sherman, Shields, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin J, Tracy, Trahan, True, Weston, Wheeler EM.

ABSENT - Belanger, Brooks, Daigle, Mitchell.

Yes, 90; No, 57; Absent, 4; Excused, 0.

90 having voted in the affirmative and 57 voted in the negative, with 4 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-134)** on Bill "An Act to Amend the Laws Pertaining to Excise Tax Collection"

(S.P. 411) (L.D. 1200)

Signed:

Senators:

PENDLETON of Cumberland

GOLDTHWAIT of Hancock

DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska

RINES of Wiscasset

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 Not to Pass** on same Bill.

Signed:

Representative:

BAGLEY of Machias

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-134).**

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-134)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 5, 1999.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-135)** on Resolve, to Direct the Governor to Establish a Commission to Recommend to the Governor Candidate Designs for the Maine State Quarter to be Submitted to the United States Mint

(S.P. 444) (L.D. 1319)

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
RINES of Wiscasset
McDONOUGH of Portland
TWOMEY of Biddeford
KASPRZAK of Newport
JODREY of Bethel
RICHARDSON of Greenville
GERRY of Auburn

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

Signed:

Representative:

BUMPS of China

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-135)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-135)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 5, 1999.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act to Protect Holders of Camp Lot Leases"

(H.P. 1178) (L.D. 1689)

Signed:

Senators:

KILKELLY of Lincoln
KIEFFER of Aroostook

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-335)** on same Bill.

Signed:

Senator:

NUTTING of Androscoggin

Representatives:

CARR of Lincoln
VOLENIK of Brooklin

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, Men and Women of the House. This is a bill about camp lease lots, as all of you I'm sure know, many large landowners, others and even our Bureau of Lands and Parks lease camp lots to private individuals to build camps and even sometimes their homes on. It's a concern for them what they're charged and the fact that they may suddenly one day come and find they don't any longer own this land and Representative Joy of Crystal submitted a bill to address this issue. Our concern about the bill was that it was inappropriate in the way it was worded and the Minority Report still is not acceptable to the majority of the committee members. I'll run through it for you. The first concern was about losing their property, most of the companies, if not all of the companies, have at least gone to five year leases so that people have some sense of protection. Our Bureau of Lands and Parks is under statute permitted to do up to 5 year leases and not more, so that's what is statute under public owned land that is leased out to private individuals.

Another concern was about the amount it would be and the minority report says the rate should not be more than 3 times the annual taxes. Now you'll find no landowner in this state who follows that kind of a statement, no apartment is rented for that, no automobile is rented for that. All of the groups now talk about a percentage of fair market value. Most of them do 3.5 to 5 percent of the fair market value of the land they are leasing and have written into their leases an increment to build that based on the average annual income increases that we get from places like the Department of Labor. One company did put their leases up for sale in response to concerns about people and had almost no one opt to buy them because they prefer and appreciate the services that they do get, such as road maintenance from the larger companies. The Bureau of Lands and Parks the way that is written in terms of limits, they can charge up to 10 percent of the fair market value, so we do not see this bill as an appropriate measure for protection. We listened to the companies and we felt that while one company had been perhaps somewhat harder on people, they have come around and they are now following that kind of procedure and again they charge something like 3.5 percent of the fair market value of the land, which is well within the scope of our expectations. I encourage you to support the Majority **Ought Not to Pass** Report.

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

Representative **JOY**: Mr. Speaker, Ladies and Gentlemen of the House. I thank the good Representative Pieh for her explanation of the bill and she's exactly right on all of the issues. I brought this bill forward at the request of the Maine Leaseholders Association primarily because of some problems

that existed with one major landowner. When the case was presented to me, it was very obvious that there were some exorbitant charges being made to the landowners and they were not delivering on their promises of maintaining the road. The bill came forward as an issue of addressing something that dealt with fairness. The history that goes along with this, at one point in time I leased a lot, built a cabin on it and the town was having a little trouble meeting its obligations for town government and as a result they approached the state to see what to do about it. The advice from the Bureau of Taxation in the state was, you have a body of water there with lots of camps on that, raise the taxes up to a point where the local people no longer can afford it. They'll sell it to out-of-staters who don't care what they pay for taxes anyway. The leases increased in response to that direction as the taxes increased the leases did too. The increased 5 fold in 5 years and fortunately we were able to form a lakes association and negotiate with the landowners and bought our lot. However, not all of the lease holders in the state are able to do this. While I'm not certain that 3 times the tax value or the tax bill is what should be charged for lease, it's probably a lot more equitable than what was happening in those situations. I urge you to defeat the pending motion and let's give these lease holders a break and accept the minority report. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House. A lot of people up in my area have a lot of lease land where they have camps and houses on it. A lot of these people are kind of upset at what's going on in today's age with a lot of paper companies selling the land to different people from out-of-state. They'd like to know that there is some guarantee that they'll always have their property, which they built on. They understand it's leased land, but when a person goes and buys a piece of property back in 1970 and the price of a lease was around \$300 and now it's close to \$3,000, there's a problem there. We've got to change that. We've got to make sure that this program is fair to everybody that owns leased land. Like I said again with everybody selling the land to people from out-of-state, we don't know what's going to happen from one land holder to another. These people build these camps, some are just a getaway, to go and do their fishing, others are their family's houses. There's one of my constituents that built a house that cost close to \$100,000 on leased land and he put all his life's savings into that house and one day he could have that and the very next day, he could lose it all.

Representative CLARK of Millinocket 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.

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

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

Representative COWGER: Mr. Speaker, Men and Women of the House. As a member of the committee and having voted on the Majority side, I'd like to relay a couple of points to my

colleagues here. The Majority of the committee felt very strongly that there is a certain amount of risk involved in leasing a piece of land and then building a structure on a piece of leased land. Quite frankly, we did not wish to interfere with the private property rights of landowners. I must add that our committee heard some testimony that some leases from state owned property were of concern and I would strongly support and I think most of the committee would support some legislation to address controls on leases of state property, but the majority of the committee did not want to be in the business of regulating policing of private property. Again, we respect the rights of these private property owners. This is a private matter, with the principal rate being determined by the property owner and the leasee and I would ask you to support the bipartisan Majority Ought Not to Pass and vote for the pending motion.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative STANLEY: Mr. Speaker, Ladies and Gentlemen of the House. Today I rise because this is an important issue up in the part of the country that I live. People up there have been unearthed, leadership of an old company that was there for years, and years and years that was a good company to work for and a good company to rent from, now we're up there in the good old Maine woods doing camp lots and doing camp lots out at the highest price, whatever we can get out of them, the more money you get out of them, the less money I have to pay for taxes, because I tell you it all comes down to taxes. We just bought some land up around Roaring Brook for \$625 an acre, lakefront property, that's a pretty good price. You go up to some of these camp lots here, they're \$20,000 or \$30,000 for a camp lot. You put the mil rate at \$20 and that's going to \$600 a year. Here we are charging \$1,500 to \$3,000 for the same piece of property, as in a municipality all you'd be paying for is \$600 for land. I think a little bit of injustice is being done here, and I'll tell you the forest has changed. The landowners have changed and they're going to change worse. They're not going to get better and everybody's out to make a dollar on this business and I'll tell you what. We have to realize that people that are being affected are the people we represent. We don't represent big landowners. We represent individuals. It's individuals that takes the beating here, not those big corporations. I feel that we ought to pass the Ought to Pass as Amended by Committee Amendment "A". 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. 108

YEA - Bagley, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bull, Bumps, Cameron, Chizmar, Cianchette, Collins, Cote, Cowger, Cross, Davidson, Dudley, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gillis, Glynn, Gooley, Green, Heidrich, Jabar, Jacobs, Jodrey, Kane, Kasprzak, Kneeland, Lemoine, Lovett, MacDougall, Mack, Mailhot, Marvin, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Pieh, Povich, Powers, Quint, Richardson E, Richardson J, Rosen, Sanborn, Savage W, Saxl JW, Schneider, Shiah, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tripp, Twomey, Waterhouse, Watson, Weston, Williams, Winsor, Mr. Speaker.

NAY - Ahearne, Andrews, Baker, Belanger, Berry DP, Bryant, Buck, Campbell, Carr, Chick, Clark, Clough, Colwell, Daigle, Davis, Desmond, Dugay, Duncan, Dunlap, Gerry, Goodwin, Hatch, Honey, Jones, Joy, Labrecque, LaVerdiere, Lemont, Lindahl, Martin, Mayo, Mendros, Murphy E, O'Neal, Perkins, Perry, Pinkham, Plowman, Richard, Rines, Samson, Savage C, Saxl MV, Sherman, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin J, Tracy, Trahan, Treadwell, True, Tuttle, Usher, Volenik, Wheeler EM, Wheeler GJ.

ABSENT - Frechette, Madore, Matthews, McAlevey, McKenney.

Yes, 84; No, 62; Absent, 5; Excused, 0.

84 having voted in the affirmative and 62 voted in the negative, with 5 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought Not to Pass** on Bill "An Act to Create a Mandatory Auto Insurance Premium Discount for Safe, Mature Drivers"

(H.P. 79) (L.D. 92)

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-340)** on same Bill.

Signed:

Representatives:

SULLIVAN of Biddeford
GLYNN of South Portland
MAYO of Bath

READ.

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

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

Representative SAXL: Mr. Speaker, Men and Women of the House. I want to tell you about this bill. It was brought to us by AARP and it has to do with senior citizens and their insurance rates. What it proposes is that senior citizens be given a discount if they take the course. It does not propose that they finish the course, it does not propose that it examines their driving record. It just proposes a discount. Actually it sounds very appealing and I understand that it may appeal to many of you, however, I would ask you to vote against it because Maine already has for older drivers lower rates than most other states.

Maine rates 49th in auto rates generally. Older drivers generally benefit from a low rating factor than drivers in the 30 to 49 age group. Maine also has a provision that says no insurance company in this state shall cancel or reduce liability limits, refuse to renew, or increase the premium of any automobile insurance policy for any time for the sole reason that a person has reached a certain age. The rate score people in the over 70 category which is an age when rates typically and normally go up because these policies are experientially rated. That is to say, depending on your experience rate, whether how many accidents you had. The insurance rates tend to reflect that. In this particular case, drivers are protected from that, so in Maine we already have very important provisions and very important protections for our older drivers. By opening this up, by giving a discount now, we will open this up to perhaps losing some of those benefits and I think you should keep that in mind as you consider your vote. Don't risk what we have in place by changing the procedure. Thank you.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. I rise to ask you to not support the pending motion so that the Minority Report can be accepted. LD 92 is strictly about highway safety. It would require insurance companies to give a discount to those age 50 and over who complete any approved driver improvement program. This will certainly encourage seniors to take such a program and therefore, it should and I believe it will, improve highway safety. Currently there are 34 states and the District of Columbia which have similar programs. I would urge that you vote red on the pending motion so that we can go on with the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. I, too, hope that you support the Minority Report. As the previous speaker said 34 other states including the District of Columbia, already have this in place. Now as people get older, they kind of lose sense of what the new laws are in driving laws and things of this nature. AARP has what's called the 55 Alive program when people go to a classroom and they go and redo their driving skills. If this was to pass, they'll take that course and get a reduction on their premiums for their insurance. Now every year there are new laws on the books on motor vehicles and everything else. This class sponsored by the AARP is an 8 hour class. You go and you do an 8 hour session in a room only. If you pass this class, you get a little certificate that says you passed the AARP 55 Alive driving test. Now everybody knows that in today's age there's a lot of reckless drivers and things of this nature and all that does is make sure that people are safer drivers. There's a long time span from when you first get your license when you're 16, 17 years old, until you get to be 55 years old. All it does is just refreshes your memory of what the laws are. I remember about 3 or 4 weeks ago there was a lady that took the class up in my area that forgot that when you're behind a tractor trailer truck that they can't see you unless they can see you in their mirrors. The lady was fortunate she avoided an accident because she made sure the tractor trailer truck could see her through her back mirror. She relearned that again through this course. I think this particular bill will do a great thing for this state. There are a lot of people out there that want to drive as they get older, a lot of retirees like to go to Florida and they drive instead of fly. This

just makes sure that the people on the road are a lot safer than they have been.

Representative CLARK of Millinocket **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. I think L.D. 92 is a really good idea. I serve on the committee and I thought it was a really good idea when the good Representative from Millinocket brought it in, but you'll see that I am on the Majority Ought Not to Pass Report. As a matter of fact, when we got to about the 4th component of the bill, good cross section came in and spoke in favor of the bill. I asked that person who was a civilian, wasn't somebody who was a paid lobbyist or anything. Now this bill came before a previous Legislature and I asked that person why on earth would they have opposed it. Why did it not pass? I take it that it was either sunset or that it was voted Ought Not to Pass.

I looked over at the good Senator from Cumberland, who was the chair of the committee in the 117th and he said, just wait until you hear the opponents and you'll see why. Well, again, I thought it was a good idea to give a 5 or 10 percent to elderly drivers. Who wouldn't want to do that sort of thing on their automobile insurance, but the difficulty is, you find out that the bill is one, unnecessary, and two even problematic. The AARP is a very effective organization and one with whom I'm sure we would all like to align ourselves whenever we can and they make a good case. In the Connecticut case and 34 other states, they've gotten 34 other states to adopt their program, this 55 Alive, which is by all accounts, a fabulous program and it's available here in Maine. But the difference is, those 34 other states needed it. As the good chair of the committee mentioned, Title 24-A, Section 2916 all the way back into the year 1973, was passed by the Legislature that prevents elderly drivers having their rates raised based on age. So in other words, the rate you pay when you're 50 or 55 is the rate you'll pay when you're 85, providing your driving record remains clean. Naturally if you have a few dings in your fender and you've knocked a few dogs off the sidewalk, you'll likely to pay a little bit more.

All things being equal, Maine does a great thing, it is unique among the 50 states and among the insurers, there are programs, there are driving schools, like the one my mom attended to brush up on her skills a couple of years ago. I talked to the president of the school who was her personal tutor and he said, boy she was hurting, she forgot how to use her mirrors and how to turn her head. I said, well I know I saw her car. This 55 Alive is available and then there's of course defensive driving courses which are available all over the place. All of which will help folks keep their skills sharp, but the insurers out there, there are several of them now writing insurance in Maine who will discount insurance 10, 15 up to 20 percent for drivers when they are over age 50. Once they hit the age of 50. There are other providers that have score programs. This bill, like I said, good idea, but not all that necessary. I mentioned it's problematic and it's problematic because of this. The bill requires the driver to take the course to qualify for the discount. It doesn't necessarily require that the driver pass or pass with flying colors. Then again, as in my mom's case, her 70th birthday is this weekend, it's a delicate subject. The motor skills in particular can come

and go and things can change. If you put a three-year window on it, somebody doesn't pay, they're feeling fine, two years later they may not have the skills that they had then. When the rate based on claims experience, I think it's much more effective. The Insurance Institute for Highway Safety gave us a report that the people 75 and older do tend to have higher experience and when they do have the experience then they be charged more, just as younger folks would, but beyond that you can't do anything about charging them more just based on their age. I would ask you to follow along with the Majority Report. It sounds like a good idea but it's A, problematic and B, unnecessary. Thank you.

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

Representative **JONES**: Mr. Speaker, Men and Women of the House. I, too, am a member of the Banking and Insurance Committee and I'm on the Majority Ought Not to Pass and I urge you to follow my light. As has already been said, some companies are already doing this, this is another case of we, as lawmakers, politicians, whatever, telling an industry how to run their business. I don't support that philosophy and I can also say that I would be eligible for this discount, most of you would have to have an increase in your premium rate, so you might bear that in mind when you vote. I urge you to support the pending motion. Thank you.

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

Representative **TRUE**: Mr. Speaker, Ladies and Gentlemen of the House. I certainly agree with many things that have been said before me. I happen to be in the same category and I can tell you that although we don't perhaps lose a lot of our faculties, we lose some and every once in awhile we need to go back to be somewhat reeducated and that's what I feel this is. I'm in the process of listening to a tape that is out, but since the last 100 years was a greater century and those people of my generation certainly had many, many things that they had to make the right decisions and if not, our country would not be where it is today. I am also, and I believe I'm still licensed to give this course, driver education, and I say with tongue and cheek that I'm also licensed to teach people to drive motorcycles, but although I've lost a little of my eyesight, my problem is that I haven't lost my lead foot and so you wouldn't want to ride with me.

I think the people that we are talking about if they belong to AARP, they will come to that course because they're being taught with people their own age. I think that's very important to remember. I had suspicion of the fact, and I think it was stated, that those of us over 70 don't have to worry because our premiums will not be raised. Now I can tell you that if I have 3 or 4 little calls to court for my driving, I believe that there will be a differential on my insurance. I think this is a good thing. I don't think it's going too much and I'd like to have you remember that people of this age group have paid the price for young people before. This is a little pay back and a very small one. There isn't anyone, I've made calls on it, that belong to AARP, or of this age do not believe that this is necessary, that they should take another course in driving and I believe it will help our accident record and I believe that it will ensure the pride of those people where they will go with people of their own age to take a course of this nature, but otherwise would not. I thank you very much.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. The good Representative made some good points. One point that I would like to make to the entire body, however, is that this program is offered on a voluntary basis and so if you feel the need, as I'm sure some do, you can go and you can take advantage of this program. Unfortunately not all of you have the opportunity as members, such as I in the Banking and Insurance, to hear all of the testimony about this particular bill and as Representative O'Neil said, it's a very good bill in terms of its intent. It's a bad bill, however, because the bill has certain holes. For instance, if you're involved in an accident, this discount is taken away from you, but if you've been arrested or convicted of OUI on one, two, or more numerous times, you still keep your discount. You still keep your discount if you have ten speeding tickets. To me that's not what we ought to be doing. We shouldn't be creating holes in bad legislation. Another hole in this legislation is the fact that if your license is suspended, in fact, and you get it back in that 3 year period, you're still entitled to the discount. The intended benefit here, I think, is to reduce down the amount that a senior citizen pays for purposes of their auto insurance. If everyone takes a close look at 24-A, MRSA 2916, that particular statute, which was referred to us by the Superintendent of Insurance, says that the provision prevents an insurer from increasing the premium of an insurer because they have reached a certain age, such as 65 or 75, even though insurance or experience indicates that claims experience deteriorates the older driver.

We need to carefully consider as the Bureau indicated to us, the policy implications of making such a provision here. In essence what we're giving is two discounts, one discount they get because of their age, we're not allowed to increase it, now we're going to give them a second discount because of their driving course, which brings me to my last point. According to New York statistics drivers age 65 or older who passed a defensive driving course incurred 10 percent more claims. The intention, of course, on this bill that it would reduce claims. That has not been the case. So, I'd ask you very carefully to consider while this is a good idea it's a bad law and it needs to be worked further, and because of the holes in the legislation it doesn't do what was intended here. In fact, the intended consequence, the unintended consequence in my opinion, is to reward people with bad driving records and that wasn't ever the purpose either of the sponsors, or the people within the committee. So I'd ask you to vote on this particular bill as Ought Not to Pass. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to urge you to vote against the pending motion. As you can see, I'm certainly a long ways from this age group, but I did hear a few points that I felt I did need to respond to. First of all, this is not a mandate for any specific discount. It merely says a discount should be given. As a matter of fact, in the bill itself it says, any discount used by insurer is appropriate unless creditable data demonstrates otherwise. Which means that the discount has to be based on the real thing, so if the real thing shows people who take this class get in more accidents then there won't be a discount and they're protected by the law. The second point I need to respond to is the accidents, insured not to be involved in an accident for which the insurer is at fault, and that's what this course teaches you how to not cause accidents. If you have only one accident your insurance rate is going to go up. This course is not going to teach people

how not to drive while under the influence. This course teaches people how not to cause accidents. That's why we'll give them a discount. We're not giving a specific discount, we're giving a discount based on actuary levels. My final point, it says under the law, shall issue a certificate to a person who successfully completes the course. It's up to this group to come up with what it means to successfully complete the course. I strongly support this bill, it is good, it's a good safety issue. It's good for the elderly that realize that they should take some classes, some may have forgotten some of the rules for safe driving and I strongly urge you to vote against the pending motion and vote for this bill.

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

Representative **TRUE**: Mr. Speaker, Ladies and Gentlemen of the House. I'd like to discuss just one point that the good Representative from Brunswick made and that is that certainly the discount is perhaps not taken away. The point was that if they have an OUI two or three times or what have you, it still wouldn't be. As a retired driver education instructor and also as a teacher a long time, I have told my kids that I will always be looking over their shoulder and I look at the court records and I read three newspapers everyday that have to do with my community and I look to see whose on it and if one of my ex-students is on it I drop him a little note. Now I can assure you that if you look at yours, you won't find 1 percent in this age group that are OUI two or three times. They may do some little foolish things, but not to that magnitude. Again, I ask you to vote against the motion.

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

Representative **PERRY**: Mr. Speaker, Men and Women of the House. I'll make it quick. During the public hearing we had a room full of retirees from AARP and they testified and told us that it cost AARP \$29.00 to put on this course, that they charged the members \$8.00. They are willing to take the \$19.00 per person lost because it was such an important issue. They needed a financial incentive to get people to take the course, therefore the testimony. I couldn't wait to vote in favor of this bill. Unfortunately, after hearing the other side at work session, when it came time to vote, those same retiree were there, I had a number of cards from constituents encouraging me to vote for the bill. One of which was from my parents, so I can tell you it's not easy to vote against it, however, the legislature, after all the facts came out, should not be mandating how the insurance companies do business and what discounts they give and AARP is such a huge group market force, they ought to be able to negotiate on their own substantial discounts. Thank you.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise also to voice my opposition to the pending motion and speak in support of LD 92. I think that AARP presented an excellent argument to the Banking and Insurance Committee asking us to support this bill and what they were advocating for all of us is, in fact, driver education and the importance of driver education. I very much am a proponent of education and I very much realize and understand that a lot of rules change in 30 or 40 years time, the rules of the road. I also understand, and I also very much appreciate that many of the drivers on the road today, in fact I would say a great majority, have never had any structured driving training courses. It's

usually been a family member, perhaps a parent or a loved one that taught them how to drive and passed on their good habits and passed on their bad habits. Combine that with 30 or 40 years, a few changes in laws, like a seat belt law, changes in laws all over the road and you have a driver that's not as well equipped as they can be to be on the road. What we have before us is the consideration of making this a real possibility for a lot of older folks and through an incentive. I very much believe in support reward systems and not as much do I support penalty systems because I think in reward systems you're really drivers and teach people to really strive to be the best that they can be and through this very minor financial reward, what we could have is better trained drivers on the road. It'll give back to our communities much more than the discount that they are going to receive and make the roads a safer place. I do urge my fellow legislators to vote against the pending motion and support this L.D. Thank you

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

Representative SAXL: Mr. Speaker, Men and Women of the House. We've heard a lot of discussion now on both sides of the issue and I just want to summarize for you. This course is currently available and it's not going anywhere. It's a question of whether we mandate it by law or not, so I would ask you not to mandate it. I would ask you to leave the law as it currently is in place with Maine having one of the lower insurance rates in the country for elderly drivers and I would ask you not to put a mandate on the insurance companies to force them to give a discount for attending this course. Let it be a voluntary thing and let our insurance companies set their rate and preserve these senior citizen rates as they currently are. Vote green.

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. 109

YEA - Bagley, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Chizmar, Cianchette, Clough, Collins, Cote, Cowger, Daigle, Davidson, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Mack, Madore, Mailhot, Martin, Marvin, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy T, Nass, Norbert, Nutting, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pieh, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Stedman, Stevens, Tessier, Thompson, Tobin D, Townsend, Treadwell, Tripp, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Williams, Winsor, Mr. Speaker.

NAY - Ahearne, Andrews, Belanger, Campbell, Carr, Chick, Clark, Colwell, Cross, Davis, Desmond, Dugay, Gerry, Gillis, Glynn, Goodwin, Lemont, Lovett, MacDougall, Matthews, Mayo, Mendros, Murphy E, Muse, O'Brien JA, O'Neal, Pinkham, Sherman, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Sullivan, Tobin J, Tracy, Trahan, True, Tuttle, Wheeler EM, Wheeler GJ.

ABSENT - Frechette, McAlevey.

Yes, 106; No, 43; Absent, 2; Excused, 0.

106 having voted in the affirmative and 43 voted in the negative, with 2 being absent, the Majority Ought Not to Pass Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-341)** on Bill "An Act Relating to Automobile Rental Supplemental Liability Insurance"

(H.P. 861) (L.D. 1218)

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

RICHARDSON of Brunswick
NUTTING of Oakland
DUDLEY of Portland
O'NEIL of Saco
SAXL of Bangor
SULLIVAN of Biddeford
PERRY of Bangor
MAYO of Bath

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

Signed:

Representatives:

JONES of Pittsfield
GLYNN of South Portland

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-341)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 5, 1999.

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-342)** on Bill "An Act to Update the Laws Concerning Prearranged Funerals"

(H.P. 1248) (L.D. 1777)

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-343)** on same Bill.

Signed:

Representatives:
NUTTING of Oakland
MAYO of Bath

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-342)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, May 5, 1999.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-317)** on Bill "An Act to Establish and Fund Conflict Resolution Programs in the Public Schools"

(H.P. 928) (L.D. 1305)

Signed:
Senators:
BERUBE of Androscoggin
MURRAY of Penobscot
SMALL of Sagadahoc

Representatives:
RICHARD of Madison
WATSON of Farmingdale
DESMOND of Mapleton
BRENNAN of Portland
ANDREWS of York
BAKER of Bangor
BELANGER of Caribou
SKOGLUND of St. George

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

Signed:
Representatives:
WESTON of Montville
STEDMAN of Hartland

READ.

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

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

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

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

ROLL CALL NO. 110

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bryant, Bull, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Daigle, Davidson, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fuller, Gagne, Gagnon, Gerry, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Lovett, Madore, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, McNeil,

Mendros, Mitchell, Murphy E, Murphy T, Muse, Norbert, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl MV, Sherman, Shiah, Shorey, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Tobin D, Townsend, Tracy, Treadwell, Tripp, True, Tuttle, Twomey, Volenik, Watson, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Bragdon, Bruno, Buck, Bumps, Campbell, Carr, Cianchette, Clough, Cross, Davis, Foster, Gillis, Glynn, Heidrich, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, MacDougall, Mack, Marvin, McKenney, Nass, O'Brien JA, Pinkham, Plowman, Rosen, Schneider, Shields, Snowe-Mello, Stedman, Tobin J, Trahan, Waterhouse, Weston, Winsor.

ABSENT - Cameron, Fisher, Frechette, McAlevey, Saxl JW, Thompson, Usher.

Yes, 105; No, 39; Absent, 7; Excused, 0.

105 having voted in the affirmative and 39 voted in the negative, with 7 being absent, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-317)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, May 5, 1999.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-319)** on Resolve, Creating a Commission to Study the Multicultural Education Needs of Maine Teachers to Ensure Multicultural Awareness and Understanding for All Maine Students

(H.P. 1230) (L.D. 1759)

Signed:
Senator:
MURRAY of Penobscot
Representatives:
RICHARD of Madison
WATSON of Farmingdale
DESMOND of Mapleton
BRENNAN of Portland
ANDREWS of York
BELANGER of Caribou
SKOGLUND of St. George
BAKER of Bangor

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

Signed:
Senators:
BERUBE of Androscoggin
SMALL of Sagadahoc
Representatives:
WESTON of Montville
STEDMAN of Hartland

READ.

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

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

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

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. This bill, in my opinion, is a fairly weak bill, it calls for a committee to do a study on the needs of teachers as far as their knowledge of multicultural affairs are concerned. Funding is dependent upon whether the Educational Research Institute gets its funding in the Part II Budget. I really feel that there were not very many people who came in and spoke on this bill. The Representative from the Passamaquoddy Tribe is one. The Department of Education also gave testimony, but no other multicultural groups were involved in the presentation of information on this bill. So I call this bill weak and maybe not a very important item so, I move voting against this and I request your support in the final vote. Thank you.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I'll ask you just a few questions to start with. I'm sure you'll all know the answers. How many languages are spoken today in the State of Maine? How many reservations are located in the State of Maine? Which state in America has the only statewide civil rights program with almost 100 schools participating? What city in Maine is 17th in the nation for the largest number of non-English speakers as first language speakers? After whom was the Cleveland Indians baseball team named? Who was Maine's first African American mayor? What woman of French decent won the coveted Olympic Gold Medal?

In 1980, Barney Berube, who is the director of the Language Minority Program for the Department of Education, got a call from the Portland Public Schools asking for help. The person on the other end of the line said we have 16 kids here now who can't speak English. Today the City of Portland has 700 students who speak 45 different languages. One in four students at Portland High School is a minority student. The principal calls the place the United Nations of Portland High. In 1980, statewide, 75 percent of the non-English speakers were French. Today, they make up only 32 percent with the rest close behind, Asians, Hispanics, Africans and others.

In this body we make a lot about education in lieu of laws. That is what this bill is about. As the cosponsor of LD 1759, I rise in support of this study commission, which will first determine what it is that Maine teachers know and can do. Second, what they need to know and need to be able to do. Third, what we need to do in order to make that knowledge and skills possible. Studies show that by the year 2050 all of us who are white will be in a minority. All of America will be a minority. We are planning for the future. The children that we are teaching today are the parents of the students who will be living in that era. We know from the Kosovo, Germany and the places all over the world where we have had multi-cultural challenges that it is very important that we deal with this. Many of you are business people. If you look at papers coming across your desk at work, you see that there is corporate diversity training. There are business etiquette conferences for those of you going to Japan or Korea. If you are a social worker, you have had a course in dealing with multi-cultural clients. If you are a nurse, you have probably had a course dealing with multi-cultural clients, as you have if you are an emergency medical person as well. Teachers still do not have that training.

That does not refer, however, to new teachers. In the last two years we have had enormous advances in training new

teachers. The State University System is moving forward with providing for a multi-cultural requirement for these young new teachers. For the veteran teacher out there, there is nothing. The word from Portland is we can no longer keep taking more and more refugees. We must be able to resettle them in other parts of Maine. This bill would address that. Waterville, Harrington, Caribou, Turner, Augusta, more and more cities every year are asking for resources to prepare teachers and students for the influx of immigrants from all over the world. We also have a large number of international adoptions today.

As more and more refugees are resettled in our state where housing, employment and schools are available. Teachers are finding themselves scrambling not only to learn how to teach English as a second language, but also to provide these new students with an appropriate educational plan that acknowledges learning styles, as well as cultural differences. At the same time, the students who were sitting there in that classroom have to be prepared to accept the new students and to embrace them into that learning community. It is a tall order for Maine classrooms, especially for the teacher who has never had a course in multi-cultural education and doesn't even know anything about our state's traditional multi-cultural communities. Maine has always been multi-cultural, but how many of us can even recite the names of the four tribes that we saw at the Wabanaki Awareness Day last week.

We live in and among many cultures, economic cultures, ethnic cultures, religious cultures, language cultures, age cultures, disability cultures and as teachers, we must deal with all of those cultures. A multi-cultural education course would help us to know how to meet the needs of the multi-cultural classroom. Someone once asked me, what is the definition of multi-cultural education? I would distinguish that from multi-culturalism. Multi-cultural education is an educational strategy in which students cultural backgrounds are used to develop affective classroom instruction and school environments. In the 1980s, local, state and national reports called on all of us to push for excellence in our schools. We responded here in Maine, especially with the highly challenging learning results. However, we have been provided as teachers with little direction or assistance to ensure that all students are able to realize that excellence or to gain the rewards provided by such an educational opportunity.

Schools of the future will be increasingly diverse. This study commission will first determine what we already know about teaching that is multi-cultural either through course work or experience. As I said before, we will find out what we need to know to teach these students that we are encountering all over the state. Finally, we hope to bring back to you a plan to provide the skills and knowledge that we will need to be successful in those new multi-cultural classrooms. My only regret is that we didn't talk about multi-cultural classrooms 100 years ago. Many, many people across the state have stories to tell of teachers who meant well and perhaps were good teachers, but who simply could not meet the needs of a desperate culture. For these communities across the state and for those traditional multi-cultural communities, we have waited far too long and many mistakes have been made. We must address the current challenge. I think that this bill is an excellent first step. I hope that you will vote Ought to Pass and will send it on down to Appropriations where hopefully they will be able to fund it. Thank you very much.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I should correct one of my earlier statements. We had a third person testify in favor of this bill. It was a gentleman from the University of Maine Orono indicating that they had programs already in teacher training as was referred to by the previous speaker. In my opinion, if teachers have the need to be updated in their multi-cultural backgrounds, those courses are already available in the university system. I would also like to pose a question to the Chair if I might. Could someone who is familiar with the Portland School System, does the Portland School System now work with those teachers of those students of various dialects to get them up to speed as far as the cultures of those people now? Is this something that is sorely missing even in the Portland School System? Thank you.

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

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

ROLL CALL NO. 111

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Desmond, Dudley, Dugay, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gerry, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Madore, Mailhot, Matthews, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Pieh, Povich, Powers, Richard, Richardson J, Samson, Sanborn, Savage W, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Cianchette, Clough, Collins, Cross, Davis, Duncan, Dunlap, Foster, Gillis, Glynn, Heidrich, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Mack, Marvin, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Perry, Pinkham, Plowman, Richardson E, Rines, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Frechette, Goodwin, Martin, McAlevey, Quint, Saxl JW.

Yes, 83; No, 62; Absent, 6; Excused, 0.

83 having voted in the affirmative and 62 voted in the negative, with 6 being absent, the Majority **Ought to Pass as Amended Report was ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-319)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 5, 1999.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Credit a Town for Payment of School Construction" (EMERGENCY)

(H.P. 1324) (L.D. 1907)

Signed:

Senators:

BERUBE of Androscoggin
MURRAY of Penobscot
SMALL of Sagadahoc

Representatives:

RICHARD of Madison
WESTON of Montville
WATSON of Farmingdale
STEDMAN of Hartland
DESMOND of Mapleton
BRENNAN of Portland
BAKER of Bangor
BELANGER of Caribou

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-318)** on same Bill.

Signed:

Representatives:

ANDREWS of York
SKOGLUND of St. George

READ.

On motion of Representative BRENNAN of Portland, 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:

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 (7) **Ought Not to Pass** - Minority (5) **Ought to Pass** - Committee on **MARINE RESOURCES** on Bill "An Act Regarding Lobster Trap Escape Vent Dimensions"

(H.P. 609) (L.D. 849)

TABLED - May 3, 1999 (Till Later Today) by Representative ETNIER of Harpswell.

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

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

Representative **PINKHAM**: Mr. Speaker, Men and Women of the House. I ask that you not support the Ought Not to Pass report and vote to support the report. I won't take long. If this bill doesn't pass, the first thing it is going to do is it is going to cost the fishermen in the State of Maine anywhere from \$14 million to \$45 million in lost wages the first year if this ban is allowed to increase. This isn't figures that we are pulling out of the thin air. This is figures from the Department of Marine Resources. The people that are pushing this vent increase are saying that the fishermen will see approximately a 10 percent loss in wages, but the fishermen themselves feel it could be up to 30 percent loss in wages. Like I say, it would be between \$14 million and \$45 million decrease in wages the first year. There has been no impact study done on this to see what the financial impact would be to the fishing industry into the communities of the State of Maine. I have letters from quite a few towns in the State of Maine. I am just going to run through them. These are all your towns that are listed here that have sent letters asking us not to

change this vent until there is an impact statement done to find out what it is really going to cost the fishing industry.

I have letters from Southwest Harbor, Stockton Springs, Newport, Boothbay, Phippsburg, Alfred, Avon, Beaver Cove, Berwick, Bremen, Boothbay Harbor, Wiscasset, Southport, Damariscotta, Buckfield, Mechanic Falls, Lemoine, Buxton, Mattawamkeag, Lisbon, Livermore Falls, Guilford, Baileyville, Frenchville, Madawaska, Winter Harbor and Jonesport. As you can see, these aren't only coastal towns that are concerned with the impact that this is going to have on the economy of the State of Maine. These are towns that are quite a way from the coast. This whole thing is being pushed by the Atlantic States Marine Fisheries Commission. That commission really isn't even a government agency that is pushing this. They are backed by the government agencies. This is an outfit that is made up of citizens of the East Coast States. Of the 15 states that this is made of, they have three people in each state that is on that commission. They are not government officials. They are not paid. They just make recommendations and try to get these regulations through. Some of the states on this are trying to regulate our fisheries, they don't have a lobster fishery themselves, but they are telling us what to do, but they have no fishery in their state.

The reason behind this is, they are saying there are too many lobsters being caught. There are too many traps in the water. Most all the statistics say the lobster fishery is being over fished. It is not being over fished. We have more lobsters now than we ever did. The brood stock is on the bottom to create more lobsters. There is no evidence that any of that stuff is dwindling. As a matter of fact, our lobster catch has doubled over the last 15 years and we actually have less traps in the water right now. We have about 30 percent less fishermen fishing right now than we did 15 years ago. All of the statistics are in our favor. We have plenty of lobsters. The lobster fishery is in good shape.

The vent increase would be one-sixteenth of an inch. People are saying well, what is one-sixteenth of an inch. That shouldn't make any difference. One sixteenth of an inch is a lot when you are talking about lobsters being able to escape from a hole in the trap. Right now there is some legal lobsters escaping under the old vent system. If the new vent system passes, there is going to be 10 to 30 percent more of the legal lobsters escaping from those traps. There will be quite a loss to the industry. I ask you not to support the Ought Not to Pass and to pass this bill. Thank you.

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

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

Representative HONEY: Madam Speaker, Men and Women of the House. First of all, there are probably a lot of people in this body that don't have an idea what we are talking about this afternoon. An escape vent is a mechanism on a lobster trap. I assume most people in this body know that a lobster trap is how lobster fishermen are required to catch lobsters in the State of Maine. At a number of different locations on the trap there are mechanism a little vent, that allows sub-legal lobsters to get out of their gear so they don't have to handle these little lobsters. Lobsters are also very cannibalistic and they tend to fight with

each other a lot like people here in the Legislature and on the coast of Maine. To those in this body who think this is a crazy thing to be arguing and so much effort being put into it, if your districts do not border on the beautiful coast of Maine, it probably does sound of little consequences. For us in this body who have lobstermen as our constituents, this is a very, very important item.

At the public hearing we held a few weeks ago at the Elks Club here in the State of Maine, there were over 500 lobstermen and their families in attendance at that meeting. I might add that in my district there are at least 150 lobstermen that took a day off from fishing to be up there that day to speak for this bill that we are discussing here this afternoon. A large percentage of the lobstermen attending the public hearing supported this LD. However, the Marine Resources Committee, we were divided. We seem to be aligned with the wants of the fishermen in their own district, which is normal. The fishermen in my district strongly support the passage of this bill. They feel a larger escape opening will bring economic disaster to them and their families. They have rallied around a Boothbay Harbor lobster dealer and lobster fisherman who has devoted an extraordinary amount of his time and final resources lobbying lobstermen, town offices and others to the pitfalls of the mandated one-sixteenth inch escape vent. I expect there are many people in this body who have received material from this lobster dealer and fisherman.

These fine and hardworking lobstermen firmly believe their livelihood is in our hands here today. I urge my colleagues here to defeat the pending motion and to go on to the Minority Report. Thank you Madam Speaker.

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

Representative BAGLEY: Madam Speaker, Ladies and Gentlemen of the House. I rise in support of LD 849. If the rule proposed by the ASMFC and endorsed by the BMR under its rulemaking authority becomes effective on June 1, 1999, the lobster industry will experience a loss in landings that will result in a significant decrease in revenue to the lobstermen. This decrease is estimated by the DMR to be 10 percent. It is estimated by the fishermen to be 10 to 30 percent. These losses will occur as a result of increases in the vent size. A loss of this magnitude in addition to the ongoing trap reduction plan will be devastating to the industry. An overwhelming number of the lobstermen who attended the hearings in Augusta expressed their support for LD 849. Their views must be considered. Any decision of an issue of such importance should only be considered after a financial economic impact study has been done. This study that has been requested by several municipalities should include import from lobstermen from all areas of the state. I urge you to defeat the pending motion and support the passage of LD 849. Thank you.

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

Representative VOLENIK: Madam Speaker, Men and Women of the House. The vent issue has been a long time coming. The federal government, through the National Marine Fisheries Service and the Atlantic States Fisheries Management Council has imposed and threatened to impose more and more stringent regulations upon the lobster fishery for years. Although more lobsters are caught now than 20 years ago when these agencies first began to argue that the lobster stocks were unsustainable. Although more lobster are on the bottom now

than at any time in the memory of the fishermen who have been observing them far longer than the regulators. Although Maine has consistently self-regulated the industry in ways that are a model for the rest of the country, including trap limits, which are currently at 1,200 going to 1,000 this year and 800 next year. These are steps that will decrease the total lobster catch. The federal government will not stop its drive to regulate this fishery out of existence. Maine fishermen have an effective maximum and minimum gauge size, a V notch way of preserving our egg bearing brood stock and an acceptance of methods that will logically keep fishing efforts sustainable, including up until last December 15, a lobster trap escape vent size that better corresponded to the size of a minimum legal size lobster. In fact, the vent at one and seven-eighths inches was larger than necessary to allow sub-legal lobster to escape.

For years, the lobster fishermen have been bombarded with proposed changes that would reduce their catch beyond the realm of necessity from both the Atlantic States Organization and the National Marine Fisheries Service. Some of these proposals have been defeated by the sheer force of the fishing communities in public hearings and letters. Some have passed despite the best efforts of the people involved. After every battle there is a brief rest and then the federal government begins its next push toward some arbitrary target goal. The fishermen and the fishing communities are beginning to suffer something akin to post-traumatic stress syndrome. They often lose. When they win a battle, the federal government simply announces a new campaign against their livelihoods.

Enter the lobster trap escape vent issue. Last November the Department of Marine Resources announced a public hearing in Ellsworth. This was to discuss the proposed Atlantic states rule to enlarge escape vents to an inch and fifteen-sixteenths from the current inch and seven-eighths. The fishermen who came to testify against raising the vent size were told by the commissioner that what they said at that meeting would have no impact. The gauge was going to be increased anyway. It was simply an informational meeting that the deal had already been made. They must accept this in return for the Atlantic states agreements that would benefit Maine. A ripple of outrage circulated through the crowd. A feeling of betrayal, frustration aroused, not just the most vocal fishermen.

One of the fishermen who is normally very quiet and very reasonable told me after the meeting that all of us are against this vent increase. That is the origin of this bill. A lot of the fishermen are at the point of wanting to pull out of the Atlantic States Organization all together. When a bill to do that came before the committee earlier this session, we discovered that we can't pull out of the Atlantic States Organization. What had been a voluntary compact entered into by the State of Maine with other states on the Atlantic coast, had been changed along the way by the federal government, into being a regulatory body that we could legally leave with no problem. If we did, they would regulate our fisheries just the same, only without our input.

What we did discover is that the vent increase is not absolutely mandatory. The State of Maine can either accept the vent increase as proposed by the Atlantic States Organization, as the department did, by rulemaking on December 15th of last year or it can propose alternative measures that will bring egg production in Maine waters up to an arbitrary 10 percent increase.

Four hundred Maine fishermen converged on the Elks Club this spring for the public hearing. By nearly a 7 to 1 margin they

testified for this bill in overwhelming numbers, 97 to 14, by my count. They pleaded that their catch would decline by anywhere from 10 to 30 percent. They brought in live lobsters and traps and showed how the legal size lobsters would pass through the vent size. They said their incomes would decline and with that decline in income, their communities that are dependent on them for income would also decline. They would see decreases in employees tax dollars, school subsidies and in other services. Local towns have asked for impact statements, as you have heard, from the Department of Marine Resources, asking how this vent increase would affect the towns. The department admitted in a letter that a 10 percent decrease would occur. What would happen as a result of using the inch and sixteenths vent when their catch declined because of using that vent? The lobstermen are convinced that as soon as that decline occurs, federal regulators will step in and say, your catch is declining, that must mean lobster stocks are in trouble again, therefore, we will regulate you some more so that you catch less. That is a downward death spiral. Not for the lobster, but for the lobster fishermen.

At the work session for this bill, I proposed that we not only pass this bill, but that we sit down quickly as a committee and come up with an alternative plan and submit that plan to the Atlantic States Organization. That alternative could include such things as establishing a lobster hatchery and putting more lobster on the bottom. It could mean a greater release program for female lobster. It could mean zero tolerance for Maine's V notch lobster law. We could require two escape vents of the smaller size, an inch and seven-eighths, in every trap while all the other Atlantic states only require one vent. The fishermen are willing to do any or all of these proposals or more and they are willing to pay for it through a surcharge on their licenses, so the department will not be inconvenienced.

All it takes is a little will power and a little work by the committee to follow up and come up with a plan for submission to the Atlantic states. There is a process for doing that. We have a letter from the Atlantic States Commission from Amy Schick explaining how that process can be done and the time table to do it. It is not a complicated process. If that plan should prove to be unacceptable to the Atlantic states, then we could keep working until we find a plan that was acceptable to both Atlantic states and the fishermen. At this point the fishermen are jaded. They are tired. They are frustrated. They are worried. They know we might fail to defeat the Atlantic States Organization. It has happened in the past. They just want us to try. They want to know that we are on their side. Other states are fighting Atlantic states with lawsuits against the organization. The fishermen's perception is that we are just giving in.

Passage of this bill will show that we are on the fishermen's side and that win or lose, we will fight for them and for the conservation measures they are using and that they know are working. Thank you.

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

Representative ETNIER: Madam Speaker, Men and Women of the House. Current law in this state requires one escape vent. That is all. One escape vent in your trap. Most fishermen use more than that. Some use up to four. The reason they use more than one, in a lot of cases, is because their traps fish better. There is a real incentive to having a trap that is well vented and gets the small lobsters out. The traps fish better. A good fisherman knows that. Current law, if that is all you want it to do,

you only have to use one of these legal size vents. You can use any other size you want on the other ones. Part of the reason they like to get the small ones out, it is not like you or I, where we wouldn't mind going into a parlor filled with small children, as is the case with the lobster traps filled with juvenile lobsters. The difference here is that small juvenile lobsters will eat you. There is a good reason why they like to get those small ones out of there. It works well.

The purpose of this one-sixteenth inch larger vent, it will allow approximately one more year for these lobsters that are left on the bottom to reproduce. In other words, produces thousands and thousands of eggs, thereby enhancing the lobster population and improving its future.

A couple of things you should know, you have received a wealth of yellow handouts. By the handouts alone, I should win this issue. I will defer on that one and leave it up to you. One thing you should know is that no matter what happens here today, all of the 1,200 federal lobster permit holders in this state, Maine lobstermen who hold federal permits, will have to use this inch and fifteen-sixteenths vent no matter what happens here. They will have to use it no matter where they fish. If you want to talk about fairness, let's talk about having them use a different size escape vent fishing next to a fisherman who can use a smaller size escape vent. That is 1,200 federal lobster permit holders. In most cases, these are the people who go year round or the full-time fishermen of the state. This bill proposes to let those people have a larger size vent. I tell you that that is not fair.

The process leading up to Amendment "3" is one of the out falls of the Atlantic States Marine Fisheries Commission, Amendment "3" of their federal lobster plan. This has been going on for almost two years now, ladies and gentlemen. People have come onboard to this very late as an issue of real concern to them. It is surprising how late they have come on, given the fact that there has been public discussion regarding this amendment since 1996. There have been over 16 public hearings regarding Amendment "3" and the National Marine Fisheries Service plan have been held over the past two years. Approximately 600 people attended eight public hearings on just this plan alone. Also, all license holders were sent, on three different occasions, a letter from the department informing them of the progress of this plan and requesting their input and their attendance at these hearings. This is not something that just came in the door recently. The only thing that came in the door recently were people who decided to make an issue after sitting on the sidelines and not being productive in any way, shape or form, up until most recently, in my opinion are not being extremely productive at the moment.

The gains for the state that we would be going to this inch and fifteen-sixteenths vent, with an increase of a sixteenth of an inch are huge. Lobstermen throughout this state have been trying for years that we do lead in lobster conservation. We have the V notch protection for female lobsters in our state. We are the only state to have done so. We have oversize protection, protecting the larger lobsters who are the female and male lobsters who produce the mammoth amount of eggs. This state has had that protection for years. Part of what we got when we agreed to go along with the sixteenth of an inch, this incremental increase in the one escape vent we have to have, that V notch protection is expanded throughout the range of Area 1, which is all the northeast states up to approximately 35 miles off shore. That is huge. Our jurisdiction before only went to three miles off

shore, which is where Maine's jurisdiction goes to. You will hear that there is a difference in the definition of the federal V notch that they have just adopted and ours. That is true, but that is something that we can overcome with time. The other thing that we gained with this is equally huge and something else the fishermen have justifiably been calling for, for a long time. That is the expansion of the oversize law that protects the large lobsters. That has now been expanded from beyond our three mile territorial limits up to 35 or 40 miles off shore. Those are both huge gains for the fishermen of this state and they know it.

I would like to refer you to one of the handsome yellow documents you got that has the actual vents traced out on it. You have heard an awful lot about the health of this resource. By enlarge, I think it is a healthy resource and the landings are definitely up, but that is because we have an incredible amount of pressure on it and an incredible amount of effort there. If the argument is there that the increase in the size of the vent will drastically affect the harvest, how can you justify that by just looking at this document? How can a sixteenth of an inch cause such severe hardship as you heard. It doesn't pass the straight face test, which I think is a reasonable place to start. We have heard about telling the feds where to go. Let's be the tough state and tell the feds what they can do with their lobster plan. We have done that in this state and I, and other members of this body, have been extremely helpful in doing so. We have drawn the line in the sand regarding federal lobster management. When it came to the whale plan a couple of years ago and a number of you signed on to the Joint Resolution telling them where they could go with that whale plan that would have put Maine fishermen out of business. We won that battle. That was an appropriate place to draw the line. We drew it and we won. Maine fishermen were united behind us.

Also, as a state and fishermen, took a stand against the federal lobster plan, the National Marine Fisheries Service Lobster Plan, that would have had a number draconian measures in it, but would have relegated them to a 480 trap limit. A number of us, including myself, went to public hearings and said, no, do not do that. The fishermen in my area can live with the other plan, the Atlantic States Plan. It is reasonable. It has reasonable trap limits in it. It has reasonable measures. Go away National Marine Fisheries Service and they went away. We drew the line there and we were correct in doing so and we will do it again if we need to, but this is not the place to draw the line. You don't draw the line where it will do more harm than good.

By passing this bill that is before us today, we will severely, I believe, damage our credibility as a state and severely damage our ability to negotiate in good faith with our neighbors to the west of us. We will risk the gains that I have described to you that we made with the V notch and the oversize protection. Why should other states who very reluctantly agreed to go along with those measures, if we went along with the increase in the vent, why should they continue to go along with those changes if we back away from the one thing that we were willing to do as a state? Why should the National Marine Fisheries Service, who after we complained so much about their plan and backed away and agreed to go along with the Atlantic states, Amendment "3", why should they back away and say, okay we didn't mean what we said, you can do what you want? I believe very strongly there is a good possibility they would come in here and say we balked on this plan, you are looking at a 480 trap limit, sorry.

No matter what happens today with Representative Volenik's bill, all Maine fishermen will have to fish this year with this vent. I don't see any way around that. No matter what happens, all federal permit holders will have to fish for the foreseeable future, no matter what happens. That is going to be the case. A lot of people have already put these vents in. A lot of people are already fishing with them as everyday goes on. The more they use them, the less this is an issue. It is going to be a non-issue completely as people fish this year.

You have heard some dire predictions regarding the collapse of the industry if this is implemented. You heard the same dire predictions, well, we didn't hear them because we weren't in the Legislature at the time, but they heard them in previous sessions of the Legislature. They heard them elsewhere in the state regarding previous increases in the vent size that occurred in the state where it was going to be the end of lobster fishing and all the boats would have to be for sale. You also heard the same arguments regarding increase in the lobster measure. That would be the end of the lobster fishery and no more lobster fishermen would exist in the State of Maine. Instead, we have had banner years, perhaps not as a direct result of that, but we certainly have had large years. Those dire predictions have been heard before and yet we forge ahead having high landings.

I personally have fished with these traps. Two years ago when I went, for two months, with a friend of mine in Casco Bay fishing 1,200 traps. He fishes a quarter of his gear with this size vent in it. This was two years ago. He fishes between the mud up in Birch Island to the edge of bottom, so far offshore that you can't see land. He likes these. He came to the public hearing and testified that these were good. He supports their use and he urged that we not pass this bill. He has fished with them now for three years on approximately one-quarter of his gear. He says they are good for the resource.

Finally, believe it or not, a seemingly small issue, I agree that it is small, on the conservation gains we will see from it and also small of the effect it will have on the lobster catch, I believe. Lobsters that do escape will be caught next year and they will be approximately 40 percent bigger. Lobsters are sold by the pound, not by the piece. However, this is a huge issue, I believe, in terms of its affect on Maine's credibility and its ability to negotiate in these critical areas of federal lobster management. We only control the three miles offshore folks. That is not much if you are a full-time lobster fisherman. Most of them just fish further offshore than that and they have to answer to the feds no matter what we may think about it here. There is much more work to be done.

Last week I attended, at exactly this time actually, an Atlantic States Marine Fisheries Commission meeting in Portland, where the lobster conservation management team was meeting to discuss what we do from here. There were lobster fishermen from three states sitting at a u-shaped table, same as our committees meet, Maine, Massachusetts and New Hampshire. Maine fishermen were there from Kittery to Cutler, as the state's representatives. They were hashing out what to do next to address some of these issues that have been raised. I say, don't pull the rug out from under these fishermen who have given up days of fishing time to sit down with their counterparts from other states and to try to achieve an agreement on what methods would work best to address the Sustainable Fisheries Act and the concerns that are very real and easily sustainable on the concerns it raises concerning over fishing in the lobster industry. These fishermen care deeply about their fishery and their future.

Let's not let them down. Please do not pass this bill. Thank you very much for your time and your attention.

Representative WINSOR of Norway **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 Kittery, Representative Lemont.

Representative **LEMONT**: Madam Speaker, Ladies and Gentlemen of the House. I very much appreciate the remarks of the good Representative from Harpswell and I find it is very unusual when I disagree with him on marine resource issues. I am a lobsterman. I have heard about this issue on the docks of Kittery and Kittery Point in the last year. I thank him and I thank him for speaking about my federal permit. I would willingly give up my federal permit if I do not have to increase my vents by a sixteenth of an inch.

Also, one more thing, I would like to refute what the good Representative said. In my district, my area, all the fishermen that I represent have not purchased their new vents because they were hoping that we, as a Legislature, could bring some saneness to this issue.

I am also a member of the Marine Resources Committee. We have heard about this issue for the past two months. I am also the Representative on Zone G appointed by the Legislature. For the last year they have been debating this issue.

How did we get here today? We have something called the Atlantic States Marine Fisheries Commission. It is a federal organization made up of all the states from Maine to Florida. Each state has a vote. You do not have a vote if you do not have landings in that fishery. For the purposes of lobsters, you only have a vote in North Carolina. I find it very ironic that North Carolina has a vote. They landed 34 pounds of lobster last year and they have a say in this fishery. The purpose of the Atlantic States Marine Fishery Commission is to protect and to conserve certain saltwater species. You have probably heard about their success with the striped bass. Their task was to come up with a management plan for lobsters. The plan included a trap limit for five inch oversize lobster, the V notch and the vent. This took place on the 16th of December 1997.

What a plan it is. New Hampshire has already gone to a split license. New York does not want to use trap tags. Rhode Island has gone back in because they don't like the limit on the amount of lobsters that they can get through dragging. The southern states, of which North Carolina is one, wants to waive these regulations, because they land so few lobsters they do not think they apply to them. Massachusetts has taken the Atlantic states to court charging that the commissions lobster fishery management plan did not go far enough to protect the species and rely instead on ineffective measures that would harm their fishermen.

In my opinion, the vent increase is the cart before the horse. The intent of the vent is to allow undersized juvenile lobsters out of the traps. The legal size lobster right now in the State of Maine, on the low side, is three and a quarter inches. That is approximately a pound to a pound and an eighth lobster. This vent, as we saw in Augusta at the public hearing, would allow pound and a quarter lobsters to easily escape from the trap. I think with new vent all we are creating is a catch and release program for lobstermen in the State of Maine. In 1995, through the leadership of the good Representative from Harpswell, we passed landmark lobster conservation laws. We created a healthy lobster fishery. In fact, in 1997 and 1998, we had the

most productive years in the history of this state. There were record landings. The 1995 bill that passed had a trap limit of a build down of 12,000 to 800 traps. It also created the zones of seven local lobster working groups. These were the highlights of that plan. That went along with out V notch, minimum size and our ban on drag lodges. You cannot land a dragged lobster in the State of Maine.

Maine has 50 percent of this resource. In fact, it is greater than 50 percent. We should be the leader in lobster conservation in this country, as well as on the whole eastern seaboard. The proposed federal plan adopts Maine's trap build down. It adopts Maine's V notch with a few restrictions. It is actually more liberal than Maines. It adopts Maine's five inch. Why should we adopt a vent just to go along, so the rest of range adopts our good conservation measures. We should be the leader in this industry. We should not be lead.

I would like to share with you now some of the written testimony of the Commissioner of Marine Resources. It was presented on April 6th, the public hearing. He states, "The plan was developed with the participation of several states with active participation by local lobster fishing license holders in Maine. The draft plan was put out to comment in public hearing in all states. Eight public hearings on the Atlantic States Lobster Management Plan were held in Maine in Augusta on September 1997." It goes on to list the areas, the eight places in the State of Maine where these hearings were held. One of them being Cape Porpoise, which is in Zone G, which I represent. There was active participation. There was active participation in this plan. I have the minutes of the meeting of August 13, 1998. A straw pole was taken. There was in attendance over 100 lobster license holders of Zone G. Only one individual supported the vent increase. Once the straw pole was taken, we immediately started to discuss alternatives. They are very responsible individuals. They know they can manage the resource and they strive to do that.

Let me share with you a little more of the comments by the commissioner. "In adopting the vent regulation, I acknowledge the hardship in decreased income that may be caused to lobstermen. However, I do not believe an alternative regulation can be created that will both provide for the equivalent conservation of the resource and be more acceptable to fishermen as a whole." I beg to differ. There is room for alternatives. Some of them being, adopting our V notch and a total ban on drag lobsters. Why not have an option of more than one vent in a trap, not necessarily an inch and fifteenth-sixteenths, but you could have two, three or four vents of an inch and seven-eighths if you want the juvenile lobsters to leave the trap and stay on the bottom. How about a trap reduction and lobster hatcheries?

This is a very serious issue. It affects the livelihood of thousands of lobstermen who are small businessmen. It will have a huge economic impact on this state. Please join me in defeating the pending motion so we may pass LD 849 and send a message. There are alternatives and we want to be a voice in them. Madame Speaker, when the vote is taken, I request a roll call. Thank you.

Representative LEMONT of Kittery **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 Biddeford, Representative Sullivan.

Representative **SULLIVAN**: Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this motion. I know that for many of you this is not an important issue, but I need to tell you for lobstermen, this is an important issue. We hold their way of living, perhaps we also hold much for the tourist industry. This industry is the epitome of over regulation. Maine lobstermen have lead the way in conservation. You have heard talk of the V notch female egg bearing lobster law. Probably a lot of you don't understand it. I didn't until about two months ago when I had spent time with two people who represent Zone G on the Lobster Advisory Committee. I am here to tell you that this is a serious, serious question before the House.

I just had come across my desk that this really, the new vent, is a nonevent. Tell that to the lobstermen. Tell that to the tourist industry. I would like to submit to you that the lobstermen would ask us to really put a thought into this and look at what they have done and the laws that they have come up with on their own to support this. It didn't take government to tell them we want to conserve it. For those of you who are confused by this issue and at times I even am, I would ask you to look at one very simple thing, sort of compare it to the legal speed limit on the Maine Turnpike. For those of you who might not be aware of it, it is 65. Suppose now that you are diving along at 55 and the state trooper pulls you over and hands you a speeding ticket. You say, "But officer, I am only going 55. The legal speed limit is 65." He says, "Too bad, we are trying to make some money for the state and even though you are in compliance, you are going to be out of compliance." This is what this vent does. We made a legal size for a lobster. Raise the gauge if you want. Tell them they need a larger lobster, but don't create a vent that allows legal lobsters to crawl out. It is not right. It is not fair. I think this House wants to be about what is fair. I urge you to defeat this motion and then pass LD 849. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I think I am understanding what is being said here today and I believe I support the pending motion. However, I have a couple of questions that I would like to pose through the Chair. My question is a series of questions that actually lead to one philosophical question. That is, where do lobsters come from? Do lobstermen put them there and if not, at what point does this resource belong to them? If the answer to that question is when the legal lobster is landed, why do they not wish to protect that resource, which cannot belong to them if they claim to be such ardent conservationists. Thank you.

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

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

Representative **SKOGLUND**: Madam Speaker, Ladies and Gentlemen of the House. The towns that I represent are among the most dependent on the lobster fishery. Some of the villages are almost entirely dependent upon the lobster fishery. I have heard from my constituents. They tell me this is no big deal. From Port Clyde, I hear that most of the four handed fishermen have already put these larger vents in and it doesn't make a bit of difference. I understand it is no big deal to change the size of these vents. There is a time when you can't go along with

federal regulations and there is a time when you should be cooperative and go along with federal regulations. From what my lobstermen tell me, this is not the time to defy federal regulations because it is not that important. They urge me to follow the Representative from Harpswell and support the Ought Not to Pass recommendation. I shall be following the Chair of the Marine Resources light and for my fishermen, I urge you to do the same.

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

Representative **MCNEIL**: Madam Speaker, Ladies and Gentlemen of the House. I, too, am here today to represent my lobstermen from Rockland and the surrounding area. They have asked me not to vote yes on this bill. They asked me not to pass this bill. We joined forces many years ago with Atlantic States Marine Fisheries, due to pressure from the federal government to impose much stronger restrictions on our lobstermen. Our representatives in Atlantic States Marine Fisheries are not just ordinary people from the street. They are Senator Goldthwait from the other body, Commissioner LaPointe from the Department of Marine Resources, Pat White who is the Executive Director of the Maine Lobstermen's Association. They have worked hard at Atlantic states to compromise on the issues and to vote according to what they felt that the lobstermen wanted after a series of meetings in the state. They have worked hard to keep the needs of conservation methods of our lobstermen at the forefront. Earning us respect in the recognition as experts in the industry that we deserve here in the State of Maine. My lobstermen are afraid if we do not comply with Atlantic states, where will our honor and standing be in future negotiations. I would ask you before you hit your button, do you want to be the one to put us out of compliance? Do you want your vote to be the one that could perhaps shut off our lobsters from being shipped over the state line? I would ask you to please vote Ought Not to Pass on this and to protect the lobstermen in the State of Maine from future harm. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cherryfield, Representative Dugay.

Representative **DUGAY**: Madam Speaker, Ladies and Gentlemen of the House. I was at the local Irving down in Harrington the other day. I was joking about mandatory seat belts on lobster boats and about not allowing smoking, statewide ban for smoking for lobster fishermen, because of the effect of second hand smoke on the lobsters. The guy stood there and thought I was serious because of the rules and regulations that are coming down. That is what they are feeling. They are suffering a post traumatic stress disorder. They are numb to all of the things that are going on around them. I ask you to please support this LD and to prevent the lobster vent increase. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Southwest Harbor, Representative Stanwood.

Representative **STANWOOD**: Madam Speaker, Ladies and Gentlemen of the House. Serving on the Marine Resources Committee, I urge you not to pass this resolution. It is a conservation measure. It is indeed true that the Maine lobster landings are up. That cannot be refuted, but there is a direct correlation between the fin fishermen who over fished their industry and the rise of the lobsters. If the cod fish come back, I can guarantee from what I have been told by the old time

fishermen, that you will see these landings go down because they are prime meat for the fin fish.

Several of the fishermen in my area have done a study for the last two and a half years and they certainly support this vent increase. They do realize there will be some loss of lobsters, but they also realize when those lobsters molt, they will be 40 percent heavier and worth more money when they do catch them a second time. It is an opportunity for these lobsters to breed and make eggs, which will enhance the egg production. If they don't do that, then they will be caught and they will be larger and obviously worth more. More importantly, these vent increases will keep more lobsters on the bottom because every time a lobster is hauled out of the water, if he is undersized, he gets thrown back and he is food for other fish on the way back to the bottom. Also, we know that many of pistols and cripples, as they are called, are made that way because the fishermen in their hurry yank the lobsters out of the traps and with these vent increases they won't have to do so much of that cleaning as it is called. There are some spin off affects of this. It keeps us in compliance. It is a conservation measure. In the end, I believe, we will have a better product. We certainly will be ensured that this product will be shipped across state lines, because we will stay in compliance. I urge you to vote against this measure. Thank you.

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

Representative **PERKINS**: Madam Speaker, Ladies and Gentlemen of the House. For those of you who haven't escaped through the vent here, I am a lobster fisherman to some degree. I am semi-retired and semi-active at this point. I am not sure we can determine here from this debate whether this increase would be harmful or hurtful or good. I can't from all the talking, studying and listening. I can tell you one thing. People from down my way are upset with the process. I submitted a bill earlier to get us out of the ASMFC, the State of Maine. As Representative Volenik pointed out, even though we entered that voluntarily, we can't get out of it now we are told. One of the reasons I wanted to get out of it was just because of this action that came down from the Atlantic states to increase the vent that was imposed upon people without adequate public hearing. The hearings were held after the decision was made. People from our area took time off and drove to Rockland and were more or less were told it was a done deal already and they were disgruntled about that. We had a public hearing on Representative Volenik's bill, the one that is before us now, with some 400 people in attendance at the Civic Center. Some of my people, one of them particular, he is active in some other fisheries council and he said, "I will tell you the truth Royce, if people don't listen to us this time, that is the last time I am ever going to Augusta to testify on anything. The feeling is out there that people aren't being listened to. For that reason alone, I think we ought to vote against this pending motion and vote for the bill. Thank you.

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

Representative **ETNIER**: Madam Speaker, Men and Women of the House. Forgive me for rising a second time. I just couldn't stay in my seat regarding some of this misinformation you have been hearing about the public hearing process. The Representative's are correct that there were some hearings held by the Department of Marine Resources relative to the rulemaking process on this. Those were pretty much after the fact. What is not true that you have heard and what needs to be

heard is that there were at least eight public hearings. I know I went to the one in Yarmouth. I hope some of you went to the ones in your area. Before this plan was drafted, it was for public comment, those were public hearings. There were eight of them held throughout the state. I have the schedule right here in my hand. That was well before the plan was finalized. It was to receive comment from any member of the public who wished. Just for the record I wanted to set that straight. 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. 112

YEA - Baker, Belanger, Berry DP, Bouffard, Bowles, Brennan, Brooks, Bryant, Bull, Bumps, Collins, Cote, Cowger, Daigle, Davidson, Dudley, Dunlap, Duplessie, Etnier, Foster, Fuller, Gagne, Gagnon, Gooley, Hatch, Jabar, Jacobs, Jodrey, Kane, Labrecque, LaVerdiere, Lemoine, Lindahl, Madore, Mailhot, Marvin, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Plowman, Powers, Quint, Richard, Richardson E, Richardson J, Samson, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Skoglund, Stanwood, Stevens, Tessier, Thompson, Tobin D, Townsend, Tripp, Twomey, Usher, Watson, Weston, Williams, Mr. Speaker.

NAY - Ahearne, Andrews, Bagley, Berry RL, Bolduc, Bragdon, Bruno, Buck, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Colwell, Cross, Davis, Desmond, Dugay, Duncan, Fisher, Gerry, Gillis, Glynn, Goodwin, Green, Heidrich, Honey, Jones, Joy, Kasprzak, Kneeland, Lemont, Lovett, MacDougall, Mack, Mendros, Murphy E, Murphy T, Peavey, Perkins, Perry, Pieh, Pinkham, Povich, Rines, Rosen, Sanborn, Sherman, Shorey, Sirois, Snowe-Mello, Stanley, Stedman, Sullivan, Tobin J, Tracy, Trahan, Treadwell, True, Tuttle, Volenik, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Frechette, Martin, McAlevey.

Yes, 80; No, 68; Absent, 3; Excused, 0.

80 having voted in the affirmative and 68 voted in the negative, with 3 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Establish Educational Excellence for the Towns of Mechanic Falls, Minot and Poland"

(H.P. 1360) (L.D. 1958)

Signed:

Senators:

BERUBE of Androscoggin
MURRAY of Penobscot
SMALL of Sagadahoc

Representatives:

RICHARD of Madison
WESTON of Montville
WATSON of Farmingdale

DESMOND of Mapleton
BRENNAN of Portland
ANDREWS of York
BAKER of Bangor
BELANGER of Caribou
SKOGLUND of St. George

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

Signed:

Representative:

STEDMAN of Hartland

READ.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-361)** on Bill "An Act to Prohibit the Use of Juveniles in a Tobacco Enforcement Action"

(H.P. 1429) (L.D. 2052)

Signed:

Senators:

BERUBE of Androscoggin
MITCHELL of Penobscot

Representatives:

BROOKS of Winterport
DUGAY of Cherryfield
LOVETT of Scarborough
BRAGDON of Bangor
SNOWE-MELLO of Poland
SHIELDS of Auburn

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

Signed:

Senator:

PARADIS of Aroostook

Representatives:

KANE of Saco
FULLER of Manchester
QUINT of Portland
WILLIAMS of Orono

READ.

Representative KANE of Saco moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

Representative KANE: Mr. Speaker, Men and Women of the House. This is "An Act to Prohibit the Use of Juveniles in a Tobacco Enforcement Action." According to the Institute of Medicine and Health and Human Services, the use of juveniles in tobacco enforcement programs is the single most effective way to enforce retailer compliance with laws with respect to sales to minors. Currently, the Maine Department of Human Services and the Attorney General have contracted with the Food and Drug Administration along with 43 other states to help enforce FDA tobacco regulations. This bill, if adopted, would end the partnership because the federal enforcement program requires the use of minors, age 15 to 17, to conduct compliance checks. We further understand that the termination of the partnership could result in a loss of close to a quarter of a million

dollars in substance abuse block funds. This would be in addition to over \$400,000 in FDA contract funds for the smoking prevention programs here in Maine.

It is important to keep in mind that Maine teenage and college age population is under siege when it comes to tobacco use, ranking number one and three respectfully in the country. We can ill afford to conduct business as usual when it comes to protecting our kids. They are currently in harms way with respect to access to tobacco. The concerns expressed about putting our children in harms way in this program is an exaggeration of potential risks. There was not a single incident presented to us in public hearings of any juveniles put at risk. The juveniles were always accompanied by and under the supervision of, not only one, but usually two law enforcement personnel. The juveniles are screened in advance and trained to participate and must receive parental permission from parent or guardian.

This program has had tremendous success. In 1994, 44 percent of stores checked for compliance sold to underage buyers. By 1998, only 4 percent of stores inspected sold to underage buyers. No single program has had such an impact in reducing access of youth to tobacco. Prohibiting juveniles from participating in the state program will not end inspections. It will merely be administered directly by the FDA. The state provides significant oversight and supervision that could be lost if taken over by the feds.

Please, let's continue to protect our kids from the ravages of tobacco and keep a success program working. Please support the Minority Ought to Pass Report.

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

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. I think it was about 25 years ago when a friend of mine in Bangor who operated a store was subjected to, what I consider to be, repeated cases of entrapment by the local police department. It was simply because the man had gone to the city council on more than one occasion and complained about some police things. They kept sending in underage people to buy liquor and the minute that they made the purchase, of course, in came the police and made the arrest. Here it is 25 years later and I don't feel any differently today about that kind of "entrapment" than I did then.

What the law allows is that anybody from the age of 15 on can be hired at the cost of \$7.50 an hour, recruited among their friends, taken some place and trained and then sent out into another county or someplace far away from their home, accompanied by adults and sent into a store to purchase cigarettes. Once that purchase is made, they are secreted away someplace and an officer comes back and nails the store owner. As far as I am concerned, that is nothing more than pure entrapment. I do disagree with my Chair, in that this, I think, does place juveniles in jeopardy. I think that we are asking them to do things that leads them into believing that that is the right thing to do.

I went to an academy, not far from my home, where I now have a connection and asked them. They said the word "narking." That is what they call it. It is ratting on your friends. I asked, what are you going to do when you find out that some of your friends may have been? They said, "Get even." I don't think this is an appropriate thing to be doing. Going into the schools or anyplace else. I did hear in Bangor that there were some people who were recruiting young people who are not

completely and fully healthy and taking them into Somerset County doing some of this. I think it is wholly inappropriate. If you think about what the law says, why can't we enforce that? The law says that order to purchase cigarettes, if the clerk of the store believes that you are anywhere between the ages of 18 and 27, they must card you. To me, it seems to be that there is a significant difference between the ages of 17 and 18. You ought to be able to tell the difference between 17 and 27.

To me, there are appropriate safeguards on the books that allow us to continue to police, if you will, the laws of the State of Maine, regarding the illegal purchases of cigarettes. I say that we ought to turn down the Minority Report and support the Majority Report. I believe that is why the majority of this committee voted in favor of this bill so that we can dispense with this kind of activity and this kind of placing juveniles at jeopardy. Please follow my light and vote against the Minority Report so that we can pass the Majority Report and prohibit this kind of behavior. I know that there are some concerns that we are jeopardizing federal funds. I have heard that before. I think that there are other ways. I happen to know, I think to a certain extent, four people who work in Washington, DC, who are there representing all of us, who we can call upon to say, please don't take our money away just because we wouldn't use kids to entrap. Thank you.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I rise here today to support the Majority Report. It is my strong belief that it is entirely inappropriate, under any circumstances, to knowingly put our children in harms way. Participation in sting operations opens up a child to an extended risk. Not only is the child in danger while the sting is being undertaken, they risk being sought out by a vengeful store owner or children of a store owner in search of retribution. Law enforcement officers will not be present to protect children from seeking revenge. Please remember that. They are not always around these officers. People can be very spiteful. I have talked to many of my constituents and on first blush, they say this is a great idea until I start talking to them about the possible and very real concerns that might happen to this child. People have come to me and said, my child does this. You ought to talk to them. They think it is a good idea. Excuse me, I think in this area we are the adults. We make the decisions whether they should be out there doing this or not. Children may think this is a great idea, but they don't have the wisdom that adults have. We are here to nurture and protect them. We are not here to send them into harms way, not matter how worthy you feel, or people might feel, that this is a good thing for them to be doing. It isn't. I believe there is many other ways that we could come up with to get that federal money. I really believe within my heart that this is a very dangerous situation. We should support this legislation. I think it is extremely important. Thank you.

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

Representative **LOVETT**: Mr. Speaker, Ladies and Gentlemen of the House. This is a terrible idea. To ask our children to snitch on storeowners or anyone else. It is terrible to even suggest that we would ask our children to commit a crime in order to make money. Ladies and gentlemen, I beg you to follow my light on this issue. We can't treat our youth like this.

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

Representative **QUINT**: Mr. Speaker, Men and Women of the House. I just want to clarify a couple things here. We keep talking about these juveniles, ages 15 to 18, as if they are children. When we use the word children we sort of conjure in our minds that these are individuals who are perhaps still in grammar school who cannot drive, who are not employable to do other types of responsibilities and to be employed. It is not like we are encouraging them to do something. It is totally optional. They are with the permission of their parents. When these juveniles or young adults decide to do this, for whatever reason, they still have to get parental permission. For me, if that is in violation with somebody's family values with how they want their teenagers to make a living or whatever, their parents certainly can intervene on their behalf. I think that is important to remember. It is not that these teenagers are going to be able to do this without anybody else knowing, because their parents need to approve their participating in this program.

We also talked a lot about how this sting operation, and for some reason in my mind it congregates a sort of illicit drug alley, sort of dark thing that is happening, but the reality of it is, it happens during the day generally and they go into stores that all of us go into every single day. This is not in dark alleys. It is not in the middle of the night. This is not some sort of thing that we see on TV where there is this melodramatic type of sting operation that there is going to be some severe consequence of retribution. We are not talking about drug dealers here. We are talking about people who are and continue to sell cigarettes to children or young adults under the age of 18. I am not alarmed by the fact that we are using teenagers to, in fact, help us enforce this very important law.

The other sort of thing about narking that Representative Brooks referred to is, that is certainly true. My understanding is what teenagers don't want to have happen is their peers to nark on their own peers. This is not something that is occurring. It is certainly something that is happening when they are, in fact, participating in the process and revealing someone who is illegally selling cigarettes to minors. The true definition of narking is when someone rats on, if you will, one of their own peers or one of their own age group. It is not ratting on an adult who is breaking the law. So, I would ask you to support the pending motion. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I am concerned with young teenagers doing this type of operation. For one thing, those young teenagers are underage, for another, they are at a very impressionable age. Two of the people that testified for the committee for this piece of legislation to stop these types of operations, one was a sheriff from Somerset County. His department refused to get involved in these types of operations because of the concern for the children. Another person who testified before the committee who I have a lot of respect for, someone who has a lot of credentials in this area, in fact, my committee, the Judiciary Committee, confirmed or voted for his appointment to the Maine Human Rights Commission. That gentleman's name is Paul Vestal. This gentleman has an awful lot of experience in the justice system and dealing with juveniles. He saw a serious problem with using young teenagers underage in this kind of operation, not the least of which was the danger,

snitching factor and the fact that some of these teenagers are being used, at some time down the road, might have a guilt feeling of what they have done. It could have an impact on them. As I said before, they are at a very impressionable age, regardless if they are teenagers or not. They are still doing something that is not looked upon as being a great thing to do.

The other comment I will make is, the Representative from Saco said that there was a study showing that this was the most effective and efficient method of getting compliance. I won't deny that. There is a lot of effective and efficient ways of doing things in government that I dare say none of us would sign onto to get an end result. The interesting thing about the affect and efficient study that was quoted was compliance. There is another study out there done by the New England Journal of Medicine. I quote from the study. "Adolescence under 18 years old reported only a small drop in the ability to purchase tobacco in no decline in its use." That is an important study that the New England Journal of Medicine did. There was no decline in its use. Another alarming aspect revealed in the study while tobacco use among high school students in the three towns with no enforcement program remain roughly equal, it rose in the towns where enforcement is measured by stings made illegal sales less frequent. It rose in the towns that had the sting operations. Where you had compliance, rates increased. Of course it would, the actual goal of stopping teenagers from smoking was reversed in the study that the New England Journal of Medicine did.

We heard talk about the loss of federal funds. I have the federal register right in front of me. The dirty little secret about the federal government's legislation language is that they allow great flexibility. Let me quote right from the statute. "The department strongly supports giving states flexibility and devising methods to use in enforcing their laws." However, because of efficiency effectiveness, they strongly recommend sting operations. Well, thanks, but no thanks. There is no mandated requirement to use juveniles, minors or whatever you want to say in these sting operations. For your information, say that the Child Welfare League of America, one of the countries oldest child advocacy groups, had great concerns with these operations and the undercover dangers to children, including possible retribution. This is one of the biggest child advocacy groups in the country. If we are looking for compliance, efficiency and effectiveness, there is a possible argument there. Of course, we haven't tried other mechanisms. It is always easy for government to take the easy way out. If we are looking for the safety and results for our children, this is a lousy way of doing it. It has no data supporting an actual reduction in tobacco use by minors. I urge you to support the Majority Ought to Pass Report and vote against the pending motion. Thank you.

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

Representative **MAILHOT**: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to make a few comments of a handout this morning that appeared on my desk. It says here, according to the Institutes of Medicine and Health and Human Services, the use of youth is the most effective way to enforce retail compliance. The next line says, that we know of no other effective way to enforce this law. If we are to believe these two statements, I don't know where this state is really going. The other statement that I would like to read to you is youth are well supervised and trained to avoid any question of entrapment. It should probably read well used and trained to do

the work of law enforcement officers. The third item that I would like to talk about was under the heading of what Maine stands to lose if the bill passes. The first line says, \$407,000 contract with FDA. The second line says, it may lose up to 40 percent of the substance abuse prevention block grant or \$2 million if compliance does not continue. Shame on those that would write and send this to our desks. Shame on those from the federal government that would dare say that we would lose these funds if we don't use our youths in these instances. I would really like to see a vote of nay on this motion on the Minority Ought Not to Pass Report and see us vote to prohibit the use of youths in the tobacco enforcement action. Thank you Mr. Speaker.

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

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. Having been in the position to raise four sons, it has been my experience that they certainly need guidance beyond the age of 15. I think we only have to look to the west, Littleton, Colorado, where a couple of boys didn't have the proper guidance. I really have some reservations about what we are doing in Maine. I think if we are at the point where we have to use teenagers to get some federal money to enforce a law, we are in deep, deep trouble. This particular bill needs to wind up on the trash heap of disasters, in my opinion.

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

Representative TRAHAN: Mr. Speaker, Men and Women of the House. Doing research for a recent bill, I came across a section of a judge's testimony that fits this incident very well. I would like to read it to you. It says exactly what I want to say. "Perhaps the most serious danger in the decision today is that if the police are permitted routinely to engage in such behavior, it will gradually become less offensive to us all. As Justice Brandice once observed, our government is the potent, omnipresent teacher, for good or for ill. It teaches the whole people by its example. Crime is contagious. If the government becomes a law breaker, it breeds contempt for law. Judge Stevens, Supreme Judicial Court." Thank you.

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

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House. I was not going to speak to this. I would like the good Representative from Lewiston in the words that he said. At one time I was the guardian, the parent, for over 160 young people. In 40 years I tried to get them to understand four things, respect, honor, what a principle was and their self worth. What are we doing if we pass this today? Wouldn't it be nice if we turned it around and say we will take the money that we are spending on this to try to teach our youth some of the other simplistic and more meaningful attributes. I am reminded of a Japanese saying. "The reputation of the country, a country that may have been here 1,000 years, may be determined by the conduct of one hour." Think about that and think about what we are teaching if we do vote Ought Not to Pass. Thank you.

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

Representative PERKINS: Mr. Speaker, Ladies and Gentlemen of the House. I did plan to speak on this, briefly. I don't think there should be any excuse to use juveniles for this type of thing, whether it is cigarettes, alcohol or any other department that might want to use juveniles, whether there is block grant money or not. Just go to your town landfill on

Saturday and through this out to your constituents, using juveniles for this. I think you will get an earful. I am sure it is effective. We have heard that. I have a little proposal. What if we use somebody who is 21 years old, but looks 17. You might say that wouldn't hold up in court because the person is really not 17. I submit we have all kinds of precedents already. The courts in the State of Maine have prosecuted violations where the actual object of the crime did not exist. For example, we use decoy deer. We use decoy partridges. The wardens set them up. There is no deer. Somebody shoots at that dummy deer. There is no deer, but they always lose in court because it looks like a deer. I say this would solve the problem. Thank you.

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

Representative COTE: Mr. Speaker, Men and Women of the House. I rise today to ask your vote on Ought Not to Pass on this bill. I speak personally on this bill due to the fact that I have a 13 year old. It would be a cold day, that I actually would allow my son to operate in this manner, after I raised him not to lie, but to abide by the law. By him doing this, he would be breaking the law, which I taught him not to. I taught him to respect the law. I teach other minors his age to respect the law. As lawmakers, we are here to enforce it and to make them, not to get here and teach our juveniles to break them and then we wonder why there are so many juveniles in detention centers. It is because of situations like this. Our law enforcement officers using them as bait. They are not bait. They are like you and me. I know all of you out here who have children would not like to see your children used as bait. I know I won't allow my son to be used as bait. In two more years he will be 15, which is the age limit that these officers use these children. I urge you to vote with our lights on Ought Not to Pass on this bill. Let's protect our juveniles from situations like this.

Representative COTE of Lewiston REQUESTED a roll call on the motion to ACCEPT the Minority 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 Rockport, Representative Powers.

Representative POWERS: Mr. Speaker, Ladies and Gentlemen of the House. I am very glad that the Representative from Lewiston, Representative Cote, has made it clear what his preference for his sons behavior at age 15 would be. As I hope you remembered having been told earlier in this debate, Representative Cote, and all guardians of his son will have that permission and that control. No one's child will be able to participate in these operations without parents or guardians permission. I wanted to recount two circumstances that I am familiar with to explain why I support the Minority Ought Not to Pass Report. I think that the use of 15 to 17 year old juveniles to participate in identifying where the storeowners are who are selling cigarettes to minors are.

One, the children of a deceased state trooper. Both the trooper, his widow and their children are friends of mine. These children admired their dad enormously and still speak of him with great admiration. One of the things that they are most keenly interested in is the enforcement of the law. Seeing that what is right is taken care of and what is wrong is attended to also. They are very, very impressionable. They were in the presence of their father also. It bothers them terribly that there are stores that will sell cigarettes to underage youngsters. I would not be surprised if anyone of those four children becomes a law

enforcement officer out of the impression that their father made on them. It was a positive impression. If in seeking to try that job out, there mother said, it is fine if you wish to participate in one of these, what you are now calling stings, it would not be for me to say not to do that. I think that it is a positive environment in which to check out that desire.

The other story ties in with this because I, as an educator and a parent, have never wanted to place children in harms way. I want to recount to you what an adult who has participated in many of these operations has told me the procedure is. The young person is attended only by a law enforcement officer and another adult. Those two adults stay out of the store. The young person goes into the store and has nothing on him or her but \$5. There is no wallet, no card, no keys to jingle, nothing. That young person does nothing, but request a pack of cigarettes. They do not try to confuse the order by getting a Pepsi, gum and asking for cigarettes at the same time. May I please have a pack of whatever. When that is turned over and paid for, the young person leaves the store and walks directly to the vehicle and hands over that pack of cigarettes to the law enforcement officer. It is then wrapped and identified. The young person and those two adults leave the premises. It is then subsequent to that at the end of a store day that the law enforcement officer returns to the store owner to place a charge of having sold to a minor. I consider it highly controlled. I consider it safe.

Frankly, I am baffled as to what the alternative might be. The logic is not available to me as to how we can check to see if a store owner is selling to a person who is under 18 years of age if we do not present an under 18 age youngster in that store and do it in as safely and controlled a manner as possible. That is why I support this Minority Ought Not to Pass Report. Thank you.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I count three convenience storeowners in this body. I am one of them. You might appreciate hearing from one of us and maybe you wouldn't. I want to talk about this insidious practice of compliance checks.

First of all, rarely do I line up on the same side as the good Representative from Bridgton, Representative Waterhouse, but today I do and today I must. I urge this body to reject the pending motion and to support the legislation. To me, there is something very offensive and intrusive in the practice of employing minors, collaborating with the Bureau of Health to purchase cigarettes. Call it entrapment if you want. The storeowners are used to it. For too many years, as Representative Brooks had remarked, the stores were held hostage by the Bureau of Liquor Enforcement who sent in minors at the busiest times to purchase alcohol. The director has, thank goodness, discontinued this practice.

Just last week I received a letter from the FDA announcing that my store passed a recent compliance check. I should have been happy, but boy was I mad. I was very relieved that we passed the test, but I would have liked to have known who came in. I would have had a series of questions in my mind that needed satisfaction. Including, how old did this person look? Quite often someone who is 17 years old looks like they are 27 years old. In America, the accused has the constitutional right to confront their accuser except, of course, in this instance. This event happened in March. Just last week I had learned that we

had passed. I instruct my employees to enforce the laws. They are motivated to enforce the law not because I am going to get a stiff fine and possibly lose my tobacco license, but they are going to get a fine as well. They don't want to disobey the law. We try hard to obey the law. We operate under 29 separate licenses, including a tobacco license. Small grocery stores in Maine represent an essential social and business fabric in our state. My store is 102 years old. Next year we will be operating into our third century doing business for the people of Ellsworth and the greater Ellsworth area. A lot of you people have visited me in my store and I appreciate that. We do this not because we disobey the law, but by obeying the law. The criminal justice system in Maine has all the tools it needs to enforce this law. They don't need to employ our young people.

I urge you to do something that will benefit our mom and pop stores in Maine. I urge you to vote against the pending motion. I thank you very much.

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

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. I merely want to ask a question. What message are we sending to our children, they are children, very impressionable children, that because a program is effective because it works, that it is okay to break the law and be paid. I certainly don't want to send the message to my children or to any other children in the State of Maine. Thank you very much.

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

Representative **PERRY**: Mr. Speaker, Ladies and Gentlemen of the House. If it weren't 4:30 and a full calendar in front of us, I would tell you all the reasons it is a bad idea to send minors into stores, but I will tell you just a few. It addresses a portion of the problem, but not a very big portion. It does not address the issue of adults coming in and buying cigarettes and providing them to minors. That goes on all the time. All these kids have friends who are at least 18. An 18 year old kid will come into my store and buy three, four or five packs of cigarettes, different brands, I get a pretty good idea of what he is going to do with them. It is not illegal. You slap him with a \$500 fine for doing it a time or two and you will probably think twice. I am constantly shooing kids away from around my store for harassing customers and asking them to buy cigarettes. It doesn't address that issue.

I wasn't going to discuss this story, but I will in response to some things that I have heard. A friend of mine got fined for selling cigarettes to a minor. He sells the busiest store in Bangor. It is a deli. At lunch hour you can barely get in. You get a new cashier on duty and in the middle of the rush hour, she sold cigarettes to a minor. She thought she had carded the girl. It was the one in front of her. She made the mistake and sold it. The officer who was with the minor, who wasn't an officer, but was a contractor, came into the store and wanted to speak to the owner. He told him what the situation was. He said, "Write the ticket, do whatever you have to do. We are in our lunch hour. I am busy and have a store to run." His response was, "I am running this store now. I will pull your license off the wall to sell cigarettes." My friend said, "Do what you have to do, I have customers to wait on. Well, who do you work for? The man said, "I work for the Attorney General." This was not true. He is a private contractor. It was one big mess.

I just don't think minors should be used in law enforcement. They should be in school or they should be doing something else, not out working in sting operations. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to address something that was commented on by a person who I respect very much, the Representative from Rockport. She actually made my case for me, really. When I first got up to speak, I talked about the impressionist of youth. The good Representative made my case. I don't know about you ladies and gentlemen, but I would do almost anything to please my father. She talked about the one case where the father was involved. They think they are doing a good thing. They are, in a way, because they are trying to keep their peers from smoking tobacco. I have always taken the position that the best way to keep teenagers from doing something you don't want them to do, is apply peer pressure. This goes way beyond that.

The second case that the Representative talked about when she talked about the process. Sure the process works wonderfully until something happens, but the main point about the second case with the process when she talked about the juvenile coming out of the store with a pack of cigarettes. They broke the law. She asks, what could we do differently? Well, there is all sorts of things. I am not in the law enforcement agency, but one of the people who spoke at the hearing was a sheriff and he had a list of possible alternatives. I am sure that our very inventive departments collaborating together can come up with a method. One of the methods that the sheriff from Somerset County mentioned was to set up a county by county line where people can report these violations and as in any investigation when evidence is gathered, a successful conclusion can result. They can do surveillance, so forth and so on.

There are all kinds of alternative methods that we can use to get at the problem. I revert back to my original testimony at the beginning when I talked about the study. If our aim is to stop teenagers from smoking, this is not the policy that we should be doing. If we just want to go after people who are selling this stuff, let's do it through stricter penalties and not using juveniles. The report I cited from the New England Journal of Medicine said the youths with these sting operations has not reduced.

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

Representative **BRAGDON**: Mr. Speaker, Ladies and Gentlemen of the House. I have heard a lot of discussion today about what is the current law in regard to sales of tobacco. What I would like to do is read to you the current statute that the last Legislature passed. "Sales to minors - prohibited. A person may not sell, furnish, give away or offer to sell a tobacco product to any person under 18 years of age. Tobacco products may not be sold at retail to any person under 27 years of age unless the seller first verifies that persons age, by means of reliable photographic identification that contains the persons date of birth. For violation of this section, there is a fine to the person who sells between \$50 and \$1,500 and to the employer of that person from \$50 to \$1,500." It is just as illegal to sell to somebody underage as it is to sell to somebody 27 years or younger without looking at a photo ID. I dare say, we can enforce the law by using adults who go in and are under 27 years of age, there are a lot of law enforcement officers who fall

in this category, if they don't get ID when they go to buy tobacco, that store is in violation to the exact same extent as if they had sold to a minor. I urge you to vote against the pending motion and to support the Minority Report.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. I want to make sure I understand everything before I vote. Under current law, this program is in effect. These kids are running the sting operations, being used on a contract basis to entrap and go into the stores and buy tobacco. What this bill seeks to do is to disallow that so that these kids cannot be used in this manner. A yes vote would be for the Ought Not to Pass motion, which would mean that the kids can continue to be used on these sting operations. A no vote would be for the bill, against the Ought Not to Pass, and the kids cannot be used in these entrapment mechanisms. Could someone tell me if I understand things correctly?

The SPEAKER: 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 Winterport, Representative Brooks.

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. In response to the question, follow my light. I didn't mean it to be funny, Mr. Speaker. Vote against the Minority Report, so that we can vote on the Majority Report. We need to bring the Majority Report to the floor so that we can vote on it. We need to dispense with the Minority Report if that is, in fact, what the Representative from Standish wishes to do.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. One of my constituents owns a hotel. This program has been in effect in various modes for several years now. The first part of these stings were against vending machines. Not only did the contractor encourage these children to buy from vending machines, but they took them into a hotel and showed them how to sneak past the front desk, told them where the maids room was, sent them into property that was not theirs to send someone to, trespassing and encouraging them to buy from the vending machine that was meant for adults only in a restricted area. They weren't supposed to be there. They were minors. They were taught not only how to break the law, but how to break several laws and were imbedded by the police officers. If that is how we are running this program, I have a real problem. I have a real problem with whoever these contractors are. I have a problem with juveniles being used. I have a problem when someone says we know of no other effective way. Try harder. Vote no.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. My seat mate, the good Representative from Bangor, Representative Bragdon, hit the nail on the head. This can be done another way as he pointed out with the law. It is pure and simple. This is exploitation of children. We pay a child \$7.50 to do this. Why? The reason why my seat mate wouldn't do it is he wouldn't do it for \$7.50 an hour. We can exploit children. They are willing to do it for \$7.50

an hour. A law enforcement agent who is under that age group would walk in to do it. They are getting a lot more than \$7.50 an hour. We are exploiting our children. We are putting our children in harms way.

I refer to this yellow sheet that the good Representative from Lewiston, Representative Mailhot, referred to. One thing that makes me very angry about this sheet is concerns about the use of juveniles. There is nothing on here that talks about safety of those juveniles, potential retribution. That is my concern, the safety of these juveniles. If it is not your concern, vote yes. If you are concerned about the safety, this doesn't respond to that, I urge you to vote no.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. I am absolutely opposed to this piece of legislation. Back in the early '70s we heard the entire law enforcement community up in arms. They couldn't do their jobs because a law had just been passed dealing with Miranda warnings. They were furious they wouldn't be able to do their jobs. They wouldn't be able to do a thing. They were able to do their thing. They are able to do their jobs. They will be able to do their jobs just fine without utilizing our most precious resource that we have, our children. I think it is shameful. I don't believe we should be bringing children into this arena at all. I believe the police and the law enforcement community will find ways to deal with this perfectly without using our children and I would urge everybody to vote that way. Thank you.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Schneider.

Representative **SCHNEIDER**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote against the pending motion and stop this horrible practice of using children to enforce these laws. The federal SINAR regulations require inspections of merchants to be conducted, but they do not require the use of children to do those inspections or children to do undercover operations in the stores. In fact, the federal regulations say over and over and over again that we must not require states to use children. They go on to say that this is the most effective way. What the federal government wants is the states to own this program that uses children to conduct these inspections. If anything goes wrong with it, it is the state's responsibility and not the federal governments. The practice is exploitative and it places children unnecessarily in danger. It exploits kids by paying them to try to violate the law and by paying them to entice merchants to violate the law. What kind of a message is that sending to our children? What kind of psychological costs are our children going to pay down the road, who knows how long when they begin to think about this a little more deeply. It certainly puts children in danger by putting them in undercover law enforcement. I was a drug prosecutor for a number of years and I can tell you there is always danger in an undercover operation. That danger sometimes comes from the most unexpected sources. There are other ways to inspect merchants. Surveillance is certainly one of them. One way to do this program might be to send in young looking adults, find out where they can buy cigarettes and then conduct surveillance and find out where our young people are able to purchase cigarettes. I urge you to use your red button and vote against the pending motion. Thank you very much.

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

Representative **FULLER**: Mr. Speaker, Ladies and Gentlemen of the House. You will note that I am on the Minority Report on this bill serving on the Health and Human Services Committee. I would remind you that youth smoking in the State of Maine is a very serious problem. We are one of the highest rates in the country for youth smoking. We are the highest state in the country for young adults who smoke. These young adults mostly start as teenagers. I have a real problem with what I see as a put down on law enforcement as a legitimate occupation and way to earn a living. We have kids working in all other fields as teenagers. Law enforcement is another field. They are not forced to do it. It is purely on a voluntary basis. Why should they not be paid for helping with law enforcement. I would remind you that it is the stores who sell these cigarettes to a young person between the ages of 15 and 17, that they will sell them the cigarettes no questions asked. They are the ones who are breaking the law. Why are we not concerned about the stores who are breaking the law. Most stores are now doing a good job as in Representative Povich's store and probably for the convenience stores for the other people in this House. However, using underage buyers levels the playing field by holding the stores that sell to juveniles accountable. This is what it is all about. They should not be selling cigarettes to juveniles. I understand they will get them some other way. Anything we can do to create a barrier to access cigarettes has to be working to reduce smoking among our young people. If stores were doing what they should be doing, then what is the problem. They are not going to get caught. Nobody is going to use entrapment. No store is found to be non-compliant and have used the word entrapment when brought to the courts. I would also point out that most of the cases that did occur, 96 percent, were settled by negotiating consent orders in 1997. In 1998, 99 percent were settled through negotiated consent orders. The fact of the matter is, the retailers did have to change their attitudes and how they were doing business. I would urge that you support the Minority Ought Not to Pass Report. Thank you.

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

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to respond to the Representative from Manchester in the fact that it is a put down when we hire these youngsters to break the law. I think that is the point right there. It is not that they are working in law enforcement, it is that we are actually having to break the law when they attempt to work in this sting. We heard some statistics bantered about here earlier in this debate about the effect of this program. It was pointed out that in 1994, we only had 44 percent compliance of stores not selling tobacco products. The speakers indicated that it was due to the success of this program that compliance now exists. I would point out that at that same time the tobacco companies, themselves, now I realize no one wants to talk about tobacco companies in a positive way because after all that is the reason we are having this debate anyway. For whatever reason, the tobacco companies themselves instituted programs throughout the nation, particularly in Maine and some New England states, to discourage the sale of tobacco to youth. I suspect that if that survey were refined enough, you would find that probably the efforts of the tobacco company themselves were probably just as effective as this sting operation.

The is another problem here as well. Those of us who are opposed to this part of the law are still in favor of discouraging young people from smoking. I can tell you as Representative

Povich can because he and I both own little mom and pop stores, that the issue is not young people coming in and attempting to buy cigarettes, the issue is they get their friends and their parents to come in and purchase tobacco products for them. I would suspect that if a survey were taken of that, you would find that probably 90 percent of the tobacco possessed by the youth in this state is either from an older friend that purchased the tobacco or a family member. If you really want to address the problem, you should think about how you are going to resolve that issue itself.

The other issue is we have had a great deal of discussion on the store owner that we are going after. Nobody wants to talk about the youngster that is in possession of the tobacco itself. There is a law. It is a civil violation that if anyone under 18 possesses tobacco, there is a fine of anywhere from \$100 to \$300. I have a question to anyone who can answer. How many people in the last year were arrested for the possession of tobacco?

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

ROLL CALL NO. 113

YEA - Baker, Berry RL, Bolduc, Brennan, Bull, Colwell, Cowger, Davidson, Dudley, Dunlap, Duplessie, Fuller, Gagne, Gagnon, Hatch, Kane, Lindahl, McGlocklin, McKee, Norbert, O'Brien LL, Pieh, Powers, Quint, Sanborn, Saxl MV, Townsend, Watson, Williams, Mr. Speaker.

NAY - Ahearne, Andrews, Bagley, Belanger, Berry DP, Bowles, Bragdon, Brooks, Bruno, Bryant, Buck, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Cote, Cross, Daigle, Davis, Desmond, Dugay, Duncan, Etnier, Fisher, Foster, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Matthews, Mayo, McDonough, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Nutting, O'Brien JA, O'Neal, Peavey, Perkins, Perry, Pinkham, Plowman, Povich, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Savage C, Savage W, Saxl JW, Schneider, Sherman, Shiah, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bouffard, Frechette, Martin, McAlevey, O'Neil, Shields.

Yes, 30; No, 115; Absent, 6; Excused, 0.

30 having voted in the affirmative and 115 voted in the negative, with 6 being absent, the Minority Ought Not to Pass Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. Committee Amendment "A" (H-361) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 5, 1999.

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

Seven Members of the Committee on **LABOR** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-354)** on Bill "An Act to Treat All Employees Equitably with Respect to Leaves of Absence for Legislative Service"

(H.P. 235) (L.D. 339)

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

HATCH of Skowhegan

MUSE of South Portland

GOODWIN of Pembroke

FRECHETTE of Biddeford

MATTHEWS of Winslow

SAMSON of Jay

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-355)** on same Bill.

Signed:

Senator:

MILLS of Somerset

Representatives:

DAVIS of Falmouth

MacDOUGALL of North Berwick

TREADWELL of Carmel

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (H-356)** on same Bill.

Signed:

Representative:

MACK of Standish

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

Signed:

Senator:

LaFOUNTAIN of York

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

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

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Provide an Option for Employers to Pay Employees Biweekly"

(H.P. 307) (L.D. 423)

Signed:

Senators:

DOUGLASS of Androscoggin

MILLS of Somerset

LaFOUNTAIN of York

Representatives:

MUSE of South Portland

GOODWIN of Pembroke

FRECHETTE of Biddeford

MATTHEWS of Winslow

SAMSON of Jay

HATCH of Skowhegan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-349)** on same Bill.

Signed:

Representatives:

DAVIS of Falmouth

MacDOUGALL of North Berwick

MACK of Standish

TREADWELL of Carmel

READ.

Representative HATCH of Skowhegan moved that the House **ACCEPT the Majority Ought Not to Pass Report.**

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

Representative **HATCH**: Mr. Speaker, Men and Women of the House. Welcome officially to labor day. This particular bill, although the bill is a misnomer, would only single out camp councilors during summertime. Should we pass this bill now, it would not be enacted until 90 days after we adjourn. There is no emergency on it, so it would not cover camp councilors this summer. I would suggest that it is not a good idea to start singling out a single group on a biweekly pay bill, I would ask that you follow my light and vote Ought Not to Pass. Thank you.

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. Like the right honorable Representative from Skowhegan, Representative Hatch, explained, the title is a bit of a misnomer in this bill. This does not totally change the weekly pay law or biweekly pay law. That is another bill that we will be getting. All this bill will do is put an exemption in the 1911 weekly pay law. There are few groups listed in that law that have to pay weekly, including steam railroads, hotels, summer camps and a few other groups. What this bill would do, the Minority Report, will exempt summer camp councilors from the weekly pay law. All it does is create an exemption for them. We had people from summer camps to testify. They have a lot of people who go to camp, a lot of children. They will go to camp for six or seven years and they hit the age where they are too old to be campers, but they still want to go to camp. These camps hire them back as camp councilors. They pay for their room and board and they give them a small stipend for being camp councilors. The camp owners testified that these kids often do not want to be paid weekly. If they are paid weekly, they are often from away and they don't have a bank locally, they would have all their checks from the summer sitting in their camp room or they would have put it in their pockets on camping trips. They are worried about security and losing the money. They don't need it.

What the Minority Report would do is, for those summer camp councilors only is, if they request in writing, they can be paid more than once a week. They can be paid seasonally, monthly, but less frequently than the weekly pay. The kids would have to say in writing that they wanted to be paid less frequently. This is a small exemption for a small group of people and it makes perfect sense for them. Thank you and I urge you to vote against the pending motion.

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

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

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

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

ROLL CALL NO. 114

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Cameron, Carr, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Matthews, Mayo, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Campbell, Chick, Cianchette, Clough, Collins, Cross, Daigle, Davis, Desmond, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Sirois, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Frechette, Martin, McAlevy, O'Neil, Perry.

Yes, 77; No, 69; Absent, 5; Excused, 0.

77 having voted in the affirmative and 69 voted in the negative, with 5 being absent, 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:

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Report "A" (7) **Ought to Pass as Amended by Committee Amendment "A" (S-42)** - Report "B" (4) **Ought Not to Pass** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (S-43)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Restrict Circulators of Initiated Petitions from Being within 250 Feet of Voting Places"

(S.P. 117) (L.D. 314)

- In Senate, Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-42).**

TABLED - May 3, 1999 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - Motion of same Representative to **ACCEPT** Report "B" **OUGHT NOT TO PASS.**

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I am the lead cosponsor on this legislation. I think it is actually a very good bill. I would hope that you would not accept the Ought Not to Pass report. I feel that it is very important that we respect the rights of all of the people in the voting places. The problem is, as I see it, when people go in to vote, they are forced to run sort of a gauntlet of petitioners encouraging them to sign this petition or that petition. As I have said before, the catch phrase always is that this does not mean that you are in favor of this particular piece of legislation, it just gives the people a chance to vote on it. Some months later after the requisite number of signatures are gathered, then a press conference is held and the petitions are held in the air and we are told, see how much support we have for this legislation. I would be perfectly happy to keep people in the polling places, if they were required to tell people that if you sign this petition, it means you are in favor of it. That is really my biggest concern. I have talked to a number of people who, in my district, have great information about this kind of activity taking place and the sort of coercion that goes on. The response sometimes is, the wardens have the right to expel people who are causing the disturbance in a polling place. Why don't they do that? It could be because it is their next-door neighbor and they don't want to throw them out of the polling place. The coercion may take another form. It may be, you must support this. You must be in favor of this idea. I have heard it all. We have all heard it all. In the other body this bill was approved. Despite the disparity on the report and I think the reason for that is because everyone has had this kind of problem in a polling place or certainly have heard about it. Those are my objections towards the acceptance of the Ought Not to Pass report. Mr. Speaker, I would certainly request the yeas and nays when the vote is taken. Thank you very much.

Representative **DUNLAP** of Old Town **REQUESTED** a roll call on the motion to **ACCEPT** Report "B" **Ought Not to Pass**.

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

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. I would urge that you not accept the pending motion and that you follow the majority of the committee, which supports the bill as amended. We had a very lengthy hearing on this particular piece of legislation. It produced a lot of debate. The committee spent a lot of time attempting to arrive at something we could all live with. Unfortunately, that was not the case. We did hear from the City Clerks Association of the state, which said that there were problems in many communities with the collecting of signatures at the polls. There tends to be overcrowding, confusion and political debate taking place where voting is taking place. None of the people who support the bill, to the best of my knowledge, are opposed to the collecting of signatures on referendum petitions. It is the feeling of that group, however, that it should no impinge upon a person's right to have uninterrupted access to a voting place. Mainer's deserve a polling place free from political interference. Most of our election laws prohibit political activity at the polls. Yet, we seem to be allowing this type of activity to take place. I would urge that you not accept the motion before you and that you allow the act as amended to go forward. Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I am really, really tired today because I have worked really, really hard on two very, very important issues. I want you to know that while I might look like all of you, I really am not. I really am an activist. I really am a person who has passed more petitions than probably all of you put together. That is how I became a State Representative. I think we need to come together and really share our power. The reason I ran for this office is to speak truth to power. How I could do that is by circulating petitions because there were many, many times when my government made mistakes. They located an incinerator in my community. I circulated petitions so they wouldn't put it in the downtown area. When the incinerators spewed toxic ash, I circulated petitions and brought grievance against my government. When I went to a local council meeting and was the only one who knew the answer to a question about the incinerators air license and when it had expired, I raised my hand when the councilors did not know the answer. I had the answer. Because I raised my hand and wanted to give the answer, one of the councilors asked that they relinquish their chair so I could speak. The mayor had me arrested. I was handcuffed and I was taken out like a hardened criminal. I am very passionate about this issue because I know what can happen when you want to redress your government, whether you agree with an issue or not.

I have talked to Representative Dunlap and I respect his opinions, but I also respect that we just disagree on this issue. Those people at the polls have a right to be there. Quite frankly, 250 feet away from those polls, in my ward, would put me on another street. Democracy wasn't meant to be beautiful. I will defend people's right to be at those polls. There are times when I have gone to those polls and those issues would make me just curl up, but I defend the right for them to be there. You know, there are certain factions that are more wealthy. There are people who can afford to pay people to do this, but the grassroots movement, those are the people who come to the polls who care about the democratic process. There are some people who can circulate petitions in churches. My church would not allow it. Really, who you are really hurting is the small grassroots person. Believe me, when I wasn't up here, there were mistakes that I thought previous legislators made, that I was perfectly glad to have petition process available to me. I am passionate. I have lobbied you hard. Representative Saxl, the other day said, "My God, you are really working hard on this issue." Until you have felt handcuffed, hauled out like a criminal, you can't imagine that it can happen to you. You can't imagine that this is America and these things go on. That is why I care about this. This is the people's voice.

I try Mr. Speaker, to speak less than three minutes. That is kind of my format that I try to stick to. There is one Representative who had this discussion with me. You know, they are just so obnoxious. They are so in my face. Sometimes there are issues that need to be in your face. While I have circulated petitions, I have not done that. I really believe that we are blowing it out of proportion. I think there are probably one or two circumstances where people have gotten out of hand. Overall, I really believe that this is a good process. It is the people's voice and that is who I represent, even though I am dressed like a State Representative, I will picket at any issue that I agree with.

As a matter a fact, two weeks ago, we were having breakfast in the Hall of Flags and many of you were having the muffins and

coffee. I went over to the doors and I looked out through the doors and there were picketers down in front of the building. I looked down the stairs and there were probably 300 of those cement stairs. I said I was going to walk down there because I want to know what they are petitioning their government about. I did. While some of you were eating your muffins, I walked down the steps and I went and spoke to those people. I asked them what their issue was. I thanked them. I listened and then I came back up those 300 steps. I am not separate from those people. That is why I am here. Those people are me and I am them. Please, I have worked so very hard today and I am really very tired. I would really appreciate it if you would shine your light and please vote Ought Not to Pass. Thank you very much.

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

Representative PERKINS: Mr. Speaker, Colleagues of the House. Either in the 117th or the 118th, I submitted this same bill to get petitioners 250 feet from the building. After subsequent debate, soul searching and listening to constituents, I voted against that in the final analysis. I am on the committee that heard this one. I am Report "B." I am the one person on Report "B." Apparently, I can't explain to you what that is, but I will tell you it is a darn good compromise. If we defeat this 250 foot one, we can talk about the compromise.

I would like to say a couple of things. Some people say we shouldn't make it difficult. This is a citizens right and I agree fully that this is a wonderful right. Not every state has this. Of course we make it difficult. We want it to be a certain difficultness, because otherwise we wouldn't ask for 50,000 signatures and so forth. Once and a while maybe it needs tinkering to make sure it isn't too easy. We don't want to be too easy for frivolous reasons. It has to be a certain degree of difficulty.

As far as the wardens controlling it locally, I don't think this is a local control issue. These are always statewide issues that they are gathering signatures regarding. As far as constitutional rights go, in the polling place, I don't think you necessarily have all your constitutional rights in the polling place. We have a constitutional right to carry signs, have parades and have gatherings, but we don't allow that in polling places. I have some real strong feelings that polling places ought to be for polling. In the committee we heard some of the reasons that we have been lobbied heavily that we need to pass this 250 foot space ban because of certain things that might be coming. I think that is a very poor reason to put limits on any citizens initiative process because we are afraid of what might be coming. I didn't subscribe to that one. I would like to defeat this so we can go on to a reasonable compromise.

I must tell you a slight anecdote. One of the complaints is that people don't know what they are voting for. Far be it for me to ever say that the public doesn't know what they are voting for or signing. I need to tell you a little story. I overheard there was a fellow that had a signing table in my town. He had a big sign up there that said, Do you want to ban cruise missiles? This was seven or eight years ago. This little elderly lady came along and asked what do we have here. He explained that these cruise missiles, they go along up in northern Maine. They follow the mountains and down in the valleys. She shook her head and said, "Thank you for explaining that to me, but I am afraid of flying and even if I won, I wouldn't be able to go."

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

Representative DAVIDSON: Mr. Speaker, Men and Women of the House. The first lesson that I learned my first term is that I never follow the Representative from Penobscot when he gets up to speak. I am violating that rule right now. I have also, luckily, been handcuffed, but I have been told I look 17, so I might be going in and doing some sting operations later.

I just wanted to put some comments on the record. I have heard from a number of people about this bill over the last couple of weeks. I have some very strong feelings about the issue of the citizen initiative process altogether. This is neither the time nor the place to air that out. There has been an amazing onslaught of phone calls, e-mails, press conferences and needless to say a diverse group of individuals has been brought together to lobby against this bill. Really any bill that can bring the types of groups that have been brought together like they have on this one should be considered seriously. There has been a troubling premise that has kind of underlie all these messages sent by these organizations. That is that in effect the citizen initiative process is the purest form of democracy. In my mind, exactly what we do here day in and day out is exactly the purest form of democracy. As I look around this room and I look at people who are in favor of trapping, against trapping, in favor of gun control, against gun control and in favor of certain abortion measures and against others. I hoped those issues would be aired out regardless of whether you had the citizen initiative process or not. I think the men and women over the years who have both founded and tinkered with the substance of our democratic structure here would be happy that it is as strong and vibrant and it is today.

I look at our jobs here as one of two things. I think the founding fathers when they talked about democracy had this in mind too. It is to diffuse passion and to harness it for good policy. The bottom line is, the citizen initiative process is here. We may not love it, but it is part of our democratic structure. I don't see the issue of moving these people out 250 feet from the polling place as really central to this issue of democracy. It is a part of who we are. We have decided, as a body, that we want to keep it. I think it puts an amazing amount of responsibility in the hands of the clerks. I have never seen them not handle the situation well in my towns and in my six voting districts. I would encourage you to accept the Ought Not to Pass report.

As we move forward over the next year, we can debate the intricate portions of the citizen petition process and whether or not it is good policy for Maine and whether or not we should be encouraging it or we should be doing our work here. I think that these little incubators or democracy that our election booths are, are important places. That is exactly where these dialogues should be hashed out. They can also be hashed out at the supermarkets and they can also be hashed out on Main Street. I have never seen, solution in search of a problem category, and I encourage you to vote to support the Ought Not to Pass report. Thank you Mr. Speaker.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I share the same passions as the Representative from Biddeford commented on earlier. I do believe this bill, in effect, violates the State of Maine's Constitution, article 1, section 2, power inherent in the people and article 1, the right to petition. Let's not kid ourselves that this is moved back 250 feet from the polling places, it will be the death march for the citizens initiative petition. Maybe not for the

muddled interest of the people who can come up with the people to circulate these petitions, but for the grassroots effort for all practical purposes. This will end it or come close to it. I heard several arguments on this issue back home and up here. One of them had to do with the problem at the polls with people being intimidated and so forth and so on. I don't have that problem. I haven't seen that problem in my towns. I personally look for these petitioners because we hear about them being circulated and ask where we can sign these and I tell them to go to the polls, they will be on some tables. I invariably after I vote, walk up and ask them what they have on the menu. If I don't agree with what they are trying to circulate, I smile and say good luck. It sounds to me that in that situation the problem has to do with title 21-A, which references the collection of signatures at the polling booth and gives the authority to the warden in section 628, section A, to conduct those things in a peaceful manner. Maybe we might want to stiffen that up. That issue might be addressed through that process and not be limiting the gathering of signatures.

The other argument I heard from a number of people that I agree with 90 percent of the time back home. They are concerned with the ideas. They are afraid of people coming up from down south from the different states with some of what they refer to as liberal ideas and taking away some of their rights to this process. My response to those people is you want to defeat their ideas, you don't want to defeat democracy. One of these days you might want to use the process for something you are very concerned about that you can't get redressed through government in the normal fashion.

When you look at the people who are against this move, to move it back 250 feet, at least when I look at it, a vast majority of the people on the list, I disagree with 95 percent of the time. I think in this issue they are correct. This limits democracy. It is a bad idea and I hope you will support the Ought Not to Pass report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, Men and Women of the House. I agree with Representative Twomey and applaud her for her passion. I share it. LD 314 would make it a crime to sit or stand with a petition within 250 feet of the polls. I believe this violates the United States Constitution and the State of Maine, which guarantees the rights of petitions. It is one of our sacred rights. The remedy of this lies with the local wardens. They have the power to have an orderly election. They should do so and we should encourage them to do so. I urge you to vote Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Mr. Speaker, Men and Women of the House. I rise to speak to you in hopes that you will follow my light and vote against this piece of legislation. People say petitioning in voting places is too political. This just amazes me when people say this. First of all, when people elect us to our offices, isn't that political? When we elect our town officials, isn't that political? Another thing, the petition process provides checks and balances. We, the people, have the basic right to petition their government. I think this is very, very important. This is part of our basic freedom to petition our government. This is my second session, my second year term, as a legislator. There have been times that I truly believe that we made an error. There are times that I really agreed that

these petitions were good. People spoke up and said they disagreed with us. I think they have that right.

Do you realize just how far 250 feet away from the voting place is? You try to go out there 250 feet from the voting place and try to collect petitions. It is not going to happen. Do you think people are going to cross the street? In Poland, in our place, you have to walk all the way across the street to a large parking place that nobody parks their cars there. They all park right by the voting place itself. They are not going to go walking way out of the way to go find out what this petition is all about.

People who support this legislation say you can go to the post office and you can collect signatures there. Come on, have you been to a post office? Most people want to go in and out of that post office. They don't want to be stopped because they are in a hurry to do their mailing. Really, maybe in the Portland area or in larger city areas you might have grocery stores that will allow signature gathering. I will tell you, if you go to the rural areas, they are not friendly at all to that. Shop n Save, they do not allow petition gathering. Shaws will sometimes allow it, depending what the issue is. Really, if you want to get rid of petitions, I think this is a really great thing to do and that you vote for this bill. Please don't. I believe petition gathering is essential in this government. The people have the right to do this. Thank you.

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

Representative BULL: Mr. Speaker, Men and Women of the House. Good afternoon. I rise in support of the pending motion. Hopefully, it has not been recycled already, but I did hand out a photocopy of current law, which has been referenced already by some of the previous speakers. I must say I do find it an odd day when I find myself standing up to debate an issue on the same side as the Representative from Bridgton, Representative Waterhouse. That does the occasion today. If you still have that flyer do look at it. I have highlighted down there the portion dealing with the wardens. The wardens already have a great deal of power and ability to control going on in the polling place. On the backside, it even talked about the collection of signatures. Throughout that definition, it uses the word may. There is no requirement under current law that says that the warden has to allow collection of signatures in the polling place. They can if they want to. If they feel it is not appropriate or if they see it as a problem, then they have the ability or the right to throw those people out and to say this is not appropriate.

The issue here seems to be that we do have some towns where there do seem to be some problems. Let's solve this problem by throwing petition collectors out of the polling place entirely. What we really should be doing is looking at the section of law and trying to amend it, if need be, to make it more clear and to give the wardens more power to utilize current law. I talked to the wardens in both my towns, Freeport and Pownal, both of them said this is not a problem. They have not seen an issue where this would be necessary. They have comfortable control over the situation and that people do not feel berated or intimidated into signing petitions.

One of the objections to having petition collection in the polling place was that people feel obligated and intimidated to sign a petition. I would venture to say that an individual would be much more pressured to sign a petition if somebody came to their door and confronted them one on one. I don't really see how that argument stands up here. They are going to be using the terminology confronted, but I don't really see it as that. They

are going to be faced with the option of signing a petition, be it at the polling place, local market or at their door. They simply can say no. That is their right. There is no obligation. I do also want to say that I am very troubled by some of the groups that are opposing this and the reasons they are using to oppose this legislation. We had a flyer handed out a couple of weeks ago, Council on Farming, Fishing and Forestry, various groups on the back saying that they want this bill passed because they don't want to be harassed by special interest groups. Ladies and gentlemen, it is not our duty here today to protect companies and groups from "harassment" from special interest groups. That is democracy. I do not feel it is appropriate for us, in this body, to be putting roadblocks in front of democracy. I urge your support for the pending motion. Thank you.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I also echo the remarks of those who have gone before me that urge us to vote against this pending legislation. In my town, I have talked with the warden and told him I was going to vote against LD 314. He thinks it is not a problem for him. The petitioners are directed where they can be in the voting place and they are told what the rules are and they abide by them. From my point of view, many, many times in the past I have known that if a petition was being circulated and I have wanted to sign it, but I have not known where I could find someone with a petition. I have looked forward to having an opportunity at the voting place to sign that petition. I will have to admit that I have also signed petitions for initiatives that I knew I would not support, but I respected the right of that group to have that item on the ballot at some future time. For that reason, I would ask you all to please support the motion Ought Not to Pass on LD 314. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, have been known to be a bit of an activist and have an opinion now and then. To tell you a little bit about myself, I have never circulated a petition at a polling place, but I have always signed every petition that I have seen a polling place, regardless of how I felt. As the Representative before me said, people have a right to have their wishes on a ballot. As a matter of fact, when running for student body president at the University of Maine, I even signed my opponents petition. I felt that he had the right to be on the ballot. Fortunately, I won.

There are two issues that I see here. One, to limit petitioners. I can't think of a better term. An elitist government that does not want to be held accountable to the people. They, therefore, want to limit people's petitions when they disagree with what is done by the government. That is one argument that really bothers me. The people who get these signatures are activists. If you look at the list, they are activists that really care about what goes on in this state. They aren't just willy nilly circulating petitions. They care about what goes on. Do we want to disenfranchise these people? People who regardless of their opinion, they feel strongly about it. These are the people that made our country great. These are the people that made our country free. The activists in 1776 that gave us this great experiment. Of the people, for the people, by the people. That is what our government is. Those are the people. I, like

Representative Twomey, am one of those people. I believe the people is where the power is derived from our government.

The other issue is the sanctity of the voting place. To me, the sanctity of the voting place is to go and express your opinions there. You express your vote, you express your opinion on other political issues. That is why you are there. This law, if it goes into affect, is a violation of the sanctity of the voting place. The sanctity of people to freely choose to sign a petition whether or not they want a law to go into affect and for people to be there. I ask you one final question. If we pass this law, what you are saying is that person who is there signing petitions, is a criminal. By passing this law, it is now a crime to collect signatures at a polling place. Do you think that person is a criminal? I do not. That is what this law does. By making it a crime, you make that person a criminal. That person is not a criminal in my opinion. I urge you to vote Ought Not to Pass.

Representative TUTTLE of Sanford moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his 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: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I will attempt to be brief. The act before you, "An Act to Restrict Circulators of Initiated Petitions from Being within 250 Feet of Voting Places" is one that I hope that you will support the motion to Indefinitely Postpone. Democracy, in my opinion, was not intended to be easy. The petitions are a way to get controversial issues into the forefront. This proposal is, in my opinion, in direct opposition to democracy. The current prohibition that prevents petitioners from seeking signatures until after voters, in my opinion, is far sufficient. This process may be at times, messy and confusing, but it is, in my opinion, democracy at work. Is this bill to prevent confusion or is it to limit opposing views? I think from the debate that we have heard today, I think that question has been answered. In my opinion, the current law is not broken. It doesn't need to be fixed. In my opinion, many times these issues are pushed by major special interests.

Many of us received communications, letters and telegrams in opposition to this bill. Some of those organizations, like the American Lung Association, the League of Women Voters, the Maine AFL-CIO, Maine Christian Civic League, Maine Womens' Lobby, Natural Resources Council of Maine, many of these groups are not usually on the same side of the issue. In my opinion, we should take considerable notice of that.

In closing, I received a newspaper article from the *Ellsworth American* by Mary Andrews. She says that local wardens have control of the polls. If the presence of petitioners is intimidating or if they interrupt the flow of voter traffic, they can be expelled or not granted permission to collect signatures in the first place. I would agree. There is no need for a legislative solution when the remedy lies in the hands of local officials. This is a freedom issue. The direct initiative with signatures collected at the polls was the only mechanism that worked for a petition many years ago in 1976. We should remember that signature collection at the polls saves a lot of important issues back then and when the going gets tough, it can do it again. I would agree. For that

reason, I would ask that you support the motion of Indefinite Postponement.

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

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. I rise and urge your defeat of the pending motion. The right to petition is not the question that is before us today. What we have is a very simple question. What are the polling places of this state for? Why do we have polling places? I would suggest it is to give people the opportunity to vote on the issues that are on the ballot. The political campaigning period is over. We should keep the polling place free of political activity and the collection of signatures is a political activity, inherently. The reason that Shaws supermarket and other commercial enterprises will not allow petitioners or petition gatherers is because it will drive away business. I would suggest to you that it is currently driving away voters. The reason this bill is before us with a Majority Ought to Pass Report is because there is a problem in some parts of the state. If wardens have the ability to solve this problem currently, it is obviously not being done. As far as grassroots organizations, I don't believe that this hurts grassroots organizations. Grassroots organizations do not need the convenience of collecting petitions at the polling place. I would urge your defeat of the pending motion. Thank you.

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

Representative **MACDOUGALL**: Mr. Speaker, Men and Women of the House. I would submit to you that election day is the day when we choose our leaders, locally, statewide or federally. It is when we choose policies, locally, statewide or any other issue. That is the day we have made up our minds to go in and vote certain ways. I submit to you it is a very natural place for those of our citizens that want to gather citizens for a petition. That is the natural place for them, not at the post office, Shaws supermarket, but at the polling place where democracy and the sacredness of a free people actually exist.

I would just like to throw out a little twist that I haven't heard yet today. Our voting place in North Berwick, if you had to be 250 feet from the polls, you would, in essence, be in danger from traffic or what you would actually have to do is actually go a little further away and you would have absolutely no impact because there is no place to park even along side of the street if you actually wanted to sign that petition. That grassroots effort would be null and void. I know that because our good warden down in North Berwick had an occasion in recent elections to ask a petitioner to be 250 feet away. In her judgment, she was being distracting to the voters. I would just submit that the current law, as has been pointed out, does empower the wardens if they so choose to exercise it, if it doesn't then that is what we ought to address. Perhaps we should toughen up that law. By having due process of our way of life in Maine to require that there be a 250 foot barrier, I think it is the wrong direction. I urge you to support the current motion. Thank you.

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

Representative **TRUE**: Mr. Speaker, Ladies and Gentlemen of the House. I don't know, as you have looked at this, other than what is in our House Calendar, but I signed onto this for two or three reasons, which I certainly will try to explain to you. First of all, one particular reason was not to take any right away from a citizen of this state or this country. When we talk and some of you have talked about basic rights, if I remember my history

correctly when we have basic rights, you have basic responsibilities that go along with it. Petition has been a part of our process for a long time. Again, if you want to do some research on it, what comes first, voting or petition? I think you will find that voting came first.

A speaker said, why put it in the post office? Those people are in a hurry to do their mailing and to leave. Why isn't it just as needy in the voting place, which is for voting? Part of the process has been encumbered by the fact that you can't vote and leave. Whether you like it or not, not all people in this state or in our nation, go directly by the law. The only way to straighten it out, as far as I am concerned, is have discussions like this. I hope that you will find and I have certainly nothing against activists, there is a way to do it. Just in the last three of four years, let me point out that we have had petitions that were falsely given. We have had petitions with false names and addresses. We have had petitions that were paid by special interests and people taking those positions that didn't even live in our state. If you want to check on those things, please do so at the Secretary of State's Office. I guarantee they are right. I say to you that we do have problems and so they ought to be changed by some method.

We talk about the laws of our country. Have they been changed? I thought we had a few amendments to the constitution. You know nothing works forever. One of my greatest heroes, this may be a shock to those people that find me in this party, was Harry Truman. When the strikes were causing a great problem with this country, he had the courage to call out the Army in order to prevent those strikes from inhibiting what was going on as far as our country was concerned. Sometimes it takes courage to stand up to be heard. If you think that I did this to harm any part of my country, two times in my life they were interrupted when I volunteered to go in the service. They certainly had to do with our basic rights.

Ladies and gentlemen, something is wrong in this arena. Let's do something about it in a corrective way and a right way. Let's stop getting so upset at people because that does not get us to come together in a manner in which we can arrive at a decision that is basic for the two opposition, whether they be parties or individuals or whether we go along with Indefinite Postponement, that is not my way of doing things. I shall vote against that. Stand up to be counted and lets see if it isn't defeated and go on to there. There is a problem, so let's do something about the problem. I thank you for listening.

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

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. I always hesitate to stand up and disagree with the Representative from Fryeburg when we are discussing history because as he told me himself, he has lived through most of it. There are a couple of points I would like to make. We talk about the inconveniences of the petition process because some people abused the process. The right to petition is a fundamental right and because some people abuse that is certainly no reason to further constrict the ability of citizens to do it. Maine, as you know, has a long tradition of upholding individual rights of its citizens. I was reading the other day when the 13 colonies eventually wrote their own state constitutions. Massachusetts in 1780, was one of the last of the 13 colonies to write their own constitution. Maine was a part of Massachusetts at that time. Scholars today agree that of those 13 constitutions, the Massachusetts Constitution granted more individual rights

than the other 13 colonies. When Maine became a state in 1820, we went even a couple steps further. We guaranteed the freedom of speech and press, whereas the Massachusetts Constitution only guaranteed a free press and not free speech. We also departed from Massachusetts by granting religious freedom for all denominations, not just the Protestants.

The point I am trying to make is that Maine over the years has always been in the forefront of insuring individual rights to all of its citizens. As Representative Waterhouse pointed out earlier in the debate, in our Declaration of Rights in our constitution, the right to petition is a separate section under that section of the constitution. It is clear that the framers were very serious about the right of citizens to petition. I would urge all of us to Indefinitely Postpone this proposal.

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

Representative FISHER: Mr. Speaker, Men and Women of the House. I haven't seen a petition I liked in years. I haven't signed one in years, yet I would vote to Indefinitely Postpone this because I do believe that the people have the right to petition at the polling place.

Tomorrow is Welcome Back Day and one of the people I hope will have the opportunity to welcome back is the famous Italian from South Portland, Sam DiPietro. If Sam were here at this point of the day, he would compliment everybody on the very stirring debate that we have had. He would also suggest that if there was nothing left to say or nothing new to say, perhaps it would be time to travel on to another subject. Thank you.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. Speaking as the Representative from Kennebunk, following the good advice I just heard, I think the past needs to be heard as well. My first reaction when this bill came forward, because of past issues or maybe individuals connected with petition drives, was to support the bill. I gave that more thought and that is the beauty of the House. We have the opportunity, because this is the people's house and there are so many of us, given time, we can change our thinking and our position. The past speaks from 1907. Some of you may feel I was there and was part of the debate. I wasn't, but this afternoon during some other lengthy debates, I went back and read what the men of the House, men then in 1907, had to say about the initiative and the referendum. The only area they disagreed was on whether it should apply to the statutes or to the constitution itself. That was the only difference in all regions of this state and the two political parties. They were united that day in 1907 in support of sharing public policy making with the people. I know we would like to have democracy be nice, neat and tidy. We would like to have it be orderly. Sometimes you could substitute the word control.

I have heard debate here today about the kinds of issues that could come before us or the issues that have in the past. I would suggest that maybe a day or two after you have had that 48 hours sleep when we sine die, but you go back to the list in December that we were given of the 3,000 bills that were submitted. We have been told that the referendum process can make mistakes. I would suggest that the next time the errors and emissions bill comes through here, check the thickness.

We have heard today also that petition gathering is a political act. I have a problem with a bill that takes the people and moves them 250 away from the polls while it leaves the politicians within that 250 foot zone. Don't tell me that in November you are there

catching the sun rays from 8 to 8, the candidates are campaigning, but the people, if this passes, would not have the right to petition.

In 1907, they had faith in the people. I would hope that when the vote is taken, that some other legislators in this next upcoming century would look back and say in 1999, they kept the promise. Thank you.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Mr. Speaker, Men and Women of the House. I apologize to rise again to speak. A couple points have been brought up that I would just like to make comment to. The issue of people coming into our state from out of state to collect signatures, I believe that shouldn't have anything to do with what we are talking about here. If that is such a problem, maybe a piece of legislation should be submitted to address that issue. I believe that we have an intolerance of different people's views here. I think that was one of the reasons why this bill was proposed. We really need to continue to support other people's views. We all have the right to those different views. In regards to running through the gauntlet, my goodness, every time you get a telephone call from a telemarketer, that is like running through the gauntlet. You have to listen to that person, but you don't need to. All you need to say to that person is, no thank you. I am not interested and put down the phone. To me, I compare that as almost the same type of situation.

This is very uncomfortable. It makes me feel so uncomfortable. Protecting our very freedom is not always easy and it is not always pretty. We send our men into harms way to protect our freedoms. Do you think they feel comfortable? Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative SHIELDS: Mr. Speaker, Men and Women of the House. It is a technical question about the motion. The previous motion was Ought Not to Pass. The current motion is Indefinite Postponement. Does that refer to the Ought Not to Pass or refer to the total bill.

The SPEAKER: The current motion is the motion to Indefinitely Postpone the bill and all its accompanying papers. That is the pending motion on the floor. It is to the bill and all its accompanying papers.

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the motion to Indefinitely Postpone this LD and its accompanying papers. I would like to share with my colleagues the reasons why. The right to petition, particularly the right to petition in the poll, is very much a validating exercise for voters. This is their method. It is their way to gain access to a question on the ballot.

There are two forms of petitions that are generally circulated. We have the citizen initiative and the citizen referendum. One allows citizens to propose laws. The other allows citizens to veto laws. It is critical that voters have an opportunity to vote on the question that they feel is necessary to guarantee their happiness in this state.

I would like to correct a misstatement that was made by a fellow colleague regarding that this process is for state petitions. That is not entirely correct. While it is a process for state petitions, it is also a process for other petitions, such as local petitions. I, myself, was very involved in a petition, actually lead one, in 1998, locally in my town. The issue that we had at hand was the method at which our municipal officials were elected. All our municipal officials in our town were elected during a special interest election. Out of a city with a population of 24,000 people, we only had less than 3,000 people voting in municipal elections to choose their municipal leaders. As citizens, we thought that was wrong. We thought that we should be electing our municipal officials the same time we are electing those for Congress and the state. The arguments that municipal officials put up at that time varied. Generally they were around the themes that voters can't separate municipal, state or federal issues so they need to be separated by different election dates. The only people that vote in municipal elections are the ones that are interested in municipal issues. Essentially, the rest of the electorate should be disenfranchised. To go to the people that are elected in a special interest group election and make the argument that, in fact, elections should be held by a much wider constituency isn't one that was received very well by any of the elected officials on either side of the aisle. That is true of many issues that come before us as a state. Things and issues that cause us to evaluate why we are here, how we got here and really reinventing the government process for the betterment of the people. Those issues, very likely, aren't going to be proposed by these bodies to the electorate. If they feel as though the question needs to be asked and the question isn't asked then, in fact, they should have a method available to them very readily that they can put this issue before the voters.

One last thing that I would like to say about that effort that I did lead municipally is that the voters did approve by almost a five to 1 margin changing our elections to November. During that initiative drive, I became very well acquainted with the laws of collecting signatures. I found out that storeowners have the right to not allow you even on the marketplace or the commonplace where you would meet people. We couldn't collect signatures at the mall. There was a policy against that. The Maine Mall, the marketplace in South Portland. Our grocery stores, Shop n Save and Shaws, also wouldn't allow the gathering of these signatures. If the voters, in fact, were going to have access to the ballot, then, in fact, we needed an opportunity and a vehicle as ordinary citizens, not as paid people coming in to collect signatures for a referendum, but just as ordinary citizens wishing to exercise these rights. We needed a method to put it before citizens in a manner in which we could collect signatures in a very narrow portion of time, which is the other issue that wasn't presented to everyone today. It was, in fact, that these signatures have a time limit in which they can be gathered. If you don't collect your signatures within an allotted period of time, then your issue and those signatures become still dated.

For those reasons, I think it is very necessary that we don't monkey with this process. We have a process in place. It is one that should be there and accessible and used rarely. Thank you.

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

Representative MENDROS: Mr. Speaker, Men and Women of the House. I will be very brief. I wanted to clarify a couple of points that were made. One, about out of state petitioners coming into the state collecting signatures. That is not legal.

You have to be a Maine citizen and a registered voter to collect signatures. The second point I would like to bring up to the people is the very first little historical point. The very first petition that was circulated and signed was the Declaration of Independence.

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

Representative DUNLAP: Mr. Speaker, Ladies and Gentlemen of the House. If anyone in the room has not already made up their mind, I am speaking to you. I hope that you remember who we are talking about in this legislation. We are talking about the voters. We are not talking about so called groups of grassroots petitioners. You see the group of coalitions that have signed various statements concerning this particular piece of legislation. I would maintain that they are to grassroots what HMOs are to country doctors. They are a different type of thing. Whose business are we truly trying to protect here in this legislation? It is the business of the voters. It was mentioned by my good friend from Poland, Representative Snowe-Mello, that circulating petitions in front of a post office is ineffective because people want to go in, do their business and leave. I wonder what is in their minds when they are going into a polling place. Are they planning to stand there and talk about petitions or do they want to go in and vote, then make dinner or go back to work? Again, we are talking about voters here. We are talking about their individual rights to go and vote. I have no problem with petitioners collecting signatures and bringing issues before the government, but I do have a problem with voters being harassed at the polls with signature gathering practices. I certainly hope you vote against this pending motion and join with me in doing something to help the voters of the State of Maine and not the circulators of petitions. Thank you.

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

Representative GERRY: Mr. Speaker, Ladies and Gentlemen of the House. I, too, have circulated a lot of petitions at the polls. I have set up a lot of petitioners to go out to different polls. One of the processes before a person goes out to the polls is you check with the city clerk and then the warden at the polls. The warden at the polls puts you in a designated location. They choose where you go. You can't tell them where you would like to set up. We are only allowed a sign as wide as the normal person in order to describe what we are trying to do. The warden at the polls will delegate to you a spot and tell you whether you can have a foot long table, an eight foot table or a clipboard depending on the size of the voting place. Of all of the petition drives that I have helped run, I have never had any problems with town clerks and where we were put. There is also a limit for safety, how many petitioners can go to the polls for a cause? You are limited to one person per cause. If there is a group of them, the warden has the authority to limit it to x number, whatever they feel is all right due to their safety regulations. While I have circulated my petitions, I have had the poll warden come up to me and ask me if I had any full petition sheets signed out by the voters of that poll. If I said yes, they would take them and give them to our poll clerk and have them check off on the list. This will save us time rather than having you bring them in next week, since we know you are not from this voting place. We will validate them right here and now for you. That will save us time and save you time.

A lot of polling places want us there. There is a place up in Owls Head. They call me every November to ask me if I am

helping with any group because they use it as a social. Usually the people up on Owls Lake have coffee and cake and the people congregate and talk. They use the people's citizens initiatives as a focus point, spring board to find out what is currently going on. Many of the newspapers will call citizen initiative groups to find out if they are going to be in the polls. They put it in the papers so citizens if they want to sign up a certain particular issue, they will know where to go. Most of the petitioners that I have ever had work for me or with me, we always drill them on how to act at the polls when they collect the signatures. For the most part, my group always have to sit down at the table. The warden would not let us wonder. We could not go and grab people and ask them to come vote for us. We always had to wait until after people had voted and then they would come to us.

About 30 or 35 years ago, the average citizen could circulate their petitions on the public streets in their downtowns. They could stand around the five and dime, the grocery stores and the drug stores to collect their signatures on the sidewalk. They didn't hamper people. People would come up to them and they would sign them readily. During the development of malls, it moved most of the businesses out of the downtowns and put them out in a certain area. These areas don't allow petitioners. Grocery stores, the only one that will allow petitioners to petition at their store is Shaws. They have now changed the policy to allow one weekend a month per group. It is first come first serve. Even if somebody got their spot for the weekend and they are not there, you can't take over for them.

I am very much in support of the Indefinite Postponement of this bill and all its papers. The other thing was, when this bill came up for public hearing, the only ones that spoke in favor of the bill was the sponsor of the legislation, a sportsmen's group, I will not mention because I think I will get in trouble for saying it, and the Clerk's Association for the town clerks. There were more people at the public hearing that were just average people talking against this bill than there were lobbyists supporting the bill. I ask this body to please vote for this pending motion.

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

Representative GILLIS: Mr. Speaker, Men and Women of the House. I would just like to add one thing and maybe we could consider this before we vote. When you go to a voting place, you go in and you get checked off, then you vote. When you get done voting and you come back out through and you look over and there might be a petitioner. You either go over or you don't, then you leave. In this House as legislators we vote. We run a gauntlet everyday. We come through those halls and we get petitioned by the lobbyists. I just want you to think about that before you make a vote. We do it here everyday and we are petitioned. We are not petitioned after we vote. We are petitioned before we vote. The petitioners are petitioning after you vote, not before. Thank you.

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

ROLL CALL NO. 115

YEA - Ahearne, Andrews, Bagley, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bryant, Buck, Bull, Bumps, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Collins, Colwell, Cote, Cowger, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Duplessie, Etnier, Fisher,

Foster, Fuller, Gagne, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kasprzak, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Matthews, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, Peavey, Perkins, Pieh, Pinkham, Plowman, 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, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Williams, Winsor, Mr. Speaker.

NAY - Belanger, Bruno, Cameron, Clark, Cross, Daigle, Dunlap, Gagnon, Jabar, Kane, Kneeland, Labrecque, LaVerdiere, Mayo, Povich, True, Wheeler GJ.

ABSENT - Frechette, Martin, Murphy E, O'Neil, Perry.

Yes, 129; No, 17; Absent, 5; Excused, 0.

129 having voted in the affirmative and 17 voted in the negative, with 5 being absent, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Revise the Fact-finding Process under the Public Employees Labor Relations Laws"

(H.P. 495) (L.D. 702)

Signed:

Senators:

DOUGLASS of Androscoggin

LaFOUNTAIN of York

MILLS of Somerset

Representatives:

GOODWIN of Pembroke

MacDOUGALL of North Berwick

MACK of Standish

TREADWELL of Carmel

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-352)** on same Bill.

Signed:

Representatives:

HATCH of Skowhegan

MATTHEWS of Winslow

SAMSON of Jay

DAVIS of Falmouth

READ.

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

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-359)** on Bill "An Act to Amend the Workers' Compensation Law as It Pertains to Employer-selected Health Care Providers"

(H.P. 555) (L.D. 776)

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin

Representatives:

HATCH of Skowhegan
GOODWIN of Pembroke
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay

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

Signed:

Senator:

MILLS of Somerset

Representatives:

DAVIS of Falmouth
MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

READ.

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

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-357)** on Bill "An Act to Restore State Funding for Mediation Services Provided by the Maine Labor Relations Board"

(H.P. 564) (L.D. 785)

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

GOODWIN of Pembroke
MATTHEWS of Winslow
SAMSON of Jay
HATCH of Skowhegan
DAVIS of Falmouth

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

Signed:

Representatives:

MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

READ.

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

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-350)** on Bill "An Act to Provide a Paralegal Assistant to Each Workers' Compensation Advocate"

(H.P. 598) (L.D. 838)

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

HATCH of Skowhegan
MUSE of South Portland
GOODWIN of Pembroke
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay

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

Signed:

Representatives:

DAVIS of Falmouth
MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

READ.

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

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

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Provide Binding Arbitration for Police Departments, Sheriff Departments and Professional Fire Departments"

(H.P. 600) (L.D. 840)

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

DAVIS of Falmouth
MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-351)** on same Bill.

Signed:

Representatives:

HATCH of Skowhegan
MUSE of South Portland
GOODWIN of Pembroke
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay

READ.

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

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-358)** on Bill "An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers"

(H.P. 663) (L.D. 919)

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York

Representatives:

MUSE of South Portland
GOODWIN of Pembroke
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay
HATCH of Skowhegan
DAVIS of Falmouth

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

Signed:

Senator:

MILLS of Somerset

Representatives:

MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

READ.

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

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

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Change the Child Labor Laws"

(H.P. 1239) (L.D. 1768)

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

MUSE of South Portland
GOODWIN of Pembroke
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay
HATCH of Skowhegan
DAVIS of Falmouth
TREADWELL of Carmel

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-353)** on same Bill.

Signed:

Representatives:

MacDOUGALL of North Berwick
MACK of Standish

READ.

Representative DAVIS of Falmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Reduce Operating Under the Influence by Requiring Certification of On-premise Alcohol Servers"

(H.P. 259) (L.D. 363)

Signed:

Senators:

DAGGETT of Kennebec
FERGUSON of Oxford

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
TUTTLE of Sanford
HEIDRICH of Oxford
McKENNEY of Cumberland
FISHER of Brewer

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-346)** on same Bill.

Signed:

Senator:

CAREY of Kennebec

Representatives:

MAYO of Bath
GAGNE of Buckfield

READ.

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Permit Wine to be Ordered through the Mail"

(H.P. 854) (L.D. 1211)

Signed:

Senators:

DAGGETT of Kennebec
CAREY of Kennebec
FERGUSON of Oxford

Representatives:

TUTTLE of Sanford
CHIZMAR of Lisbon
FISHER of Brewer
GAGNE of Buckfield
LABRECQUE of Gorham
MAYO of Bath
HEIDRICH of Oxford
McKENNEY of Cumberland
SHIAH of Bowdoinham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-347)** on same Bill.

Signed:

Representative:

PERKINS of Penobscot

READ.

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Resolve, Authorizing the Family of Adam Wilson to Sue the Town of Rockport

(H.P. 1345) (L.D. 1945)

Signed:

Senators:

DAGGETT of Kennebec

FERGUSON of Oxford

Representatives:

FISHER of Brewer

CHIZMAR of Lisbon

GAGNE of Buckfield

LABRECQUE of Gorham

PERKINS of Penobscot

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-348)** on same Resolve.

Signed:

Senator:

CAREY of Kennebec

Representatives:

MAYO of Bath

McKENNEY of Cumberland

HEIDRICH of Oxford

TUTTLE of Sanford

SHIAH of Bowdoinham

READ.

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

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-322)** on Bill "An Act to Require that the State Planning Office Report to the Committee on State and Local Government"

(H.P. 619) (L.D. 859)

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska

BAGLEY of Machias

RINES of Wiscasset

TWOMEY of Biddeford

BUMPS of China

KASPRZAK of Newport

JODREY of Bethel

GERRY of Auburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-323)** on same Bill.

Signed:

Senators:

PENDLETON of Cumberland

GOLDTHWAIT of Hancock

Representatives:

McDONOUGH of Portland

RICHARDSON of Greenville

READ.

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

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-320)** on Bill "An Act to Provide Computers for Use in the Legislature" (EMERGENCY)

(H.P. 666) (L.D. 922)

Signed:

Senators:

PENDLETON of Cumberland

GOLDTHWAIT of Hancock

DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska

RINES of Wiscasset

McDONOUGH of Portland

TWOMEY of Biddeford

BUMPS of China

JODREY of Bethel

RICHARDSON of Greenville

GERRY of Auburn

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

Signed:

Representatives:

BAGLEY of Machias

KASPRZAK of Newport

READ.

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

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-321)** on Bill "An Act to Amend the Androscoggin County Budget Process"

(H.P. 758) (L.D. 1048)

Signed:

Senators:

PENDLETON of Cumberland

GOLDTHWAIT of Hancock

DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska

BAGLEY of Machias

RINES of Wiscasset

McDONOUGH of Portland

TWOMEY of Biddeford

BUMPS of China

KASPRZAK of Newport

JODREY of Bethel

RICHARDSON of Greenville

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

Signed:

Representative:

GERRY of Auburn

READ.

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

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

CONSENT CALENDAR

First Day

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

(S.P. 69) (L.D. 172) Bill "An Act to Enhance Maine's Relationship with Aomori, Japan by Hosting a Cultural Exchange" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-144)**

(S.P. 247) (L.D. 669) Bill "An Act to Change Certified Public Accountant Experience Requirements for Employees of the Department of Audit" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-136)**

(S.P. 259) (L.D. 754) Bill "An Act to Amend the Laws Establishing a State Poet Laureate" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-132)**

(S.P. 330) (L.D. 984) Bill "An Act to Allow the Town of Madrid to Deorganize" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-133)**

(S.P. 441) (L.D. 1316) Bill "An Act to Encourage Municipal and State Partnerships Concerning the Issuance of Aquaculture Leases" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-145)**

(S.P. 562) (L.D. 1629) Bill "An Act to Ensure That Sales Free and Clear of Liens Through Bankruptcy Do Not Result in the Acquisition of a Predecessor Employer's Experience for the Purpose of Contribution Rate Determination" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-139)**

(S.P. 601) (L.D. 1724) Resolve, to Establish Reimbursement Funding for Transportation Costs to and From Dialysis Treatment Facilities Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-138)**

(S.P. 727) (L.D. 2047) Bill "An Act to Amend the Lead Poisoning Control Act" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-137)**

(H.P. 1535) (L.D. 2188) Resolve, Regarding Legislative Review of Certain Sections of Chapter II, Section 67, Nursing Facility Services, of Chapter 101: Maine Medical Assistance Manual, a Major Substantive Rule of the Department of Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1536) (L.D. 2189) Resolve, Regarding Legislative Review of Chapter 231: Rules Relating to Drinking Water, a Major Substantive Rule of the Department of Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 573) (L.D. 813) Bill "An Act to Amend the Requirements of Full-time Students for State-funding Purposes" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-372)**

(H.P. 860) (L.D. 1217) Bill "An Act to Make Courses that Teach English as a 2nd Language Reimbursable by the State" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-373)**

(H.P. 1196) (L.D. 1706) Resolve, to Conduct and Report on a Comprehensive Needs Assessment for Coordinated School Health Programs Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-365)**

(H.P. 1197) (L.D. 1707) Bill "An Act to Extend Certain Survivor Benefits to the Spouses of Emergency Medical Services Providers" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-366)**

(H.P. 1287) (L.D. 1848) Bill "An Act to Require the Display of the Prisoner of War - Missing in Action Flag" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-369)**

(H.P. 1443) (L.D. 2064) Bill "An Act to Increase Load Weight on Farm Vehicles" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-380)**

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

(H.P. 1183) Joint Order - Relative to Establishing The Task Force to Redesign the Governance System of the Governor Baxter School for the Deaf Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-367)**

On motion of Representative BRENNAN of Portland, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Joint Order was **READ**. **Committee Amendment "A" (H-367)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-367)** and later today assigned.

CONSENT CALENDAR

Second Day

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

- (S.P. 595) (L.D. 1719) Bill "An Act to Amend the Maine Banking Code Regarding Extensions of Credit" (EMERGENCY)
- (S.P. 714) (L.D. 2036) Bill "An Act to Prohibit Deceptive Charitable Solicitations"
- (S.P. 715) (L.D. 2037) Bill "An Act to Revise the Lienholder Notification Law"
- (S.P. 243) (L.D. 665) Bill "An Act to Protect the Environment by Phasing Out the Use of Old Transformers that are Potential Sources of PCB Pollution" (C. "A" S-125)
- (S.P. 266) (L.D. 759) Bill "An Act to Expedite Disputes among Commercial Landlords and Tenants" (C. "A" S-129)
- (S.P. 442) (L.D. 1317) Bill "An Act to Appropriate Additional Funding for Court-appointed Counsel" (C. "A" S-123)
- (S.P. 443) (L.D. 1318) Bill "An Act to Amend the Treatment of Security Deposits Upon the Sale of a Building" (C. "A" S-128)
- (S.P. 623) (L.D. 1788) Bill "An Act to Clarify 7-day Evictions in Tenancies at Will" (C. "A" S-127)
- (S.P. 706) (L.D. 1981) Bill "An Act to Revise the Accountancy Laws" (C. "A" S-126)
- (S.P. 762) (L.D. 2152) Bill "An Act to Amend the Laws Governing Financial Institutions" (C. "A" S-131)
- (H.P. 1215) (L.D. 1744) Bill "An Act to Allow Child-placing Agencies to License Preadoptive Homes as Foster Care Homes for a Child Placed in that Home Awaiting Adoption"
- (H.P. 40) (L.D. 54) Resolve, to Authorize the Knox County Commissioners to Borrow Not More Than \$600,000 to Build the Knox County Communications Center (EMERGENCY) (C. "A" H-324)
- (H.P. 76) (L.D. 89) Resolve, to Study Standardized Periods of Military Service for Award of State of Maine Veterans' Benefits (EMERGENCY) (C. "A" H-312)
- (H.P. 460) (L.D. 623) Resolve, Regarding Legislative Review of Chapter 565: Nutrient Management Rules, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY) (C. "A" H-334)
- (H.P. 497) (L.D. 704) Bill "An Act to Allow for Cooperative Purchase of Electricity by Governmental Units" (EMERGENCY) (C. "A" H-331)
- (H.P. 547) (L.D. 768) Resolve, Regarding Legislative Review of Chapter 301: Standard Office Service, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) (C. "A" H-328)
- (H.P. 548) (L.D. 769) Resolve, Regarding Legislative Review of Chapter 304: Standard of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) (C. "A" H-329)
- (H.P. 743) (L.D. 1033) Bill "An Act to Allow Former Employees of Head Start Credit in the Maine State Retirement System" (C. "A" H-360)
- (H.P. 857) (L.D. 1214) Bill "An Act Authorizing the Release of Information to a Competitive Electricity Provider" (C. "A" H-330)
- (H.P. 913) (L.D. 1291) Bill "An Act to Amend the Liquor Licensing Laws Regarding Bed and Breakfasts" (C. "A" H-314)
- (H.P. 985) (L.D. 1383) Bill "An Act Promoting Technology in Business Recordkeeping" (C. "A" H-362)
- (H.P. 1153) (L.D. 1650) Bill "An Act Confirming the Charter of the Addison Point Water District" (EMERGENCY) (C. "A" H-333)

(H.P. 1172) (L.D. 1683) Resolve, Regarding Legislative Review of Chapter 307: Sale of Capacity and Energy of Undivested Generation Assets, Extension of Divestiture Deadline, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) (C. "A" H-332)

(H.P. 1195) (L.D. 1705) Bill "An Act to Amend the Maine Administrative Procedure Act" (C. "A" H-364)

(H.P. 1237) (L.D. 1766) Bill "An Act to Provide Equity for Eviction Notification" (C. "A" H-311)

(H.P. 1315) (L.D. 1898) Resolve, That the Director of the Maine State Museum Shall Include the Portraits of Outstanding Indians in the State House (C. "A" H-325)

(H.P. 1384) (L.D. 1991) Bill "An Act to Protect Customers of Nonbank Cash-dispensing Machines" (C. "A" H-344)

(H.P. 1460) (L.D. 2092) Bill "An Act to Require Legislative Approval to Lease Certain Land to the Federal Government" (C. "A" H-363)

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

(H.P. 274) (L.D. 382) Bill "An Act to Require a Minor Who is the Underlying Cause of a Liquor Violation to Provide Identification to a Law Enforcement Officer" (C. "A" H-313)

On motion of Representative TUTTLE of Sanford, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-313)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-313)** and later today assigned.

BILLS IN THE SECOND READING

Senate As Amended

Bill "An Act to Improve the Accountability of the Maine Children's Trust and to Explicitly Include High-quality Child Care as an Integral Part of its Mission"

(S.P. 390) (L.D. 1169)
(C. "A" S-72)

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

(S.P. 664) (L.D. 1886)
(C. "A" S-120)

Bill "An Act to Provide Labeling for Cider"

(S.P. 705) (L.D. 1980)
(C. "A" S-119)

House As Amended

Bill "An Act to Provide Funds for a New Historical Atlas of Maine"

(H.P. 901) (L.D. 1279)
(C. "A" H-297)

Bill "An Act to Increase Fees for Civil Process of Filing State Papers"

(H.P. 1212) (L.D. 1741)
(C. "A" H-291)

Bill "An Act to Establish the Birth Defects Program"

(H.P. 1322) (L.D. 1905)
(C. "A" H-268)

Bill "An Act to Prevent Conflicts of Interest"

(H.P. 1337) (L.D. 1920)
(C. "A" H-288)

Bill "An Act to Implement Funding the Recommendations of the Interagency Task Force on Homelessness and Housing Opportunities in the November 1997 Task Force Report"

(H.P. 1471) (L.D. 2111)
(C. "A" H-294)

Reported by the Committee on **Bills in the Second Reading**, read the second time, 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.

Bill "An Act to Strengthen Enforcement of Lobster Trap Limits"

(S.P. 452) (L.D. 1327)
(C. "A" S-113)

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

On motion of Representative ETNIER of Harpswell, was **SET ASIDE**.

The same Representative **PRESENTED** House Amendment "A" (H-336) which was **READ** by the Clerk.

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

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. This is the same House Amendment that was put on yesterday. It was put on yesterday at the wrong place at the wrong time. We corrected it just now. Thank you very much.

House Amendment "A" (H-336) was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-113)** and House Amendment "A" (H-336) in **NON-CONCURRENCE** and sent for concurrence.

ENACTORS

Emergency Measure

An Act to Enhance Equity Under the Maine Milk Pool Laws
(S.P. 489) (L.D. 1474)
(S. "A" S-94)

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. 130 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Amend the Provisions Relating to Executive Sessions in Connection with the Transaction of Public or Government Business

(S.P. 94) (L.D. 233)
(H. "A" H-217)

An Act to Allow Counties to Retain a Larger Share of the Real Estate Transfer Tax

(S.P. 121) (L.D. 318)
(C. "A" S-82)

An Act to Amend Certain Aviation Laws

(S.P. 271) (L.D. 764)
(C. "A" S-97)

An Act to Provide Funding for the Education Research Institute

(H.P. 820) (L.D. 1143)
(C. "A" H-174)

An Act to Reduce the Cost to Ratepayers of Decommissioning and Nuclear Waste Storage at the Maine Yankee Nuclear Power Plant

(S.P. 468) (L.D. 1407)
(C. "A" S-102)

An Act to Conform Maine's Consumer Credit Laws to Federal Law and Make Other Changes

(S.P. 546) (L.D. 1608)
(C. "A" S-101)

An Act to Amend the Charter of the Waterville Sewerage District

(S.P. 632) (L.D. 1797)
(C. "A" S-103)

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.

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.

JOINT ORDER - Relative to establishing the Commission to Study the Fairness of the Maine Turnpike

(H.P. 1568)

TABLED - May 3, 1999 (Till Later Today) by Representative JABAR of Waterville.

PENDING - Motion of Representative MENDROS of Lewiston to REFER to the Committee on **TRANSPORTATION**.

Subsequently, the Joint Order was **REFERRED** to the Committee on **TRANSPORTATION**, ordered printed and sent for concurrence.

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

SENATE PAPERS

The following Joint Order: (S.P. 811)

ORDERED, the House concurring, that the Joint Standing Committee on Health and Human Services report out, to the Senate, a bill regarding mental health services.

Came from the Senate, **READ** and **PASSED**.
READ and **PASSED** in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Pursuant to Statute
Department of Human Services

Representative KANE for the **Department of Human Services** pursuant to Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Sections 61, 62, 63, 68, 69 and 73 of 10-149, Chapter 5: Bureau of Elder and Adult Services Policy Manual, a Major Substantive Rule of the Department of Human Services (EMERGENCY)

(H.P. 1572) (L.D. 2220)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

COMMUNICATIONS

The Following Communication: (H.C. 154)

STATE OF MAINE

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

April 29, 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. 603 An Act to Repeal the Licensing of Farmstead Cheese
- L.D. 931 An Act to Ensure Children's Safety from Uncontrolled Dogs
- L.D. 1181 An Act to Amend the Laws Pertaining to Dangerous Dogs
- L.D. 1343 An Act to Establish Blueberry Weight Accountability
- L.D. 1404 An Act to Amend the Laws Regarding Farmstead Cheese
- L.D. 1416 Resolve, to Encourage Replanting of Hardwood Trees
- L.D. 1497 An Act Authorizing the Maine Land Use Regulation Commission to Regulate Industrialized Farms within Unorganized and Deorganized Areas
- L.D. 1535 An Act to Require Notice to Abutters Prior to Commercial Applications of Pesticides
- L.D. 1565 Resolve, Directing the Maine Forest Service to Examine the Excessive Cutting of Mature Maple Trees
- L.D. 1642 An Act Regarding Equine Massage Therapy
- L.D. 1709 An Act to Strengthen Maine's Animal Welfare Laws
- L.D. 1738 Resolve, to Allow the Modification of a Conservation Easement on Property Leased to Robert Vadas

L.D. 1757 An Act to Support the Work of the Maine Rabies Work Group

L.D. 1979 An Act to Limit the Percentage of Forest Products Harvested from Certain Lands That May Be Sold to a Foreign Country

L.D. 2006 An Act to Eliminate the Dog Licensing Requirement

L.D. 2007 An Act to Amend the Laws Concerning Abuse of Domesticated Animals

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. 155)

STATE OF MAINE

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

April 29, 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. 123 An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for the Acquisition of Water Access Sites by the Department of Inland Fisheries and Wildlife
- L.D. 288 An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Assist Municipalities to Provide Water and Sewer Service to Areas Zoned by Municipalities for Industrial and Light Industrial Uses
- L.D. 360 An Act to Authorize a General Fund Bond Issue to Place Critical Land Tracts in Southern Maine into the Land for Maine's Future Program
- L.D. 361 An Act to Authorize a General Fund Bond Issue in the Amount of \$25,000,000 for the Expansion of the Fogler Library and Laboratories at the University of Maine
- L.D. 565 An Act to Authorize a General Fund Bond Issue in the Amount of \$30,000,000 for Infrastructure Improvements for the Maine Technical College System
- L.D. 740 An Act to Authorize a General Fund Bond Issue for Public Land Acquisition
- L.D. 842 An Act to Authorize a General Fund Bond Issue in the Amount of \$100,000,000 for School Construction and Renovation

- L.D. 862 An Act Authorizing a General Fund Bond Issue in the Amount of \$7,500,000 to Fund Seat Belts for School Buses
- L.D. 990 An Act to Authorize a General Fund Bond Issue to Reduce Household Hazardous Waste and Mercury Contamination and to Increase Recycling of Municipal Solid Waste through Investment in Capital Equipment and Collection Programs in the Amount of \$2,000,000
- L.D. 993 An Act to Reinvest in the Land for Maine's Future Fund
- L.D. 1059 An Act to Appropriate \$20,000 from the General Fund to Assist the Salmon Restoration Project on the St. Croix River
- L.D. 1389 An Act to Establish Fair Funding for Independent and 3rd-Party Legislators
- L.D. 1530 An Act to Authorize a General Fund Bond Issue in the Amount of \$120,000,000 for Land Acquisition by the Land for Maine's Future Board
- L.D. 1531 An Act to Authorize a General Fund Bond Issue in the Amount of \$13,500,000 for the Repair and Upgrading of Roads in the Bangor Area Comprehensive Transportation System
- L.D. 1675 An Act to Provide Adequate Maine State Museum Services
- L.D. 1682 An Act to Provide Funding for the Frye Island Ferry
- L.D. 1819 An Act Regarding the Use of Excess Funds in the State Treasury
- L.D. 1831 Resolve, to Require the State to Fully Fund All Educational Program Costs
- L.D. 1880 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Protected Capital Reserve Funds
- L.D. 1928 An Act to Authorize a General Fund Bond Issue for Repairs, Renovations and Additions to Public Schools
- L.D. 1973 An Act to Increase the Availability of Home Care Services for Maine's Elderly
- L.D. 2126 An Act to Enforce the Laws Governing Family Medical Leave
- L.D. 2144 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
- L.D. 2145 An Act to Fund Continuing Public Access to Maine Lands

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. 156)

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

April 29, 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. 108 An Act to Protect Enrollees of Managed Care Plans
- L.D. 155 An Act to Amend the Health Plan Improvement Act
- L.D. 531 An Act to Require External Review of Coverage Decisions by Health Plans
- L.D. 631 An Act to Establish a Patient's Bill of Rights
- L.D. 1323 An Act to Ensure Affordable Access to Gynecological Services Provided by Nurse Practitioners
- L.D. 1498 An Act to Include Nontraditional Medical Alternatives under Health Insurance and Medicaid Coverage and to Allow the Patient to Choose the Method of Treatment
- L.D. 1604 An Act to Create a Standard Small Group Health Plan
- L.D. 1660 An Act to Provide Reasonable Compensation for Vehicles Damaged in Accidents
- L.D. 1661 An Act to Allow Fair Access to Long-term Care Insurance
- L.D. 1678 An Act to Expand and Clarify the Opportunities for Small Employers to Purchase Health Insurance
- L.D. 1890 An Act to Establish a Patients' Bill of Rights for Managed Care

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. 157)

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

April 29, 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. 1286 An Act to Expand Economic Development Opportunity
- L.D. 1545 An Act Requiring Registration of Surveys in the Registry of Deeds BY REQUEST
- L.D. 1564 An Act to Require That Physician Signatures on Prescriptions Be Legible
- L.D. 1702 An Act to Increase the Number of Plumbing Inspectors
- L.D. 1735 An Act to Create a Business Incentive Program
- L.D. 1873 An Act to Require Prescription Labels to Include Certain Information
- L.D. 1877 An Act to Encourage Lending and Technical Assistance to Natural Resource-based and Micro Businesses
- L.D. 1884 An Act to Create a Matching Grant Fund to Provide Technical Assistance to Small Wood Products Manufacturers
- L.D. 1885 Resolve, to Create a Task Force to Study Counterfeiting and the Unauthorized Sale of Consumer Goods and Labels
- L.D. 1900 An Act to Give Consumers Restroom Access BY REQUEST
- L.D. 2025 An Act to Regulate Unused Property Markets
- L.D. 2112 An Act to Allow Doctors of Dentistry to Prescribe Physical Therapy
- L.D. 2130 An Act to Extend the Jurisdiction of the Real Estate Commission

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. 158)

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

April 29, 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. 48 An Act to Amend the Definition of "Traffick" in the Drug Laws
- L.D. 195 An Act to Prohibit Sex Offenders from Being near Schools or Day Care Facilities
- L.D. 322 An Act to Amend the OUI Laws Related to License Suspensions

- L.D. 433 An Act to Treat All Assaults on Law Enforcement Officers as Class C Crimes
- L.D. 1044 An Act to Require Notification by Law Enforcement Officers Before Tape-recording Certain Conversations
- L.D. 1221 An Act Requiring a Mandatory Jail Sentence for a Person Convicted Twice of Sexual Abuse Against a Minor
- L.D. 1282 An Act to Make It a Class E Crime to Write a Check on a Closed Account
- L.D. 1293 An Act Concerning the Responsibility of County Sheriffs to Transport Juvenile Detainees
- L.D. 1334 An Act Concerning the Distribution of Certain Fines and Forfeitures
- L.D. 1421 An Act to Amend the Definition of Firearms to Include Paint Guns
- L.D. 1572 An Act to Establish Lifetime Probation for Multiple Sex Offenders
- L.D. 1610 An Act to Require Prior Agreement by Both the Sender and the Receiver for a Recording to Take Place
- L.D. 1632 An Act to Increase Penalties for Certain Drug-related Crimes Committed In or Near Low-income Housing
- L.D. 1679 An Act Regarding Supervised Community Confinement
- L.D. 1698 An Act to Amend the Restitution Law for Prisoners
- L.D. 1912 An Act to Provide for Tougher Treatment of Drunk Drivers
- L.D. 1925 An Act to Deter Environmental Terrorism in the State
- L.D. 1944 An Act to Establish the Crime of Assault Against Sports Officials
- L.D. 1996 An Act to Allow the Forfeiture of Firearms Seized during a Lawful Search for Scheduled Drugs

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. 159)

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

April 29, 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. 209 An Act to Amend the Definition of Exceptional Student
- L.D. 781 Resolve, to Provide Vouchers for School Choice BY REQUEST
- L.D. 879 An Act to Enable School Attendance
- L.D. 1269 An Act To Improve Indoor Air Quality in Schools
- L.D. 1413 An Act to Amend the Special Education Rules
- L.D. 1459 An Act to Establish Air Quality Standards for Rental Units Leased by Schools
- L.D. 1534 An Act to Facilitate the Transfer of Education Records for Students Transferring to Another Public School
- L.D. 1554 An Act to Create a Professional Development Fund for Maine Teachers
- L.D. 1559 An Act to Establish a Maine Student Leadership Pilot Program
- L.D. 1621 An Act to Assist Maine Students
- L.D. 1646 An Act to Amend Due Process Hearings for Exceptional Students
- L.D. 1761 An Act to Require that Tuition for Foster Children Attending a School in a Union be Paid by the State
- L.D. 1779 An Act to Make Changes to the Student Incentive Scholarship Program
- L.D. 1780 An Act to Provide Financial Incentives for the Initiation of Early Childhood Programs and Services in Public Schools
- L.D. 1784 An Act to Establish School Assessment Tests for 2nd Graders
- L.D. 1815 Resolve, to Create Grants for the Creation of After-school Child Care Programs in Public Elementary and Middle Schools
- L.D. 1826 An Act to Adjust and Modify the School Funding Formula
- L.D. 1833 An Act to Require All Students in Kindergarten to Grade 3 to be Bused to School
- L.D. 1875 An Act to Improve Access for Students with Learning Disabilities to the University of Maine System
- L.D. 1951 Resolve, to Establish the Task Force to Study the Funding of and to Develop an Improved Decision-making Process for the Residential Treatment of Youth with Mental Health Issues
- L.D. 1957 An Act to Require Reimbursement to Municipalities for the Education of Foster Children
- L.D. 1967 An Act to Assign Responsibility for Juveniles Who Are Not Receiving Schooling
- L.D. 1975 An Act to Promote Equitable Educational Opportunities
- L.D. 1976 An Act to Amend the Funding Formula Components that Determine the State and Local Share of School Funding
- L.D. 2000 An Act to Establish the Position of Early Childhood Consultant
- L.D. 2033 An Act to Provide the Opportunity for Students from All Parts of the State to Benefit from funding for Higher Education

- L.D. 2053 An Act to Reimburse Program Costs to School Districts at 100% of Actual Cost
 - L.D. 2074 An Act to Allow Local School Officials Greater Freedom in Disciplining Students BY REQUEST
 - L.D. 2077 An Act to Transfer the Child Development Services System to the Department of Human Services
 - L.D. 2080 An Act to Provide Public School Choice
 - L.D. 2083 An Act Regarding Out-of-District Placement
- 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. 160)

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

April 29, 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. 134 An Act to Prohibit Family Planning Agencies from Using State Funds for Certain Expenses Related to Abortion Services
- L.D. 1132 An Act to Establish Minimum Criteria for Siting Community Living Arrangements
- L.D. 1372 An Act to Give a Caretaker the Same Temporary Assistance for Needy Families as a Custodial Parent
- L.D. 1703 An Act to Repeal the 6% Supplemental Rebate on Prescription Drugs to Conform to the Requirements of Federal Regulations
- L.D. 1704 An Act to Protect Children from Secondhand Smoke in Motor Vehicles BY REQUEST
- L.D. 1727 An Act to Require the Office of Substance Abuse to Report on Certain Child Care Services
- L.D. 1902 An Act to Allow Emergency Room Personnel to Search Patients Who have Threatened Themselves or Others
- L.D. 1926 Resolve, to Establish Maine's Business Advisory Committee on Prescription Drug Costs and Efficiencies
- L.D. 1955 An Act Regarding Youth Residence Laws
- L.D. 2078 An Act Allowing Increased Flexibility of Swing Beds

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. 161)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

April 29, 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 bills out "Ought Not to Pass":

- L.D. 40 An Act to Allow the Use of Camouflage Hunter Orange Clothing
- L.D. 200 An Act Regarding the Posting of Land Against Hunting
- L.D. 275 An Act to Allow a Person Hunting with a Muzzle-loader to Take an Antlerless Deer
- L.D. 430 An Act to Limit the Taking of Antlerless Deer by Property Owners
- L.D. 450 An Act to Allow Hunters to Kill a 2nd Deer during the Muzzle-loading Season
- L.D. 480 An Act Regarding Hunting on One's Own Land
- L.D. 604 An Act to Allow Maine Residents Over 70 Years of Age to Obtain Any Deer Permit
- L.D. 747 An Act to Prohibit Hunting of Migratory Waterfowl on Round Pond in Union
- L.D. 851 An Act to Establish a Lottery for Deer Hunters to Allow a Hunter to Take 2 Deer
- L.D. 854 An Act Concerning the Use of Foot-hold Traps for Coyote in the Unorganized Territory
- L.D. 1030 An Act to Create the Coyote-snaring Season
- L.D. 1072 An Act to Amend the Laws Regarding Antique Snowmobile Registration
- L.D. 1175 An Act to Create a 2-year Moratorium on the "Bucks Only" Restriction Imposed on Deer Hunters
- L.D. 1584 An Act to Limit the Caliber of Ammunition Allowed for Hunting White-tailed Deer and Black Bear BY REQUEST

We have also notified the sponsors 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. 162)

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

April 29, 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. 1324 An Act to Eliminate the Need for a Foster Home License for Adoptive Parents
- L.D. 1422 An Act Requiring Notice to Be Given to Alleged Perpetrators
- L.D. 1720 An Act to Recover Economic Loss Attributable to Tobacco Use
- L.D. 1865 An Act to Conform the Highway Defect Statute to the Maine Tort Claims Act
- L.D. 1949 An Act to Require a Waiting Period After the Completion of Certain Forensic Evaluations

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. 163)

STATE OF MAINE

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

April 29, 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 bills out "Ought Not to Pass":

- L.D. 14 An Act to Protect Pensions of Teachers and Public Employees in a Fashion Consistent with Federal ERISA Standards
- L.D. 23 An Act to Increase Health Insurance Benefits for Retired Educators
- L.D. 290 An Act Regarding Survivor Benefits in the Event of Divorce
- L.D. 330 An Act to Prohibit the Replacement of Striking Workers
- L.D. 380 An Act to Repeal Certain Changes Made to State Employee and Teacher Retirement Benefits
- L.D. 506 An Act to Extend the Department of Labor Contribution Rate Table

- L.D. 566 Resolution, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System
- L.D. 646 An Act to Reform the Unemployment Compensation System
- L.D. 829 An Act to Increase the State's Contribution for the Cost of Health Insurance Premiums for Retired Educators
- L.D. 847 An Act to Reduce State Employee and Teacher Contributions to the Maine State Retirement System
- L.D. 995 Resolve, Directing the Maine State Retirement System to Provide Each Member with a Statement of Account No Later Than December 31, 1999
- L.D. 1017 An Act to Ensure That Funds Received from Penalties Due to Lack of Workers' Compensation Coverage Go to the Workers' Compensation Board
- L.D. 1047 An Act to Increase the Penalty for Failure to Secure Workers' Compensation Insurance
- L.D. 1350 An Act to Exclude Intentional Tort Claims from the Application of the Maine Workers' Compensation Act of 1992
- L.D. 1353 An Act to Amend the Workers' Compensation Laws as They Pertain to Wage Statements
- L.D. 1359 An Act to Make the Unemployment Compensation Program More Responsive to the Needs of Today's Workforce and to Ensure the Solvency of the Unemployment Compensation Trust Fund
- L.D. 1463 An Act to Require the Department of Labor to Pay for Workers' Compensation Related Translation Services
- L.D. 1614 An Act to Increase the Health Benefits for Retired Educators
- L.D. 1616 An Act Regarding the Calculation of Maine State Retirement System Benefits
- L.D. 1622 An Act to Restore the Cost-of-living Adjustment for State Employees and Teachers Who Retire Before Normal Retirement Age

We have also notified the sponsors 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. 164)
STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS

April 29, 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. 179 An Act to Reduce Lobbying Fees
- L.D. 246 An Act to Clarify the Use of Campaign Funds
- L.D. 445 An Act to Amend the Election Laws concerning Vacancies in the House of Representatives
- L.D. 543 An Act to Amend the Laws Governing the Purchase of Liquor by Commercial Entities
- L.D. 583 An Act to Promote Competition in the State's Liquor Industry
- L.D. 600 An Act to Prohibit Convicted Felons from Voting
- L.D. 1015 Resolve, to Implement the Recommendations of the Select Commission to Study the Opening of a Discount State Liquor Store in Fort Kent
- L.D. 1235 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Number of Signatures Required on Direct Initiative Petitions
- L.D. 1244 An Act to Require Truth in Campaign Advertising
- L.D. 1339 An Act to Provide Preference to Farmers for Disaster Relief
- L.D. 1503 An Act to Require any Person or Organization That Gathers Signatures on Petitions for Referendum Questions to Make Full Financial Disclosure to the Commission on Governmental Ethics
- L.D. 1555 An Act to Maintain the Viability of Maine's Liquor Industry
- L.D. 1597 Resolve, to Transfer the National Guard Armory in Skowhegan to Somerset County for Use as a County Jail
- L.D. 1749 An Act to Require the Secretary of State to Establish a Central Voter List for the State
- L.D. 1751 An Act to Require Voters to Sign Their Names Prior to Voting
- L.D. 1752 An Act to Require Certain Proof of Identity to be Presented When Registering to Vote
- L.D. 1817 An Act to Facilitate the Recruiting of Ballot Clerks BY REQUEST
- L.D. 1918 An Act to Change Certain Laws Affecting the State Legislature

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.

(2-12) The Following Communication: (H.C. 165)
STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES

April 29, 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. 142 An Act to Eliminate the Student Lobster License
- L.D. 316 An Act to Alter Eligibility for New Lobster and Crab Fishing Licenses during the Current Moratorium
- L.D. 504 An Act to Correct Inequities in Lobster and Crab Fishing Licensure Laws
- L.D. 1111 An Act to Clarify the Lobster V-Notch Law
- L.D. 1139 An Act to Amend the Law for Children of Lobster License Holders

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. 166)

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

April 29, 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. 1517 An Act Concerning Transportation of Radioactive Waste
- L.D. 1692 An Act to Expedite the Contaminated Groundwater Remediation Process
- L.D. 1736 An Act to Amend the Site Location of Development Laws to Include the Location and Safety of Transmission Towers
- L.D. 1763 An Act to Require the Department of Environmental Protection to Mail the Department's Monthly Activity Report to Legislators on the Joint Standing Committees on Natural Resources and Health and Human Services

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. 167)

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

April 29, 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. 994 An Act Regarding State Construction Projects
- L.D. 1014 An Act to Allow Private Maintenance of Public Easements
- L.D. 1131 An Act Regarding Municipal Notification and Approval in the Siting of Community Living Arrangements Within a Municipality
- L.D. 1190 An Act to Allow Greenings Island to Secede from the Town of Southwest Harbor BY REQUEST
- L.D. 1222 An Act to Change the Budget Approval Procedures for Somerset County
- L.D. 1227 Resolve, Regarding State Mandates Imposed Before Approval of the Constitutional Amendment Governing State Mandates
- L.D. 1231 An Act to Allow Special-use Access over Discontinued Municipal and County Roads
- L.D. 1289 An Act to Establish Municipal Zoning Regulations for Community Living Arrangements
- L.D. 1440 An Act to Designate Civil Rights Day
- L.D. 1700 An Act to Amend the Municipal Board of Appeals Process
- L.D. 1769 An Act to Require State Departments and Agencies to Comply with Certain Laws Applied to the Public
- L.D. 1843 An Act to Require That Local Officials Take On-the-record Stands When They Are Responsible for Laws That Decrease Property Taxes
- L.D. 1870 An Act to Change the Charter of the Eastport Port Authority
- L.D. 2013 An Act to Allow the East Side of Machiasport to Annex with East Machias BY REQUEST
- L.D. 2106 An Act to Allow Nonprofit Corporations to Retain Small Levels of Profits Realized on State Contracts

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. Ahearne
House Chair

READ and ORDERED PLACED ON FILE.

		L.D. 1441	An Act to Reimburse the Town of Wallagrass for Property under the Maine Tree Growth Tax Law
<hr/>			
The Following Communication: (H.C. 168)			
STATE OF MAINE			
ONE HUNDRED AND NINETEENTH LEGISLATURE			
COMMITTEE ON TAXATION			
April 29, 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. 5	An Act to Permit Retailers to Retain a 1% Service Fee for Collection of Sales Tax Revenue	L.D. 1452	An Act to Allocate the State Tax Windfall on the Sale of Generation-related Assets to the Reduction of Stranded Costs Otherwise Paid by Ratepayers
L.D. 20	An Act to Prohibit the Taxing of Veterans' Pensions	L.D. 1501	An Act to Amend the Maine Tree Growth Tax Law
L.D. 62	An Act to Exempt from the Sales Tax Nonprofit Organizations That Provide Assistance to Children with Dyslexia	L.D. 1518	An Act to Establish a Sales Tax Exemption for Sales to Volunteer Organizations that Raise Funds to Benefit Local Charities
L.D. 213	An Act to Exempt Sales of Clothing From Tax for One Week in August	L.D. 1521	An Act to Provide an Income Tax Deduction for the Purchase of Alternative Energy Equipment
L.D. 263	An Act to Increase the Cigarette Tax 63 Cents Per Pack	L.D. 1522	An Act to Eliminate the Income Tax, Sales Tax and Corporate Income Tax and Replace Them with a Flat Transaction Tax
L.D. 329	An Act to Exclude Food and Lodging Establishments from Participating in Tax Increment Financing Districts	L.D. 1542	An Act to Extend the Property Tax Exemption to Veterans of the Berlin Crisis
L.D. 386	An Act to Equalize the Taxation Treatment of Health Insurance Companies and Health Maintenance Organizations	L.D. 1580	An Act to Amend the Time for Filing Audit Reports
L.D. 534	An Act to Bring Equity to the Vehicle Excise Tax	L.D. 1605	An Act to Redefine Property Subject to the Business Equipment Tax Reimbursement Program to Include Manufacturing Real Estate and to Exclude Property That is not Used for Manufacturing or Research
L.D. 628	An Act to Eliminate the Vehicle Excise Tax BY REQUEST	L.D. 1606	An Act to Make Manufacturing Real Estate Eligible for Business Equipment Property Tax Reimbursement
L.D. 890	An Act to Amend the Captive Insurance Company Laws with Respect to Taxation	L.D. 1645	An Act Regarding a Tax Refund when Money Is Owed to Both the State and a Custodial Parent
L.D. 979	An Act to Use Funds From the Sale of Utility Company Properties to Help Offset Ice Storm 1998 Expenses	L.D. 1681	An Act to Establish a Flat Tax Rate for the Maine Income Tax
L.D. 1045	An Act to Increase the State Income Tax Brackets to Match the Federal Income Tax Brackets	L.D. 1688	An Act to Require the State to Pay Interest on Refunds of Taxes and Fees
L.D. 1062	An Act to Reduce the Excise Tax on the Resale of Program Cars in the Same Year	L.D. 1696	An Act to Exempt Utility Work from Certain Sales Tax Requirements
L.D. 1177	An Act to Amend the Property Tax Exemption for Hospitals	L.D. 1697	An Act Requiring Towns to Conduct a Revaluation of Properties Every 10 Years
L.D. 1272	An Act to Adjust the Forest Fire Suppression Tax	L.D. 1722	An Act to Provide a State Income Tax Credit for the Costs of Health Insurance Paid by Individuals
L.D. 1331	An Act to Allow Local Option Excise Taxes on Vehicles	L.D. 1729	An Act to Bring the State's Household Employee Tax into Compliance with Federal Tax Law
L.D. 1333	An Act to Establish a Personal Property Tax on Truck Tractors, Trailers and Semitrailers Registered in this State	L.D. 1750	An Act to Change the Method of Sales Tax Calculation for Heavy Equipment BY REQUEST
L.D. 1380	An Act Providing a Tax Credit for Private School Tuition	L.D. 1764	An Act to Repeal Tax Incentives for Certain Shipbuilding Facilities
		L.D. 1770	An Act to Exempt Resold Camper Caps From Being Taxed Separately
		L.D. 1811	Resolve, to Direct the State to Implement a Simplified Tax and Wage Reporting System with the Federal Government
		L.D. 1841	An Act to Require Review of a Property Tax Assessment When the Property Has Been Potentially Devalued by a Law
		L.D. 1851	An Act to Amend the Laws Pertaining to Taxation of Recreational Vehicles

- L.D. 1852 An Act to Create Tax Fairness for Private Purchases of Health Insurance
- L.D. 1855 An Act to Establish a New Rate for Excise Taxes of Vehicles
- L.D. 1861 An Act to Deter Export of Unprocessed Timber and Increase Maine Employment in Timber Harvesting and Processing
- L.D. 1866 An Act to Reform the Maine Tree Growth Tax Law
- L.D. 1874 An Act to Provide a Permanent Source of Funding for the Land for Maine's Future Fund
- L.D. 1882 An Act to Include in the Business Equipment Tax Reimbursement Program those Energy Facilities that Burn Production Residuals from Maine's Primary and Secondary Wood Products Industries

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. 169)

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

April 29, 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":

- H.P. 1143 Joint Order - Relative to Establishing the Joint Select Committee to Study Building a Truck Bypass in the Town of Sanford
- L.D. 370 Resolve, to Lower Certain Tolls on the Maine Turnpike
- L.D. 518 Resolve, to Build Interchanges from the Maine Turnpike to Lincoln and Grove Streets in Lewiston
- L.D. 556 An Act Concerning Rules of the Road Governing Traffic Rotaries
- L.D. 647 An Act to Eliminate Tolls, from the Maine Turnpike, Abolish the Turnpike Authority and Adjust Taxes on Automotive Fuel
- L.D. 837 An Act to Provide Special Registration Plates Free of Charge to Purple Heart Recipients
- L.D. 1005 An Act to Equalize Tolls
- L.D. 1159 An Act to Create the Calais to Eastport Rail Authority and Transfer State Ownership of Certain Railroad Rights-of-way
- L.D. 1385 An Act to Allow Emergency Medical Technicians to Draw Blood Samples for Alcohol Analysis

- L.D. 1570 An Act to Require the Department of Transportation to Cut Brush and Trees Along a Highway at the Request of a Business BY REQUEST
- L.D. 1612 An Act to Clarify Language in the Motor Vehicle Laws with Respect to Farm Equipment
- L.D. 1680 An Act to Require the Equitable Taxation of Motor Vehicles
- L.D. 1746 An Act to Amend the Definition of Bicycle to Promote Road Safety
- L.D. 1754 An Act to Establish a Speed Limit at Toll Plaza Approaches on the Maine Turnpike
- L.D. 1853 An Act to Expand the Membership of the Northern New England Passenger Rail Authority
- L.D. 2139 An Act to Allow Authorized Emergency Vehicles to Display a Blue Light on the Rear of the Vehicle
- L.D. 2146 An Act to Exempt from Registration Agricultural Motor Vehicles

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: (H.C. 170)

**STATE OF MAINE
 ONE HUNDRED AND NINETEENTH LEGISLATURE
 JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT**

April 29, 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 Research and Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 248 An Act to Implement a Recommendation of the Joint Select Committee on Research and Development to Fund the Governor's Marine Studies Fellowship Program
- L.D. 293 An Act to Implement a Recommendation of the Joint Select Committee on Research and Development Relating to Capital Improvements to Support Research and Development in the University of Maine System
- L.D. 373 An Act to Implement a Recommendation of the Joint Select Committee on Research and Development Relating to Math and Science Training for Maine Educators
- L.D. 452 An Act to Implement a Recommendation of the Joint Select Committee on Research and

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- L.D. 492 Development Relating to Increased Opportunities for Maine Students in Math, Science and Engineering
An Act to Implement a Recommendation of the Joint Select Committee on Research and Development to Provide Adequate Laboratory Equipment in Maine Schools
- L.D. 643 An Act to Implement the Recommendation of the Joint Select Committee on Research and Development Relating to Funding the Maine Economic Improvement Fund
- L.D. 654 An Act to Implement a Recommendation of the Joint Select Committee on Research and Development Relating to Professional Development in the Use of Technology
- L.D. 666 Resolve, to Designate and Fund a State Research Library for Business, Science and Technology
- L.D. 686 An Act to Implement a Recommendation of the Joint Select Committee on Research and Development Relating to the Employment Needs of Growing High-technology Companies
- L.D. 698 An Act to Implement a Recommendation of the Joint Select Committee on Research and

- L.D. 930 Development to Establish a Center for Advanced Law and Management
An Act to Implement a Recommendation of the Joint Select Committee on Research and Development to Provide Research Internship Opportunities for Teachers and Students

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. Scott W. Cowger
House Chair

READ and ORDERED PLACED ON FILE.

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

On motion of Representative CLARK of Millinocket, the House adjourned at 6:47 p.m., until 9:00 a.m., Wednesday, May 5, 1999 in honor and lasting tribute to George R. Wentworth.