

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
46th Legislative Day
Friday, May 7, 1999

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

Prayer by Reverend Allan Wells-Goodwin, Boothbay Harbor and East Boothbay United Methodist Church.

National Anthem by Edward Little High School Chamber Choir, Auburn.

Pledge of Allegiance.

Doctor of the day, Andrew Lackoff, M.D., Waldoboro.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Expand the Homestead Exemption Program Based Upon the Level of Funds in a Homestead Tax Relief Fund"

(H.P. 1031) (L.D. 1453)

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

Came from the Senate **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Require that Members of the Workers' Compensation Board be Subject to Review by the Joint Standing Committee on Labor"

(H.P. 953) (L.D. 1351)

Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** in the House on April 15, 1999.

Came from the Senate with the Majority (9) **OUGHT TO PASS** Report of the Committee on **LABOR** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

On motion of Representative **HATCH** of Skowhegan, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act to Require Legislative Approval to Lease Certain Land to the Federal Government"

(H.P. 1460) (L.D. 2092)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-363) in the House on May 4, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-363) AND SENATE AMENDMENT "A" (S-225)** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (S.P. 813)

119TH MAINE LEGISLATURE

May 4, 1999

Senator Lloyd LaFountain III

Representative Jane Saxl

Chairpersons

Joint Standing Committee on Banking and Insurance

119th Legislature

Augusta, Maine 04333

Dear Senator LaFountain and Representative Saxl:

Please be advised that S. Catherine Longley, Commissioner of the Department of Professional and Financial Regulation, has nominated William N. Lund for reappointment as Director of the Office of Consumer Credit Regulation.

Pursuant to 9-A MRSA §6-103, this nomination will require review by the Joint Standing Committee on Banking and Insurance 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 **BANKING AND INSURANCE**.

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

The Following Communication: (S.P. 814)

119TH MAINE LEGISLATURE

May 4, 1999

Senator Peggy Pendleton

Representative Douglas Ahearne

Chairpersons

Joint Standing Committee on State and Local Government

119th Legislature

Augusta, Maine 04333

Dear Senator Pendleton and Representative Ahearne:

Please be advised that Governor Angus S. King, Jr. has nominated Patricia LeMaire of Lewiston for appointment as a member of the Workers Compensation Board.

Pursuant to Title 39-A, M.R.S.A., §151, this nomination will require review by the Joint Standing Committee on State and Local Government 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 **STATE AND LOCAL GOVERNMENT**.

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

The Following Communication: (S.P. 817)

119TH MAINE LEGISLATURE

May 6, 1999

Senator Lloyd LaFountain III

Representative Jane Saxl

Chairpersons

Joint Standing Committee on Banking and Insurance

119th Legislature

Augusta, Maine 04333

Dear Senator LaFountain and Representative Saxl:
Please be advised that Governor Angus S. King, Jr. has nominated Howard R. Gray, Jr. of Portland as Superintendent of the Bureau of Banking.

Pursuant to Title 9-B, M.R.S.A., §211, this nomination will require review by the Joint Standing Committee on Banking and Insurance 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 **BANKING AND INSURANCE**.

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

The Following Communication: (S.P. 818)
119TH MAINE LEGISLATURE

May 6, 1999
Senator Sharon Treat
Representative John Martin
Chairpersons
Joint Standing Committee on Natural Resources
119th Legislature
Augusta, Maine 04333

Dear Senator Treat and Representative Martin:
Please be advised that Governor Angus S. King, Jr. has nominated Martha G. Kirkpatrick of Newcastle for appointment as Commissioner of the Department of Environmental Protection. Pursuant to Title 38, M.R.S.A., §341-A, this nomination will require review by the Joint Standing Committee on Natural Resources 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 **NATURAL RESOURCES**.

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

The Following Communication: (S.P. 819)
119TH MAINE LEGISLATURE

May 6, 1999
Senator Peggy Pendleton
Representative Douglas Ahearne
Chairpersons
Joint Standing Committee on State and Local Government
119th Legislature
Augusta, Maine 04333

Dear Senator Pendleton and Representative Ahearne:
Please be advised that Governor Angus S. King, Jr. has nominated Barbara Longfellow of Winthrop for appointment as a member of the Workers' Compensation Board. Pursuant to Title 39-A, M.R.S.A., §151, this nomination will require review by the Joint Standing Committee on State and Local Government 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 **STATE AND LOCAL GOVERNMENT**.

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

ORDERS

On motion of Representative STEVENS of Orono, the following Joint Resolution: (H.P. 1567) (Under suspension of the rules, cosponsored by Senator CATHCART of Penobscot and Representatives: AHEARNE of Madawaska, ANDREWS of York, BAGLEY of Machias, BAKER of Bangor, BELANGER of Caribou, BERRY of Belmont, BERRY of Livermore, BOLDUC of Auburn, BOUFFARD of Lewiston, BOWLES of Sanford, BRAGDON of Bangor, BRENNAN of Portland, BROOKS of Winterport, BRUNO of Raymond, BRYANT of Dixfield, BUCK of Yarmouth, BULL of Freeport, BUMPS of China, CAMERON of Rumford, CAMPBELL of Holden, CARR of Lincoln, CHICK of Lebanon, CHIZMAR of Lisbon, CIANCHETTE of South Portland, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, COLWELL of Gardiner, COTE of Lewiston, COWGER of Hallowell, CROSS of Dover-Foxcroft, DAIGLE of Arundel, DAVIDSON of Brunswick, DAVIS of Falmouth, DESMOND of Mapleton, DUDLEY of Portland, DUGAY of Cherryfield, DUNCAN of Presque Isle, DUNLAP of Old Town, DUPLESSIE of Westbrook, ETNIER of Harpswell, FISHER of Brewer, FOSTER of Gray, FRECHETTE of Biddeford, FULLER of Manchester, GAGNE of Buckfield, GAGNON of Waterville, GERRY of Auburn, GILLIS of Danforth, GLYNN of South Portland, GOODWIN of Pembroke, GOOLEY of Farmington, GREEN of Monmouth, HATCH of Skowhegan, HEIDRICH of Oxford, HONEY of Boothbay, JABAR of Waterville, JACOBS of Turner, JODREY of Bethel, JONES of Pittsfield, JOY of Crystal, KANE of Saco, KASPRZAK of Newport, KNEELAND of Easton, LABRECQUE of Gorham, LaVERDIERE of Wilton, LEMOINE of Old Orchard Beach, LEMONT of Kittery, LINDAHL of Northport, LORING of the Penobscot Nation, LOVETT of Scarborough, MacDOUGALL of North Berwick, MACK of Standish, MADORE of Augusta, MAILHOT of Lewiston, MARTIN of Eagle Lake, MARVIN of Cape Elizabeth, MATTHEWS of Winslow, MAYO of Bath, McALEVEY of Waterboro, McDONOUGH of Portland, McGLOCKLIN of Embden, McKEE of Wayne, McKENNEY of Cumberland, McNEIL of Rockland, MENDROS of Lewiston, MITCHELL of Vassalboro, MURPHY of Berwick, MURPHY of Kennebunk, MUSE of South Portland, NASS of Acton, NORBERT of Portland, NUTTING of Oakland, O'BRIEN of Augusta, O'BRIEN of Lewiston, O'NEAL of Limestone, O'NEIL of Saco, PEAVEY of Woolwich, PERKINS of Penobscot, PERRY of Bangor, PIEH of Bremen, PINKHAM of Lamoine, PLOWMAN of Hampden, POVICH of Ellsworth, POWERS of Rockport, QUINT of Portland, RICHARD of Madison, RICHARDSON of Greenville, RICHARDSON of Brunswick, RINES of Wiscasset, ROSEN of Bucksport, ROWE of Portland, SAMSON of Jay, SANBORN of Alton, SAVAGE of Union, SAVAGE of Buxton, SAXL of Bangor, SAXL of Portland, SCHNEIDER of Durham, SHERMAN of Hodgdon, SHIAH of Bowdoinham, SHIELDS of Auburn, SHOREY of Calais, SIROIS of Caribou, SKOGLUND of St. George, SNOWE-MELLO of

Poland, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STANWOOD of Southwest Harbor, STEDMAN of Hartland, SULLIVAN of Biddeford, TESSIER of Fairfield, THOMPSON of Naples, TOBIN of Windham, TOBIN of Dexter, TOWNSEND of Portland, TRACY of Rome, TRAHAN of Waldoboro, TREADWELL of Carmel, TRIPP of Topsham, TRUE of Fryeburg, TUTTLE of Sanford, TWOMEY of Biddeford, USHER of Westbrook, VOLENIK of Brooklin, WATERHOUSE of Bridgton, WATSON of Farmingdale, WESTON of Montville, WHEELER of Bridgewater, WHEELER of Eliot, WILLIAMS of Orono, WINSOR of Norway, Senators: ABROMSON of Cumberland, AMERO of Cumberland, BENNETT of Oxford, BENOIT of Franklin, BERUBE of Androscoggin, CAREY of Kennebec, CASSIDY of Washington, DAGGETT of Kennebec, DAVIS of Piscataquis, DOUGLASS of Androscoggin, FERGUSON of Oxford, GOLDTHWAIT of Hancock, HARRIMAN of Cumberland, KIEFFER of Aroostook, KILKELLY of Lincoln, KONTOS of Cumberland, LaFOUNTAIN of York, LAWRENCE of York, LIBBY of York, LONGLEY of Waldo, MacKINNON of York, MICHAUD of Penobscot, MILLS of Somerset, MITCHELL of Penobscot, MURRAY of Penobscot, NUTTING of Androscoggin, O'GARA of Cumberland, PARADIS of Aroostook, PENDLETON of Cumberland, PINGREE of Knox, RAND of Cumberland, RUHLIN of Penobscot, SMALL of Sagadahoc, TREAT of Kennebec)

JOINT RESOLUTION RECOGNIZING THE UNIVERSITY OF MAINE BLACK BEARS MEN'S HOCKEY TEAM FOR WINNING THE NCAA CHAMPIONSHIP

WHEREAS, the University of Maine Black Bears men's hockey team carries on a great tradition of collegiate hockey at the University of Maine that spans decades; and

WHEREAS, the Black Bears have won only one National Collegiate Athletic Association Division I championship before this year; and

WHEREAS, at the start of the 1998-99 season, the Black Bears were picked by NCAA Division I hockey league coaches to finish 2nd in Hockey East; and

WHEREAS, the Black Bears opened the season by sweeping the University of Nebraska-Omaha in the Black Bears' first 2 games; and

WHEREAS, the Black Bears hockey team only suffered one defeat in its first 20 games of the 1998-99 season; and

WHEREAS, the Black Bears were unbeaten in 13 consecutive games during the 1998-99 season despite several serious injuries to key players; and

WHEREAS, Black Bears Coach Shawn Walsh's strategic changes in the lineup of starting players and key contributions from freshman and sophomore players kept the team's winning record going during the season and allowed the younger players to gain crucial experience for the playoffs; and

WHEREAS, the Black Bears ended their season with an impressive 31-6-4 record and a berth in the NCAA championship tournament; and

WHEREAS, the Black Bears won a seat in the NCAA title game by beating Ohio State 4-2 in Round One of the tournament, Clarkson 7-2 in Round Two of the tournament and Boston College 2-1 in the tournament's Final Frozen Four; and

WHEREAS, the Black Bears earned the NCAA hockey championship by beating the Black Bears' rival and 1998-99 Hockey East Champion University of New Hampshire in an emotional and hard-fought 3-2 overtime win in Anaheim, California; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the First Regular Session, commend the 1998-99 University of Maine Black Bears men's hockey team on the Black Bears' championship season; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the University of Maine Peter Hoff, University of Maine Black Bears men's hockey coach Shawn Walsh and the staff and players of the 1998-99 University of Maine Black Bears men's hockey team.

READ.

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

Representative **STEVENS**: Mr. Speaker, Men and Women of the House, Coach Walsh and the members of the Maine Black Bears. Good morning to you. It is so nice to have you here today. We, who were here in 1993, remember the first time that you got to come here under these circumstances. We are no less proud of you this time in 1999. We congratulate you. We are very proud of you and as a Legislature we recognize that not only are you now, again, the NCAA Hockey Champions, but you were victorious throughout the whole year and for the edification of the House of Representatives I will add that this collective group of men have the highest grade point average ever accomplished in the history of the UMaine hockey program. We are very proud of you.

In conclusion, I will add, that you are always welcome here in the Legislature. Please come back again next year with another championship or anything for that matter. Congratulations.

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

Representative **WILLIAMS**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, am very proud, again, to rise on behalf of one of the University of Maine's athletic teams. Last season I had the good fortune of being asked to be an honorary coach for two games, both of which the Black Bears didn't win. I was not asked to be an honorary coach again this season. In spite of that, I remain a loyal and true fan since 1977 when I used to go up to the Alford Arena with my family. Again, when the women's basketball team was here earlier this week, I said, and I want to say it again for the benefit of our players, that what you do reaches far beyond the borders of the State of Maine. As I traveled around New England and the entire Northeast, when I go to college fairs and high schools, students and parents come up to me and they say, "You are the University of Maine. You are the Black Bears. Great hockey team." I think it is important that you know that you have an impact far beyond what you may see immediately in front of you. We were at a breakfast earlier this week with President Hoff and I am sort of going to steal what he had to say. This is a great accomplishment, but if you look at it in total since 1993, this program couldn't have been higher in 1993 and shortly thereafter, it really came upon some hard times. To rebound this quickly and to such a level is really a tribute to this team's will and their perseverance. Not only does it separate winners from losers, but it separates winners from champions. I am proud of you. The State of Maine is proud of you and we are all very proud of you. Thank you for being here.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, extend my congratulations to

the team. I would like to share a few experiences that I have had at the university with the hockey team over the years. When I first came to the university as a freshman many, many years ago, I was a walk on for the cross-country team. I was not a very good athlete. That is why I ran cross-country instead of anything that involved a stick, ball or puck. I have no coordination whatsoever. As a freshman I didn't really know my way around campus. I couldn't even find where the cross country team met for practice. The first person I met in the cafeteria line was the captain of the hockey team. He was very, very nice. He took me under his wing and showed me around campus, where my classes were supposed to be and introduced me to the coach of the cross country team. They were in their dry land training, at that point. It is amazing what they would do for work. They would be out there in the hot sun, lifting weights, running laps around the track and anything you could imagine that you wouldn't want to do. They were doing it and with vigor. Knowing exactly how hard one can work as an athlete because, like I said, I was not a very good athlete. Charitably, I could be called a red chip recruit. Through a lot of hard work, getting up at 5 a.m. and doing my own weight training, I managed to eventually rise to be the first runner on the cross country team. That is a moment that will always be mine. Nobody cares at this point, but it is always going to be my moment. If you go to the University of Maine and you walk through the trophy rooms, you will notice a lot of banners, trophies and for those moments, those people were the very best at what they did. Later on in that hockey season, I think the team actually won about 10 games. You really bleed for the guys. You know how hard they worked and the hours they put in. Later on the next year, Coach Walsh arrived on campus and began to turn the program around. They are where they are today because of his efforts, but also because of theirs.

I know very well the sacrifices that are involved in athletic endeavors. There are a lot of times when you really don't want to go to practice. I used to sit on floor in my dorm room and say I really don't want to go to practice. I really don't want to run those repeat miles again. They make me throw up every time. You do it, you excel and then you win the championship. In a large sense it is true that we all have an investment in that championship. Everybody can say I live in Maine. Maine won the championship and we did it. It is interesting comparing it to the old days, it is sort of like the Red Sox. When the Red Sox win, everybody says, did you see what we did? When they lose, it is, did you see what they did? It is sort of a common bond that we have with the teams when they are successful. Ultimately, that victory will always belong to you. I think it is very appropriate to remember what Henry V said when he was trying to encourage the troops. He said, "Those that sleep in their beds now will count themselves cheap for not being here today." We will always remember your moment. Thank you very much.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. As an alum of the University of Maine and a former student body president, my heart will always be at the University of Maine and with the Black Bear Hockey Team. It was so exciting back in 1993 to see them win and this time again to watch them win. Unfortunately, this was the first time I didn't actually go up to the final four. I was here. I have always made whatever sacrifices actually necessary to actually go. This time I was unable, but I watched them. They were two great games, overtime victories. The excitement of an overtime victory is

unbelievable because it is boom and it is over and you are celebrating. My memories there of watching the team are exciting. They all came back to me. I see players I knew that are now hockey greats on TV. I know him. He is a friend of mine from when I was in school. Many of you will go on to great careers. I can tell you, all your friends will see you on there and they will be like, wow, I know him. He is a friend of mine. It is a great feeling to say that to your buddies when you are watching the game. It brought back a lot of memories of the friends I had and the excitement of winning. I am sure it did for every alumni at the University of Maine that has known people that worked hard on the hockey team. What you did really goes much further than you can imagine. It is very exciting. It is very exciting for everyone in the State of Maine, not just for the university alumni to know that we are number one. I ask everybody, whether you are a Black Bear or just a Maine citizen, to join me in singing the Stein Song.

The House participated in singing the Maine Stein Song.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. First, let me promise you that I won't make anybody else sing again. Secondly, I would just like to reminisce for a moment. I remember the days before the Alford Arena, the early days of the Alford Arena and the first Black Bear team in the days of Jack Semler, Joe Krespy, Jamie Logan and all the great players that started the Division II Black Bear team. They played Bowdoin College and they struggled, but they just barely lost. My mom, the good Representative from Bangor, though all those seasons having season tickets and attending every day. She was sitting right next to the penalty box because that is where I always was as a player.

In the summer of 1984, Jack Semler was departing and a new coach was coming to town, his name was Shawn Walsh. I got a call from Shawn Walsh that summer, a few of my friends and the local high school hockey teams got a call. They asked us to come out and coach at a summer hockey camp. It was Coach Walsh not knowing that it wasn't the excellence of my play, but my enthusiasm for the sport that he called and asked me and my friends around the area. He wanted to do something more than to just build a great hockey team at the University of Maine. He wanted to build community around hockey. It was something that meant such a great deal to him. Through building that summer camp and reaching out to young folks like myself to build enthusiasm down to the younger kids in our communities, he began to establish not just a program, but a community around the Maine Black Bears. Every single season since Coach Walsh has been at the helm at the Black Bears, they have been a national contender. That alone is a remarkable thing. Coach Walsh has brought a sense of community around the Black Bears. He has brought a sense of ownership and pride to each and every one of us. Remarkably, he has brought the Black Bears to two national championships, as we all know. His keen eye for talent and his motivation, I know my own self that summer and clearly of the team, is legendary.

I just want to thank Coach Walsh and the Black Bears for the good times I have had as a fan in the stands, the guy who still tries to skate on Friday nights and for all the people of the State

of Maine who felt a part of something for that one moment when they won that incredible overtime victory. Thank you Coach Walsh. Thank you Black Bears.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I have to tell you that that overtime was the most spectacular hockey we have ever seen, even going beyond the victory at Lake Placid. Mainers were standing up in their living rooms and dens yelling and screaming. The excitement has never subsided. We have counted off hundreds of athletic contests where the men or women are playing reach for that 110 percent. You know they can sustain it for a minute or two. We saw you reach in yourselves for 150 percent and you went beyond the minute, two minutes. Hockey fans began saying that they can't physically and mentally carry that intensity that far. It kept going and going. The only analogy we can draw is it was like watching a beehive. The bees were aroused and they stayed aroused. You swarmed and attacked and you literally beat them into the ice. The tremendous amount of pride that you created. I think we are beginning to reach a point that when we talk about Maine hockey, we begin to use the word, dynasty. We are beginning to reach our overtime period here in the Maine Legislature. We are going into the last four weeks. You will be an inspiration to us. That doesn't mean body checks, slams and slap shots, but in terms of that ability when we are tired and we are worn down to keep our eyes to the goal, to the prize. You will be an inspiration to us as we finish our work here and an inspiration to the entire state. Thank you.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. Coach Walsh, I just wanted to welcome your lovely wife to the Hampden education system. My daughter got to visit with you and Steve Kariya on Wednesday. She also won a very valuable autographed book from you. We will be looking to raffle that off sometime this afternoon. Thank you for what you have done. I do want to tell you that game, that really good game, my daughter was supposed to be operated on that night and we couldn't get the doctor to operate until after the game. The nurses were listening to the radio. I was getting a little bit nervous. Thank you for not going into another overtime. Thank you for coming to the schools and being an inspiration to the young kids. My daughter is a third grader and she hasn't stopped talking about the fact that you came. Thanks for sharing your wife with us too.

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

Representative **O'BRIEN**: Mr. Speaker, Colleagues of the House. The only analogy I can think of of that final game, I lived in Germany for a short time and I remember standing there ironing with all the windows opened listening on the radio to the World Cup when Germany was playing. I believe they were playing Spain. When they won that game, you could hear the entire village that I lived in, the roar. This year, here in Maine, the windows were all closed, but had they been opened, you would have heard the roar of the entire State of Maine. I want you to think about that in the years to come. Not only in the university system, your colleagues and your classmates, but you have made the whole entire State of Maine very, very proud. We were with you. Thank you.

The SPEAKER: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative **LORING**: Mr. Speaker, Men and Women of the House. The Penobscot Nation wishes to extend its congratulations on your national win. I would also like to say hello to the team on behalf of my sister, Beth, who is an avid fan and Jack, they followed you out to California and have probably been to every game you have ever played. Congratulations.

The SPEAKER: Coach Walsh and the members of the Maine Black Bear team, on behalf of those who haven't got up, I just want to say we congratulate you, not only on your athletic achievements, which are great. I watched the game. It was tremendous, but also on your academic achievements, as the Representative from Orono, Representative Stevens, has pointed out. That is tremendous. You serve as roll models for youngsters across the state. It is just a tremendous achievement. We do have some things that New Hampshire doesn't have. We are constantly reminded we have a sales tax and income tax, but we also have an NCAA Division I Hockey Championship Team and they don't have one. I understand the Governor of New Hampshire is going to be here this noon hour with our Governor and I am sure there will be some ribbing going on. It was a great game and we are so excited that you are here today.

SHAWN WALSH: Thank you very much. The players jumped when your Speaker banged his gavel. I wonder if he has any more eligibility. He is so strong with that thing. The different speeches that I have heard, in 1993, I think we surprised or it just happened so fast. There weren't the kind of speeches. To me, it strikes to the tee, in that we have all made between education, athletics, the University of Maine and our mission in the State of Maine. I apologize that not more players are here, but it happens to be the last day of final examine week. I can also tell you having been in Maine for 15 years that probably 10 or 15 years ago, long before Peter Hoff showed up, if it wasn't the last day of finals week, our whole team would probably be here. In those days, professors used to just let their students go early. Things have gotten a lot stronger and better at the University of Maine. I appreciate your support of higher education around the state.

The Representative from Hampden talked about Steve and I speaking at the Weatherbee School two days ago. It has been non-stop around the state. It is worth it. To talk to little kids like all of those that were up in the gallery about what higher education means is so important. Your support is tremendous. I am pleased and proud that Representative Stevens talked about the grade point average. This has been the greatest academic team each of the last two semesters that I have had. Maybe more revealing is the fact that tomorrow when the guys can all go home and leave Orono, we have decided as a team that we are staying because all five of our seniors are graduating on time. Our entire team is going as a group to graduation tomorrow morning to honor those seniors. To me, that is what the tie in is all about. What do we mean to the state? I can only tell you that ESPN has told me that the game we played in Anaheim, the championship, was watched by over 3.5 million people across the country. It was the largest watched broadcast in the history of college hockey nationwide.

That jersey is not going to change. Change your jerseys. Come up with a new one. I don't want to change our jersey. It says one thing very clearly. It says Maine. All of you represent Maine. On behalf of all of our players, our fans, our people that

follow us and maybe those little children that we have been speaking to all spring and I hope to keep speaking to, I just want to say thank you for what you do on behalf of education and higher education.

Without any further adieu, I would like to introduce a player who appropriately enough is our captain. He has a presentation to make. Also, he is not just a captain and all American, he is an academic all American. He is one of 20 all Americans in all sports in the eastern United States, not just hockey. To me, that represents today's ceremony. Before I introduce him, I want to present our gift to you as the House, hopefully it can be hung somewhere inside this lovely building, maybe for 12 noon that New Hampshire Governor walks by. It happens to be a blown-up picture of what is called "the goal." The national championship goal signed by Marcus Guffiston, who interestingly enough is in Eastern Maine Medical Center awaiting the birth of his baby. His wife just went into labor yesterday. He is there with her and couldn't be with us today. I think you understand that. This would look pretty darn good in the State of Maine. I agree. We don't have a sales tax, but they don't have a national champion. Thank you very much.

STEVE KARIYA: First of all, thank you very much for having us here. It is a great honor to be down here. Again, sorry that the rest of our teammates couldn't be here with final exams, expecting babies and what not. I just want to thank you all for all your continued support of not only our men's hockey team, but of the University of Maine and like Coach said, higher education. I have been here four years now. I am graduating this Saturday. I have had the time of my life here at the University of Maine, not only with the hockey, but the academics as well. I have enjoyed every minute of it. I am so glad I came here. The people are great and I have just had a great time here. It has been an honor. At the beginning of the season someone asked me what my goal was? It was to bring the national championship back to the University of Maine, not just for the University of Maine, but to the whole State of Maine. I just want to thank you again very much for supporting the team. All the players have had a great year. They are all proud to play and live in the State of Maine. Thank you very much.

ADOPTED.

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Shawn Walsh, of Veazie, coach of the University of Maine Black Bears men's hockey team, and in extending our congratulations and best wishes to him on winning the National Collegiate Athletic Association Division I Hockey Championship;

(HLS 349)

Presented by Representative CAMPBELL of Holden. Cosponsored by Representative STEVENS of Orono, Senator CATHCART of Penobscot, Senator MURRAY of Penobscot.

On **OBJECTION** of Representative CAMPBELL of Holden, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **CAMPBELL:** Mr. Speaker, Men and Women of the House. Coach Shawn Walsh. Coach Walsh, you have influenced many. You continue to influence us all and many Maine citizens to come. We all have our own memories of the game. I was on a bit of a vacation in Vermont and happened to be sitting in a dorm at the University of Vermont with several Maine citizens, students, at that university. The excitement and enthusiasm that you coach is instilled in your players and your players have instilled in all Maine citizens was so evident. The room was electric with excitement. It flowed with different periods, but at the end we were all with you. As has been the career of Coach Walsh over the last 15 years, when you came to Maine we knew that you were going to have tremendous influence over us, our spirit and our enthusiasm with the ups and downs. You stuck with us. You have been here for Maine and we appreciate all that you have done. You are a tremendous role model for all leaders, business, political, scholastic, athletic and all rolls of life.

I want to share something with you that I saw before you left for the last national championship. As I was coming out the end of College Avenue on the right, the Kentucky Fried Chicken store there was a sign, which essentially says it all. It said, "Coach Walsh and the entire Maine Hockey Team, you make all Maine proud." Thank you for all that you have done.

PASSED and sent for concurrence.

In Memory of:

Richard "Dick" Andrew Britt, of Ellsworth, who was student equipment manager for the University of Maine Hockey Team for the past 5 years. Richard started playing hockey with the Brewer Youth Hockey Program, PVHC Hockey and for the John Bapst Crusaders where he was co-captain. He also was captain of the golf team during his junior and senior years at John Bapst. He will be missed by all those who knew him and will be especially remembered by the University of Maine Hockey Team who dedicated the season in his memory;

(HLS 143)

Presented by Representative POVICH of Ellsworth.

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

On **OBJECTION** of Representative POVICH of Ellsworth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **POVICH:** Mr. Speaker, Men and Women of the House. I knew Dick Britt as an always pleasant young lad who was a welcome visitor in my store in Ellsworth. It was not a surprise to me that this hockey team honored and revered Dick in such a way. To Dick's parents, Anne and Andy, you have many friends here who convey our condolences to you here today. We celebrate your son's contributions to his family, to his team and to his community. My personal best wishes go out to you as well.

ADOPTED and sent for concurrence.

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

On motion of Representative SIROIS of Caribou, the following House Order: (H.O. 25)

ORDERED, that Representative Stavros J. Mendros of Lewiston be excused April 29th and May 3rd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Julie Ann O'Brien of Augusta be excused April 14th and April 15th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Roger L. Sherman of Hodgdon be excused May 5th for health reasons.

READ and PASSED.

REPORTS OF COMMITTEE

Ought to Pass

Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act Concerning Licensure of Chiropractors" (EMERGENCY)

(S.P. 784) (L.D. 2199)

Reporting **Ought to Pass**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-205)**.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**. **SENATE AMENDMENT "A" (S-205) READ** by the Clerk and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought Not to Pass** on Bill "An Act to Change the Reimbursement Policy on Mental Health Services"

(S.P. 309) (L.D. 911)

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-198)** on same Bill.

Signed:

Representative:

DUDLEY of Portland

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

READ.

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

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought Not to Pass** on Bill "An Act to Increase Access to Nontraditional Medical Alternatives"

(S.P. 326) (L.D. 980)

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-199)** on same Bill.

Signed:

Representatives:

RICHARDSON of Brunswick
DUDLEY of Portland

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

READ.

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

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

Representative DUDLEY: Mr. Speaker, Men and Women of the House. I rise to oppose the current motion. I would like to clarify that the sponsor of this bill, a member of the other body, introduced this bill on behalf of a constituent who was a consumer of acupuncture. This is not a provider bill. This bill seeks to require reimbursement for the services of licensed naturopaths, licensed massage therapists, licensed acupuncturists and licensed dietitians, only when the patient is referred by their primary care provider. The committee heard compelling testimony from consumers who were unable to find help for their illnesses with traditional medicine. They found help among these nontraditional practitioners. It is true that we have much to learn about the efficacy of these alternatives, but must we make people for whom these alternatives are a last resort, wait for access to these services. Services, I might add, that are in many instances less expensive than the traditional medicines. Please consider joining me in opposing the Ought to Pass motion. Thank you.

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

Representative SAXL: Mr. Speaker, Men and Women of the House. Very briefly, while the committee did not debate the merits of the treatments of naturopathic physicians, we believed in a 13 to 1 vote that this was inappropriate for them to be mandated under the Maine Health Insurance Law. I stand corrected, the committee member says I have that vote incorrect. It is an 11 to 2 vote. I just want you to know that it is the

mandated coverage in insurance that we oppose under this. Thank you.

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

A vote of the House was taken. 91 voted in favor of the same and 20 against, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-200)** on Bill "An Act to Provide Equity in Prescription Insurance for Contraceptive Coverage" (S.P. 389) (L.D. 1168)

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

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

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

Signed:

Representative:

GLYNN of South Portland

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-200)**.

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" (S-200) was **READ** by the Clerk.

Representative GLYNN of South Portland **PRESENTED** House Amendment "A" (H-476) to Committee Amendment "A" (S-200), which was **READ** by the Clerk.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. Before us is consideration of LD 1168 and an amendment to that bill following the work by the committee. LD 1168 is "An Act to Provide Equity in Prescription Insurance for Contraceptive Coverage." This bill is a mandate. What I mean by a mandate is it is a requirement on all that have these particular kinds of health insurance plans that have prescription drug authorities. It requires them to offer contraceptive coverage as a mandated benefit. Either the employee or the employer is going to have to pay for that and it eliminates choice by the employee. On its surface, members feel that having contraceptive coverage in health insurance plans of prescriptive authority is a good idea and that it has merit. While that is true, there is language within the amendment that

through debate at the committee level, we were unable to sort out those details for acceptance of the community. That problem primarily relates around requirements of who we are mandating it on and exactly and precisely what we are mandating. What we are mandating goes beyond what is considered tradition contraceptive treatment. It includes and encompasses the morning after pill. There are a number of people who view, through their own religious beliefs, that the morning after pill is an abortion pill. They believe this amendment is requiring, mandating, abortion coverage in their health insurance policies against their beliefs.

Secondly, there is a very, very narrow definition of exclusion of religious employers within the Committee Amendment. It is believed that this amendment needs to be widened to allow organizations, for instance, Catholic Charities of Maine, because they belong to a church, a religious organization, they do not believe this should be offered as a benefit, they would be requiring them to do it against their religious beliefs. They would like to have an exemption, which would allow themselves and anyone else that belongs to one of these entities, the ability through having a religious exception, to be exempted through these mandates.

These two issues, I feel so strongly about, that they need to be voted on by the floor of the House. I would ask that you strongly consider the merits of not having them in mandated legislation. There is no reason why any person in the State of Maine who wants contraceptive coverage cannot have that through negotiations with their employer. There is nothing prohibitive in law that prohibits people from offering it in their policies. It is currently offered in many policies. The poor have contraceptive coverage offered to them through Medicaid currently. This is very much an important issue that bears your consideration. When the vote is taken, Mr. Speaker, I request a calling of the yeas and nays.

The same Representative **REQUESTED** a roll call on his motion to **ADOPT** House Amendment "A" (H-476) to Committee Amendment "A" (S-200).

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

Representative SAXL of Bangor moved that House Amendment "A" (H-476) to Committee Amendment "A" (S-200) be **INDEFINITELY POSTPONED**.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I want you to understand about this amendment. I want you to understand that the committee, by enlarge, was opposed to this. The vast majority was opposed to this amendment for two reasons. One, the exemption is so enormous. We have a fairly tightly defined exemption for people of conscience who object to contraception on moral grounds. That would include any church, synagogue or other religious organizations and its affiliates who oppose contraception. No one, of course, is ever mandated to use contraceptives. It is insurance coverage if you do use contraceptives that is the mandate. This amendment calls for any tax-exempt organization defined under the Internal Revenue Code as a Section 5013C. As any of you who have any experience with tax-exempt would understand that that would mean that Family Planning, for example, would be exempt. The Red Cross or any organization and that seems to be inappropriate and far too broad. This bill is not a bill about abortion. This is a bill just to avoid abortion, which is what

contraception, of course, is all about. We would very much oppose this amendment. I ask you to follow my light and vote for Indefinite Postponement. Green on Indefinite Postponement. Thank you.

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

Representative **AHEARNE**: Mr. Speaker, Men and Women of the House. I ask you to vote against the pending motion. This is a simple request. The exemption being asked for would permit those who have serious objection to the provisions of this bill on the basis of religious convictions or personal conscience. There is in the Committee Amendment an extremely narrow exemption that applies strictly to churches. In the case of the Catholic Diocese, there hospital social services agencies and numerous other entities, either directly or indirectly, under the jurisdiction of the church would be excluded from this exception. There has been a long established national and state tradition of honoring individual rights, to honor their deep, personal, moral, ethical and religious beliefs. This exclusion denies that. If this amended bill were to pass without the House Amendment, Catholic hospitals must provide these services. Catholic nursing homes must provide these services. Nuns will be required to provide these services to other nuns. Even in the statute that governs family planning services, there is an exclusion that is similar to the one that is proposed in this amendment. As it currently stands, LD 1168, goes to far. LD 1168 goes well beyond the titles inference. The proposed narrow exclusion, limited only to churches, violates the right of religion and conscience. These are serious moral and ethical issues for many in our society. To force them through the power of law to provide services to their employees that violate their moral principles is unconscionable and unprecedented. I ask you to reject the pending motion and to accept the House Amendment so we can uphold a tradition to honor those who will have legitimate objections based on moral and religious convictions.

Mr. Speaker, when the vote is taken, I request a roll call.

Representative **AHEARNE** of Madawaska **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-476) to Committee Amendment "A" (S-200)**.

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 rise in support of the motion to Indefinitely Postpone this amendment. I was with the majority of 12 on the motion before us today. I am concerned, personally, about a couple of things in the amendment. Particularly the fact that as the good Representative from Bangor stated, the definition of employer puts everybody who has a 501C3 within that exemption. Ladies and gentlemen of the House, in my brief lifetime have completed five applications for 501C3 and none of which were for religious organizations. Two of which happened to be for United Way. As this is currently drafted, would be excluded from coverage. I do not think that is what the committee intended. We did not hear that type of a discussion during the many long hours of debate. If the argument that the current bill, as amended, is too narrow, certainly this amendment is way too broad. I would urge you this morning to support the committee and to support the chair of the committee, the good

Representative from Bangor, and vote to Indefinitely Postpone this amendment. Thank you.

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

Representative **PERRY**: Mr. Speaker, Men and Women of the House. This is the one bill that I had planned on speaking on this year and having spoken twice already this week, I hope I haven't worn out my welcome. As difficult as it is to stand up and argue the other side of my good friend and committee chair, Representative Saxl, I think there are some issues that need to be addressed here and will be addressed in this amendment. As far as exemptions, I don't think it is unreasonable that we exempt people who have a conscientious objection to purchasing this coverage for themselves. The nature of mandates don't cover the whole population. If you look at a mandate, it doesn't apply to individual policies. It doesn't apply to groups smaller than 20 or groups over 50, Medicaid and Medicare or self-insured. I dare say a lot of people won't be covered by this mandate like people who may want the coverage. I think it is unfair that we would mandate people to purchase this coverage who do not want to buy it. Unfortunately the people who are opposed or in favor of this amendment weren't at the public hearing for one reason or another. Their viewpoint got out late and that is one reason we are trying to amend it on the floor.

This is not an abortion issue. This is an issue of practicality. It says right in the bill that no section of this bill is intended to apply to terminating pregnancy. That is because federal statute says a pregnancy occurs after the fertilized egg is implanted. The emergency contraceptive is to prevent implantation of that fertilized egg. I called pharmacists in Bangor and doctors in Bangor and without exception, they have almost never written a prescription for emergency contraceptive. A prescription in prescriptive coverage is not the issue. If someone wants that procedure, they need to get in and see a doctor. It is simply a double dose of birth control pills taken two days in a row within 72 hours. If you go to a doctor in Bangor, they are going to give you two pills and a cup of water to take in the office. They are going to give you two more pills to take when you get home tomorrow. Insurance coverage for the medication is a non-issue. However, I guess as far as the coverage goes, I got called by many, many people. I was written many letters. Everyone said they wanted coverage for contraceptives, not for emergency contraceptives. That issue never came up. I think we need to respect the concerns of the thousands and thousands of Maine people who object conscientiously and pass this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Nutting.

Representative **NUTTING**: Mr. Speaker, Men and Women of the House. There are basically two issues in the proposed amendment. I think we have heard about the classifications of the non-taxable and taxable. I will let somebody else deal with that issue. The reason I rise is to talk about biology 101. The Representative from Bangor, Representative Perry, did a pretty good job of taking most of the things I was going to say, but I will just reiterate a couple of things. Some of you may be aware of what is called the French abortion pill or RU486. That pill is not available in this country. It is against the law to use it in this country, although it is used in other parts of the world. This is not involved in this bill. We are not talking about that. Birth control pills we are probably familiar with, to some extent. They come in a little plastic package. Those are covered by the bill.

The gray area seems to be on the morning after pill or the emergency contraceptive prescription. It is not something that is widely used, but it is something that is very effective. Of the 6 million pregnancies that occur in the United States every year, approximately half of them are unintended. Of those 3 million unintended pregnancies when used appropriately, the emergency contraceptive pill is safe and effective for dealing with as many as 75 percent of them. When the fertilized egg is in the woman's fallopian tubes on its way to the uterus where it implants itself to grow into a newborn baby, there is a window in which this morning after pill prevents the attachment of the fertilized egg to the uterus. You can be opposed to or in favor of abortion or opposed to or in favor of contraception, but I simply rise to tell you what is in this bill. The morning after contraceptive pill is not an abortion pill. If it were, I wouldn't be on the 12 to 1 majority of this bill either. I would urge that you vote in favor of the Indefinite Postponement of the amendment. Thank you.

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

Representative O'NEIL: Mr. Speaker, Men and Women of the House. I am on the 12 to 1 Majority Report. To address the issue of the exclusions, we did a good job with it, in my estimation. You have to think that if you make it too broad you are asking for trouble. If you make it too narrow, you are asking for trouble. We looked at language from states who had previously written in exclusions and without exception, we found that theirs were problematic and we improved upon it. We only did so at the urging of one particular religious group who came in. We honored their wishes to include their exclusion in the bill. We worked it to what I think is pretty tight. You have to remember this, I am from Saco. Back about 10 years or so ago, there was a business in Arundel, I forget what it did precisely, but they tried to get tax-exempt status because they called themselves the Tabernacle of God. In reality there wasn't a whole lot of God going on inside the building. There was some ill repute evidentially, but they enjoyed the tax-exempt status for as long as their cover lasted. The reason they did that is because they saw how broad the statute was written. We wanted to avoid that type of situation so we included the wishes of the interested parties.

Another point is this, yes, this requires that insurers will not be allowed to carve out contraceptives. It allows several exemptions based on religious affiliations. With all due respect to the speaker who involved nuns availing themselves of the service, nobody is going to force those lives to avail themselves of any service. The floor amendment, quite frankly, ask an employer to impose their beliefs, morals or values upon their employees. I don't think that is the place of us to do. I would support the motion to Indefinitely Postpone. Thank you.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House. There are two issues with respect to this amendment that I could not support. I was on the very broad bipartisan portion of this bill, the 12 to 1 group that decided that a minimal limitation on churches and exempting churches was appropriate. What we will do in this case if we pass this amendment is we will broaden to the point that anyone who is a tax-exempt organization will be exempted from covering prescription medication. I am certain that is not the intent of the sponsor, but that is, in fact, what this amendment does. That is

why this amendment is flawed. Secondly, it limits the kinds of contraceptives, which are already legal and which are already used by people. We are not including RU486, that so called morning after pill that has been banned in the United States. These are all legal contraceptive pills, as the good Representative Nutting referred to.

Finally, what we will do with this particular amendment, if you support it, will be to limit the choice that women have who work for a religious organization or for a non-profit organization, which is non-religious. You will limit those women's right to contraceptives. To me, that is a bad idea. I would ask that you support us in our motion to Indefinitely Postpone. Thank you.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. I rise to support the Indefinite Postponement. I also serve on this committee and I am on the Majority Report. While I agree with all that those people have said that have arisen to speak about Indefinite Postponement. I want to take it from the idea of a public educator. I see the results daily in the classroom, children too young becoming parents. It has nothing to do with my judging their moral standards. The fact is, I see results everyday of children too young having children. I see children coming into my classroom that will openly tell you they were not wanted. They were a mistake. If a religious conviction would mandate that you not use contraception, the beauty of the religion that I believe in is that of free will. Simply don't avail yourself to that offer in your insurance. This is about choice. Families to be able to offer economic stability. Families who want to be able to offer quality time need to be able to have the choice of planning their family. I ask you to allow people to choose if they want to avail themselves to this piece of the insurance offering. Please vote to Indefinitely Postpone this amendment. Thank you.

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

Representative MATTHEWS: Mr. Speaker, Men and Women of the House. I ask you to oppose the pending motion and to go on to accept this amendment. It seems to me from the debate that we are, certainly, today, if we don't accept this amendment, which goes to protect religious organizations, we are going to force them to do something which we find to be immoral. That is a very, very, very major step for this Legislature, not just private organizations, but religious organizations. I hope you will defeat the pending motion and we go on to pass this amendment. If not, I will be voting to Indefinitely Postpone this bill and all accompanying papers. Thank you Mr. Speaker.

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

Representative FULLER: Mr. Speaker, Ladies and Gentlemen of the House. I just felt I had to stand up and clarify my understanding of the issues that we are voting on. The present amendment, which we are talking about defeating extends the exclusions way beyond just religious employers with the non-profit thing. If you look at (S-200), which is the Committee Amendment to the bill, it already has inclusions in it for religious employers. It is not necessary to have this additional amendment which goes far beyond religious employers. I urge your support of the Indefinite Postponement.

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

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to clarify about that exemption. That only applies to churches and schools. That does not apply, for example, to the Catholic churches or nursing homes. Those would not fall under the exemption.

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

Representative **GLYNN**: Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion of Indefinite Postponement and would like to point out to you and my fellow colleagues of the House that, in fact, the amendment that is before you does not exempt all 501C3 organizations. In a clause, if you turn to House Amendment (H-476), you can read for yourself. It is an exclusion for religious employers. Unlike the bill before you, it is not a mandate. It is an option. What it says is, if you believe in deep philosophical and religious beliefs that this is something that you just can't support, there is an option to opt out of it. Without it in place we are, in fact, the Maine State Legislature, mandating that religious employers are doing something against their religion. I can stand here and say that I would never ask any member of this House or any member of the public to do something against their religion. I don't understand why we are contemplating doing that. Thank you.

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

Representative **STEVENS**: Mr. Speaker, Men and Women of the House. When I consider insurance, I think about health care and I think about emergency and accidents. As I review this proposed amendment, I think that the crucial elements of emergency and accidents have been omitted. If I may Mr. Speaker, I would like to pose a question through the chair. Upon reading this amendment, would a woman be denied coverage for emergency contraception under this proposed amendment, even in the case of an emergency or even in the case of an accident? The emergency might be considered an assault. The accident may be failure of a primary method of contraception. Thank you.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. My understanding of reading this amendment if indeed, you are correct. The insurance coverage would not be enforced to someone who is raped. Thank you.

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

Representative **GLYNN**: Mr. Speaker, Men and Women of the House. In answer to the question, that is incorrect. There is nothing within this amendment that would prohibit anyone from receiving emergency contraception. Clearly the only purpose of the amendment is to say that emergency contraception, as far as being a covered service, would be something that is negotiated as it is today. The current law today, between the employee and employer as coverage in their insurance premium. If, in fact, their insurance doesn't cover it, they have the option to seek that treatment and pay for it. It in no way makes the process illegal. Thank you.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. It speaks about excluding people who have had unprotected sex. That would include people who are raped.

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

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

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. There appears to be a differing interpretation of whether and to what extent an exclusion would be granted or a church, convention or association of churches and operations that are supported or controlled by such organizations. I would like some clarification as to whether Catholic charities or Catholic hospitals are or are not excluded under the Committee Amendment?

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. Let me read to you from the bill. "A religious employer may request a non-profit hospital or medical service organization or non-profit health care service organization shall grant an exclusion on the policy or contract for the coverage required by this section if that required coverage conflicts with the religious employers religious beliefs and practices." I think it is very clear that religious beliefs entitle one to an exemption. I fail to see why this amendment has been introduced. I ask you, because I think we have dealt fairly with this issue, to support this Indefinite Postponement.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-476) to Committee Amendment "A" (S-200). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 127

YEA - Bagley, Baker, Berry RL, Bolduc, Bowles, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Clough, Collins, Colwell, Cote, Cowger, Daigle, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gillis, Gooley, Hatch, Honey, Jabar, Jacobs, Jodrey, Kane, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Marvin, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy T, Muse, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Pieh, Povich, Powers, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

NAY - Ahearne, Andrews, Belanger, Berry DP, Bragdon, Buck, Bumps, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Cross, Davis, Duncan, Foster, Gerry, Glynn, Goodwin, Heidrich, Jones, Joy, Kasprzak, Kneeland, MacDougall, Mack, Madore, Matthews, McKenney, McNeil, Mendros, Murphy E, Nass, O'Neal, Perry, Pinkham, Plowman, Richard, Sirois, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Tuttle, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Bouffard, Frechette, Green, Martin, McAlevy, Quint, Shields, Shorey, Tripp, Wheeler GJ.

Yes, 88; No, 53; Absent, 10; Excused, 0.

88 having voted in the affirmative and 53 voted in the negative, with 10 being absent, **House Amendment "A" (H-476) to Committee Amendment "A" (S-200) was INDEFINITELY POSTPONED.**

Representative AHEARNE of Madawaska REQUESTED a roll call on the motion to **ADOPT Committee Amendment "A" (S-200)**.

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 adoption of Committee Amendment "A" (S-200). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 128

YEA - Bagley, Baker, Belanger, Berry RL, Bolduc, Bowles, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Clough, Collins, Colwell, Cote, Cowger, Daigle, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gillis, Gooley, Hatch, Honey, Jabar, Jacobs, Jodrey, Jones, Kane, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Mailhot, Marvin, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy T, Muse, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pieh, Plowman, Povich, Powers, Richard, Richardson E, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Twomey, Usher, Volenik, Watson, Williams, Winsor, Mr. Speaker.

NAY - Ahearne, Andrews, Berry DP, Bragdon, Buck, Bumps, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Cross, Davis, Duncan, Foster, Gerry, Glynn, Goodwin, Heidrich, Joy, Kasprzak, Kneeland, Lovett, MacDougall, Mack, Madore, Matthews, McKenney, McNeil, Mendros, Murphy E, Nass, O'Neal, Pinkham, Rosen, Sirois, Snowe-Mello, Stedman, Tobin J, Trahan, Treadwell, True, Tuttle, Waterhouse, Weston, Wheeler EM.

ABSENT - Bouffard, Frechette, Green, Martin, McAlevey, Quint, Shields, Shorey, Tripp, Wheeler GJ.

Yes, 94; No, 47; Absent, 10; Excused, 0.

94 having voted in the affirmative and 47 voted in the negative, with 10 being absent, **Committee Amendment "A" (S-200) was ADOPTED**.

The Bill was assigned for **SECOND READING** Monday, May 10, 1999.

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

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-201)** on Bill "An Act Relating to Uninsured Vehicle Coverage"

(S.P. 421) (L.D. 1258)

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

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
RICHARDSON of Brunswick
NUTTING of Oakland
GLYNN of South Portland

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-201)**.

READ.

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

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. This bill provides that a person's uninsured or underinsured insurance coverage will be at the same level as that person's liability coverage unless the consumer expressly rejects the equal coverage limit. Under current law, insurers are required to have uninsured and underinsured insurance coverage in amounts equal to the minimum limits for bodily injury liability insurance. The minimum limits for bodily insurance liability are currently at \$50,000 or death to one person and \$100,000 for bodily insurance or death of two or more people. The limit was increased from a lower figure in 1998. We wish to retain that current new level of liability insurance and make it a requirement that the insurance agent inform the insured about that. That is the Majority Report.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-201)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 10, 1999.

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-204)** on Bill "An Act to Clarify Underinsured Motor Vehicle Coverage"

(S.P. 723) (L.D. 2043)

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

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-204)**.

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" (S-204)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 10, 1999.

Nine Members of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-190)** on Bill "An Act to Renew Maine's Economy"

(S.P. 569) (L.D. 1636)

Signed:

Senators:

KONTOS of Cumberland
LONGLEY of Waldo
MacKINNON of York

Representatives:

O'NEAL of Limestone
SIROIS of Caribou
TRIPP of Topsham
USHER of Westbrook
BOLDUC of Auburn
SHOREY of Calais

Two Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Representatives:

MARVIN of Cape Elizabeth
BOWLES of Sanford

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-191)** on same Bill.

Signed:

Representatives:

CLOUGH of Scarborough
MENDROS of Lewiston

Came from the Senate with the Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-190)**.

READ.

On motion of Representative O'NEAL of Limestone, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-190)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 10, 1999.

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought Not to Pass** on Bill "An Act to Allow the State to Obtain a Defendant's Medical Records in Cases Involving OUI"

(S.P. 691) (L.D. 1937)

Signed:

Senators:

MURRAY of Penobscot

DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth
MUSE of South Portland
CHIZMAR of Lisbon
McALEVEY of Waterboro
PEAVEY of Woolwich
SHERMAN of Hodgdon

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-207)** on same Bill.

Signed:

Representatives:

FRECHETTE of Biddeford
O'BRIEN of Augusta

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

READ.

Representative POVICH of Ellsworth 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 **LABOR** reporting **Ought to Pass** on Bill "An Act to Validate Voluntary Collective Bargaining Provisions that May Affect Educational Policies"

(S.P. 333) (L.D. 987)

Signed:

Senators:

LaFOUNTAIN of York
MILLS of Somerset
DOUGLASS of Androscoggin

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 to Pass as Amended by Committee Amendment "A" (S-152)** on same Bill.

Signed:

Representatives:

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

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

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

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass** 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" (S-180)** on Bill "An Act Concerning Standards for Operation and Maintenance of Radio Antenna Towers"

(S.P. 633) (L.D. 1800)

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
McDONOUGH of Portland
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:

Representatives:

TWOMEY of Biddeford
RINES of Wiscasset

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-180)**.

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-180)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 10, 1999.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-181)** on Bill "An Act to Ensure that Agency Use of Collaborative Decision-making and Stakeholder Processes is Fair and Consistent with the Goals of the Maine Administrative Procedure Act"

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

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
RINES of Wiscasset
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:

KASPRZAK of Newport
McDONOUGH of Portland

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-181)**.

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 **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-175)** on Bill "An Act to Facilitate Compliance with the Federal Communications Act of 1996"

(S.P. 141) (L.D. 377)

Signed:

Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec
MILLS of Somerset

Representatives:

GAGNON of Waterville
GREEN of Monmouth
DAVIDSON of Brunswick
COLWELL of Gardiner
STANLEY of Medway
LEMONT of Kittery
MURPHY of Berwick
BUCK of Yarmouth
CIANCHETTE of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-176)** on same Bill.

Signed:

Representative:

LEMOINE of Old Orchard Beach

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-175)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-175)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 10, 1999.

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-451)** on Bill "An Act to Increase the Length of Probation for a Person Convicted of Domestic Violence"

(H.P. 381) (L.D. 512)

Signed:

Senators:

MURRAY of Penobscot

O'GARA of Cumberland
 DAVIS of Piscataquis

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-452)** on same Bill.

Signed:

Representative:

MUSE of South Portland

READ.

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

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. LD 512 received virtually unanimous support on the substance of the bill. It was a Majority 12 to 1 report of the Criminal Justice Committee. In it it specified that a person who was convicted of a Class D or E crime involving domestic violence must be sentenced to a period of probation for two years. That period of probation is to be terminated when the person completes a certified batters intervention program. The fiscal note calls for funding for four probation officers to manage the estimated increase in the period of probation for domestic violence crimes.

The Minority Report requires a two year probation period even though the person completes the certified batters intervention program. It also requires the funding of 12 additional probation officers.

Ladies and gentlemen of the House, the crime of domestic violence is Maine's own crime. We own it. In Maine, sadly, we lead the nation in instances of domestic violence. It affects all areas of Maine. The Criminal Justice Committee has taken on this scourge of domestic violence in Maine as one of its main priorities. Passage of LD 512, as amended by Report "A" will go a significant way in making the family abuser accountable to their victim. Please vote yes on the pending motion. Thank you very much.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. I will speak very briefly to this. I am the divided report. I would ask all of you who yesterday sat and considered that we should perhaps not go ahead and build the state prison because we don't have programs to consider this amendment. The backbone of almost all of the programs for the inmates, people who would be inmates and people who could be inmates in the State of Maine lies firmly on the back of the Department of Probation. As it stands today, their average caseload is so overwhelming that they are not completing and they are not carrying out programs that we have available for them now. Electronic monitoring, it is a sham. There are no more than a handful of people participating in the program because there

aren't enough probation officers to monitor it. They are so overwhelmed with work that somebody who is at the maximum end of their supervision, they have a sheet to fill out to determine where somebody falls on their supervision, has to be seen four times in one month. Two of those visits can be via the phone. I would state to you today that this would be the first step in implementing or being able to implement the programs that we all know the State of Maine are so desperately lacking and so desperately needs. I would ask you to support the amendment. I thank you.

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

Representative McALEVEY of Waterboro **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 PRO TEM: 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. 129

YEA - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bragdon, Brennan, Brooks, Bruno, Bryant, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Plowman, Povich, Powers, Richard, Richardson E, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Sirois, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Trahan, Treadwell, Tripp, Tuttle, Twomey, Usher, Volenik, Waterhouse, Wheeler EM, Williams, Mr. Speaker.

NAY - Andrews, Bowles, Buck, Bull, Foster, Joy, Kasprzak, MacDougall, Mack, Madore, Mendros, Muse, Pinkham, Rosen, Skoglund, Stedman, Tracy, Watson, Weston, Winsor.

ABSENT - Bouffard, Frechette, Green, Martin, Quint, Shields, Shorey, True, Wheeler GJ.

Yes, 122; No, 20; Absent, 9; Excused, 0.

122 having voted in the affirmative and 20 voted in the negative, with 9 being absent, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-451)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Monday, May 10, 1999.

The following items were 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 (12) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-429)** - Committee on **CRIMINAL JUSTICE** on Bill "An Act to Increase the Length of Probation for Domestic Violence from one Year to 2 Years"

(H.P. 51) (L.D. 65)

TABLED - May 6, 1999 (Till Later Today) by Representative SHIAH of Bowdoinham.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

Representative **POVICH**: I move Indefinite Postponement of LD 65. LD 65 and an upcoming item was one of the three domestic violence bills the Criminal Justice Committee received this session. It received a 12 to 1 Ought Not to Pass Report. The majority of 12 voted the essential elements of this LD into LD 512, which we just passed by 122 to 20. I urge you to support my motion to Indefinitely Postpone. Thank you very much.

On motion of Representative **POVICH** of Ellsworth, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-430)** - Committee on **CRIMINAL JUSTICE** on Bill "An Act to Require the Revocation of Probation for a Person Convicted of Domestic Violence if the Person Fails to Attend a Certified Batterers' Intervention Program"

(H.P. 290) (L.D. 398)

TABLED - May 6, 1999 (Till Later Today) by Representative **POVICH** of Ellsworth.

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

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I move Indefinite Postponement of LD 398 and all its papers. LD 398 is the third of the domestic violence bills with which the Criminal Justice Committee reported out as a 12 to 1 Ought Not to Pass report. We reported it out as Ought Not to Pass because we, so to speak, got to the bill and put it into LD 512. You just passed that so please support the pending motion.

On motion of Representative **POVICH** of Ellsworth, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-471)** on Bill "An Act to Make Certain Provisions for Exceptional Students Consistent with Federal Laws and Regulations"

(H.P. 1419) (L.D. 2026)

Signed:

Senators:

BERUBE of Androscoggin
SMALL of Sagadahoc
MURRAY of Penobscot

Representatives:

RICHARD of Madison

WESTON of Montville
STEDMAN of Hartland
ANDREWS of York
BAKER of Bangor
BELANGER of Caribou

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-472)** on same Bill.

Signed:

Representatives:

WATSON of Farmingdale
DESMOND of Mapleton
BRENNAN of Portland
SKOGLUND of St. George

READ.

Representative **BRENNAN** of Portland 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 **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Establish a School Voucher Program"

(H.P. 1520) (L.D. 2170)

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
SKOGLUND of St. George

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-470)** on same Bill.

Signed:

Representative:

ANDREWS of York

READ.

Representative **BRENNAN** of Portland 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 to Pass as Amended by Committee Amendment "A" (H-467)** on Bill "An Act to Allow Beverage Sales from Mobile Service Vehicles on Golf Courses"

(H.P. 897) (L.D. 1254)

Signed:

Senators:

DAGGETT of Kennebec
 FERGUSON of Oxford
 CAREY of Kennebec

Representatives:

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

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

Signed:

Representative:

GAGNE of Buckfield

READ.

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

The Bill was **READ ONCE**. Committee Amendment "A" (H-467) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 10, 1999.

CONSENT CALENDAR

First Day

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

(H.P. 1458) (L.D. 2090) Bill "An Act to Require that Employees in 24-Hour Convenience Stores Have Access to Telephones and Alarms" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-485)**

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

CONSENT CALENDAR

Second Day

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

(S.P. 68) (L.D. 171) Bill "An Act to Provide State Funding for the Wells National Estuarine Research Reserve" (C. "A" S-166)

(S.P. 140) (L.D. 376) Bill "An Act to Require Disclosure to Insurance Consumers That Long-term Care Insurance Policies Meet the Standards for the Deductibility of Premiums" (C. "A" S-197)

(S.P. 204) (L.D. 593) Bill "An Act to Promote the Recycling of Fish Scales as Agricultural Fertilizer" (C. "A" S-183)

(S.P. 262) (L.D. 757) Bill "An Act Concerning Recreational Clam Harvesting Licenses" (C. "A" S-164)

(S.P. 308) (L.D. 910) Bill "An Act to Amend the Tax Law Regarding Tax Liability of Innocent Spouses" (C. "A" S-173)

(S.P. 391) (L.D. 1170) Bill "An Act Concerning the Review of State Solid Waste Management Policies" (EMERGENCY) (C. "A" S-185)

(S.P. 393) (L.D. 1172) Resolve, Establishing a Task Force to Study the Need for an Agricultural Vitality Zone Program (C. "A" S-196)

(S.P. 398) (L.D. 1189) Bill "An Act to Ensure Adequate Funding of Certain Public Safety Programs of Occupational or Professional Licensure Boards" (C. "A" S-178)

(S.P. 418) (L.D. 1207) Bill "An Act to Amend the Local Highway Laws" (C. "A" S-169)

(S.P. 461) (L.D. 1348) Bill "An Act to Provide for Fair and Open Procedures for a Waiver of Department of Education Rules" (C. "A" S-165)

(S.P. 486) (L.D. 1446) Bill "An Act to Create the Business Advisory Commission on Quality Child Care Financing" (EMERGENCY) (C. "A" S-179)

(S.P. 534) (L.D. 1596) Bill "An Act to Clarify the Sales Tax Exemption for Food Service in Educational Institutions" (C. "A" S-174)

(S.P. 539) (L.D. 1601) Resolve, to Direct the Department of Environmental Protection and the Department of Economic and Community Development to Devise a Proposal for Long-term Funding of the Removal of Tire Dumps (C. "A" S-186)

(S.P. 568) (L.D. 1635) Bill "An Act to Implement the Recommendations of the Advisory Committee on Results-based Initial Certification of Teachers" (C. "A" S-170)

(S.P. 656) (L.D. 1878) Bill "An Act to Make More Uniform the Training of Firefighters" (C. "A" S-194)

(S.P. 680) (L.D. 1930) Bill "An Act to Protect Beneficiaries of Structured Settlements" (C. "A" S-203)

(S.P. 690) (L.D. 1936) Bill "An Act to Modify the Juvenile Code with Regard to the Service of Juvenile Summonses" (C. "A" S-193)

(S.P. 735) (L.D. 2085) Bill "An Act to Update the Statutes and Provide for the Basic Needs of the Maine Conservation Corps" (C. "A" S-171)

(S.P. 765) (L.D. 2157) Bill "An Act to Amend the Laws Concerning Life and Health Insurance" (C. "A" S-182)

(S.P. 789) (L.D. 2201) Resolve, to Establish the John H. Reed-Kenneth M. Curtis Peace Fellowship (C. "A" S-195)

(S.P. 792) (L.D. 2204) Bill "An Act to Amend the Calculation of Service Credits Under the Maine State Retirement System Pertaining to the Comprehensive Education and Training Act of 1973 Employees" (C. "A" S-177)

(H.P. 71) (L.D. 84) Bill "An Act to Make It a Crime to Solicit a Child by Means of Computer to Commit an Unlawful Sexual Act" (C. "A" H-449)

(H.P. 211) (L.D. 289) Bill "An Act to Amend the Uniform Unclaimed Property Act concerning Tangible Property Held by Landlords or by State Institutions" (C. "A" H-463)

(H.P. 276) (L.D. 384) Bill "An Act to Establish Victims' Rights for the Victims of Juvenile Crimes" (C. "A" H-457)

(H.P. 316) (L.D. 432) Bill "An Act to Adopt the Uniform Child Custody Jurisdiction and Enforcement Act" (C. "A" H-464)

(H.P. 687) (L.D. 943) Bill "An Act to Implement the Tobacco Settlement" (C. "A" H-448)

(H.P. 694) (L.D. 961) Bill "An Act to Strengthen the State's Drug Laws" (C. "A" H-454)

(H.P. 779) (L.D. 1102) Bill "An Act to Remove the Limitation on Nonprofit Organizations Holding Games of Chance" (C. "A" H-468)

(H.P. 787) (L.D. 1110) Bill "An Act Regarding the Calculation of Child Support When the Child Receives Disability Benefits" (C. "A" H-462)

(H.P. 832) (L.D. 1155) Bill "An Act to Amend the Laws Regarding Abandoned Property" (C. "A" H-461)

(H.P. 963) (L.D. 1361) Bill "An Act to Increase the Requirement that Drugs be Confiscated from 48 Hours to One Year" (C. "A" H-458)

(H.P. 1003) (L.D. 1401) Bill "An Act to Amend the Maine Health Data Organization Statutes" (C. "A" H-483)

(H.P. 1061) (L.D. 1492) Bill "An Act to Propose Changes to the Maine Election Laws" (C. "A" H-469)

(H.P. 1073) (L.D. 1520) Bill "An Act Requiring Maine to Adopt the Federal Rules Regarding Universal Waste" (C. "A" H-482)

(H.P. 1091) (L.D. 1538) Bill "An Act to Grant Immunity to Medical Professionals Conducting Body Cavity Searches for Drugs" (C. "A" H-460)

(H.P. 1250) (L.D. 1798) Bill "An Act to Implement the Recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings" (C. "A" H-453)

(H.P. 1258) (L.D. 1812) Bill "An Act to Require the Development of a Basic Needs Budget" (C. "A" H-450)

(H.P. 1389) (L.D. 1994) Bill "An Act to Amend the Laws Regarding Unlawful Cutting of Trees" (C. "A" H-459)

(H.P. 1404) (L.D. 2009) Bill "An Act to Redefine Trafficking and Furnishing of Heroin in Terms of the Amount of the Drug Possessed" (C. "A" H-456)

(H.P. 1414) (L.D. 2021) Bill "An Act to Establish the Commission to Propose an Alternative Process for the Payment of Forensic Examinations for Sexual Assault Victims" (C. "A" H-455)

(H.P. 1533) (L.D. 2186) Bill "An Act to Authorize York County to Hold Bond Referenda for New County Facilities" (C. "A" H-447)

(H.P. 1052) Joint Order Relative to Establishing a Commission to Examine the Adequacy of Services at the Veterans Administration Medical Center (C. "A" H-466)

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

(S.P. 381) (L.D. 1082) Bill "An Act to Reauthorize and Amend the Diesel-powered Motor Vehicle Emission Opacity Testing Program" (EMERGENCY) (C. "A" S-184)

On motion of Representative MURPHY of Kennebunk, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-184)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (S-184)** and later today assigned.

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.

An Act to Prohibit the Misuse of Laser Pointers (EMERGENCY)

(H.P. 190) (L.D. 268)

(C. "A" H-300)

TABLED - May 5, 1999 (Till Later Today) by Representative POVICH of Ellsworth.

PENDING - PASSAGE TO BE ENACTED.

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 8 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

**BILLS IN THE SECOND READING
Senate As Amended**

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

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

(C. "A" S-167; S. "A" S-192)

House As Amended

Bill "An Act to Amend the Laws Regarding when A Merchant Must Remit Sales Tax"

(H.P. 306) (L.D. 422)

(C. "A" H-393)

Bill "An Act to Exempt Military Retirees from State Income Taxes"

(H.P. 360) (L.D. 485)

(C. "A" H-392)

Bill "An Act to Amend the Laws Relating to Notaries Public"

(H.P. 643) (L.D. 893)

(C. "A" H-411)

Bill "An Act to Amend the Illegal Transportation of Liquor Law"

(H.P. 706) (L.D. 973)

(C. "A" H-383)

Bill "An Act to Provide Long-term Funding for the Land for Maine's Future Program"

(H.P. 947) (L.D. 1344)

(C. "A" H-390)

Bill "An Act to Create a Sales Tax Exemption for Child Abuse and Neglect Councils"

(H.P. 976) (L.D. 1374)

(C. "A" H-395)

Bill "An Act Concerning the Regulation of Certain Commercial Contracts of Insurance"

(H.P. 1068) (L.D. 1499)

(H. "A" H-486 to C. "A" H-401)

Resolve, to Grant Salvage Rights for Revolutionary War Vessels Submerged in the Penobscot River to the Brewer Historical Society and the Bangor Historical Society (EMERGENCY)

(H.P. 1184) (L.D. 1694)

(C. "A" H-409)

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Maine Criminal Justice Academy in Waterville; Part of the Kennebec Arsenal in Augusta; Part of the Maine Youth Center in South Portland; and 2 Parcels in Gray Near the Pineland Center
(H.P. 1203) (L.D. 1713)
(C. "A" H-413)

Bill "An Act to Establish an Appeals Process for Lobster Fishing License Denial"
(H.P. 1387) (L.D. 1993)
(C. "A" H-396)

Bill "An Act to Amend the Laws Governing Secession"
(H.P. 1433) (L.D. 2056)
(C. "A" H-410)

Bill "An Act Requiring That the Costs of Transporting Highway Construction and Maintenance Materials to Isle au Haut by Barge or Ferry be Paid from the Highway Fund"
(H.P. 1522) (L.D. 2172)
(C. "A" H-432)

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

Bill "An Act to Change the Fine for Speeding in a School Zone"
(H.P. 1462) (L.D. 2094)

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

On motion of Representative LINDAHL of Northport, was **SET ASIDE**.

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

Representative LINDAHL: Mr. Speaker, Men and Women of the House. I have no intentions of starting a debate on this again, however, when I arrived here this morning I had one legislator say that in route to session this morning that legislator was behind a line of cars including three legislators with blue plates on them. When that legislator came to a school zone, that legislator slowed down to 15 miles per hour and those other three legislators went through it at 40 mph. We will let you off with a warning this time, but next time it is going to be \$240.

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

Bill "An Act to Prohibit the Transportation of Open Containers that Contain Liquor"
(H.P. 154) (L.D. 216)
(H. "A" H-345 to C. "A" H-134)

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

On motion of Representative TRACY of Rome, was **SET ASIDE**.

The same Representative 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 Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House. In Maine from 1987 to 1997, the overall highway fatality rate fell 17 percent while alcohol related fatalities have fallen 46 percent in the same period. This decrease has occurred despite an increase in the number of licensed drivers and an increase in the number of vehicle miles traveled. Beer consumption in Maine has dropped nearly 25 percent since 1975. There are 43 other states with higher beer consumption per capita than Maine. Alcohol is a tightly regulated product. There are good and substantial laws and regulations, which currently seek to prevent underage access and to discourage the use of alcohol. I support efforts to improve enforcement of these existing laws, especially penalties on underage sales, possession by minors and OUI convictions. Clearly Maine has made substantial progress in reducing the incidence of alcohol related accidents. I strongly believe that education is the key. Personal responsibility together with rigorous and consistent law enforcement are the best ways to keep alcohol abuse and its efforts under control.

Maine has one of the toughest OUI statutes in the country. The progress we have made underscores that fact. As with any state, law enforcement is the key. Additionally, effective enforcement is directly linked to the allocation of necessary resources. Continued emphasis on enforcement of existing laws with an increased emphasis on the habitual offender and the high offender is necessary to continue the progress we have achieved and further our goals of making our roads safe. However, I recognize that the federal government continues to encourage states to adopt various laws to address these concerns by threatening the loss of federal monies if certain laws are not adopted. These threats materialize regardless of the other laws a state may have on the books or regardless of the results that a state may have achieved. Such is the case with the open container law, which seeks to prohibit passengers from possessing open containers. I do not believe that such tactics are an appropriate way to establish public policy. Again, I believe our enforcement monies would be best spent focusing on the drunk driver and the habitual offender. Clearly we have made progress there as well. The Maine Bureau of Motor Vehicles recently introduced legislation to repeal Maine law pertaining to the use of ignition interlock devices. Apparently, the company overseeing the monitoring of the devices was no longer interested in providing its services to Maine due to lack of volume.

With that said, I still have a major concern with the people up in my area that pick up recyclable containers along side the roads. With this bill, what we are doing is, we are creating a monster. The bill clearly states any amount. Any amount in a container, ladies and gentlemen, is any amount unless the container is completely dry. I urge you to support the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jabar.

Representative JABAR: Mr. Speaker, Ladies and Gentlemen of the House. I will try not to repeat myself from yesterday since we debated this at length. I would just like to make two points. First of all, the Department of Public Safety came and asked us for this law to help them cut down drunk

driving. This is a law in 29 other states primarily because it is a good law. Secondly, the federal legislation kind of nudges us in that direction by holding out money or threatening to take money away from us. Title 23 of the United States Code, Section 154, which is the IRS Act of 1998, the Restoration Act reads, "On October 1 in the year 2000 and October 1 in the year 2001, if a state has not enacted or is not enforcing an open container law described in Subsection D, the Secretary of Transportation shall transfer an amount equal to 1.1 percent of the funds apportioned to the state on that date." It goes on to mandate that they take it away from bridge and road construction and use it for alcohol enforcement. That amount of money for the State of Maine is \$1.26 million in the fiscal year 2001 and \$1.27 million in the year 2002. These federal funds will be put in jeopardy. Number one, it is a good idea from the law enforcement. They want it. Number two, it will jeopardize money that we receive in federal funds. I urge you to defeat this motion to Indefinitely Postpone. Thank you.

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

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House. If I am correct, the bill says may. It does not say that it shall take. May and shall is quite different in my concept of understanding the word. I believe that it is time that we, the people of the State of Maine, look up to the federal government and say enough is enough. We pretty much judge our own destiny. I still urge you to accept the pending motion. Thank you.

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

Representative LINDAHL: Mr. Speaker, Men and Women of the House. Currently under Title 29-A, that is our motor vehicle law, it is illegal for a person to drink alcohol while operating a motor vehicle on a public way. That is our current law. It is illegal to drink while you are driving. However, you can have an open container. This law just makes it very clear that you can't be sitting there with a beer between you legs or hand it off to a passenger in a car. It is just an enforcement tool for police officers. It makes alcohol less accessible to the driver while he is driving. It is a good bill. Let's pass it.

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

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote for the pending motion. As was stated, this money will not be taken away from us. If it is taken away, it will go into education. That is where we want it. We want to stop drinking and driving. That money going into education and enforcement will stop drinking and driving. I want you to think about who is going to be affected by this law. Not the drunk person. The drunk person is going to get an OUI. The person who is responsibly driving a car and has somebody who happens to be in it, in the back seat, who might have an open container, that is who we are going to get, the designated driver, the taxi driver or somebody who doesn't want to fight with their passenger and throw them out of their car in the middle of January where they can walk home in the freezing cold and instead gives them a ride and does the responsible thing. That is the person who is going to be a criminal. The person who is bringing some empties back to the store that have any amount of alcohol in them. That is the person who is going to be the criminal. The person who is already driving drunk already is a criminal as they deserve to be. Don't create more criminals in

the State of Maine who aren't putting anybody in jeopardy or doing anything wrong.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jabar.

Representative JABAR: Mr. Speaker, Men and Women of the House. Very quickly, the law shall transfer an amount of money equal to 1.5 percent. It is not permissive. It says shall. The money we are talking about may go in education, but it goes in education at the expense of federal funds that we would be using for highway or bridge maintenance. There is a penalty involved in it. They make us take money that we would use in bridge and highway maintenance and turn it into liquor enforcement. The best enforcement of this law as Representative Lindahl indicated, a former State Trooper, is it will help enforce the drunk driving law.

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

ROLL CALL NO. 130

YEA - Bolduc, Bryant, Clark, Gillis, McDonough, Mendros, Muse, O'Brien LL, O'Neal, Perkins, Rines, Saxl JW, Sherman, Skoglund, Tracy, Trahan.

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bowles, Bragdon, Brennan, Brooks, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagnon, Gerry, Gooley, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Lovett, MacDougall, Mack, Mailhot, Marvin, Matthews, Mayo, McAlevey, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Neil, Peavey, Pieh, Pinkham, Plowman, Povich, Powers, Richard, Richardson E, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl MV, Schneider, Shiah, Sirois, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Tobin D, Tobin J, Townsend, Treadwell, Tripp, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Wheeler EM, Williams, Winsor, Mr. Speaker.

ABSENT - Bouffard, Frechette, Gagne, Glynn, Goodwin, Green, Lemont, Madore, Martin, Murphy E, Perry, Quint, Shields, Shorey, Thompson, True, Weston, Wheeler GJ.

Yes, 16; No, 117; Absent, 18; Excused, 0.

16 having voted in the affirmative and 117 voted in the negative, with 18 being absent, the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

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

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)

(C. "A" H-322)

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

On motion of Representative AHEARNE of Madawaska, was **SET ASIDE**.

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

ENACTORS

Emergency Measure

An Act to Strengthen Enforcement of Lobster Trap Limits
(S.P. 452) (L.D. 1327)
(C. "A" S-113; H. "A" H-336)

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

Emergency Measure

Resolve, Establishing the Commission to Study the Educational Needs of Offenders in the State's Correctional System

(H.P. 616) (L.D. 856)
(C. "A" H-299)

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

Representative SHIAH of Bowdoinham **REQUESTED** a roll call on **FINAL PASSAGE**.

On further motion of the same Representative, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Requested)

Emergency Measure

Resolve, to Establish a Task Force to Study Limited Entry in the Shrimp Fishery

(H.P. 1079) (L.D. 1526)
(C. "A" H-307)

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. 106 voted in favor of the same and 25 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Mandate

Resolve, Naming the Beach Next to the Lincolnville Ferry Terminal French Beach

(H.P. 264) (L.D. 368)
(C. "A" H-293)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 6 against, and accordingly the Mandate was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Enhance Maine's Relationship with Aomori, Japan by Hosting a Cultural Exchange
(S.P. 69) (L.D. 172)
(C. "A" S-144)

An Act Regarding Exhibition of Licenses from the Department of Inland Fisheries and Wildlife
(H.P. 232) (L.D. 336)
(C. "A" H-283)

An Act to Require Written Explanation from the Department of Transportation When a Municipal Request to Change a Speed Limit is Denied
(H.P. 258) (L.D. 362)
(C. "A" H-236)

An Act Regarding Shooting Over or From a Public Paved Way
(H.P. 296) (L.D. 404)
(C. "A" H-287)

An Act Regarding the Waiver Process Under the Lobster Apprenticeship Program
(H.P. 300) (L.D. 408)
(C. "A" H-308)

An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2000
(H.P. 396) (L.D. 527)
(C. "A" H-237)

An Act to Change Certified Public Accountant Experience Requirements for Employees of the Department of Audit
(S.P. 247) (L.D. 669)
(C. "A" S-136)

An Act to Amend the Laws Establishing a State Poet Laureate
(S.P. 259) (L.D. 754)
(C. "A" S-132)

An Act to Establish a Part-time Liquor License
(H.P. 649) (L.D. 899)
(C. "A" H-286)

An Act to Allow the Bureau of Labor Standards to Assess Administrative Civil Money Penalties for Labor Law Violations
(H.P. 693) (L.D. 960)
(H. "A" H-327 to C. "A" H-261)

An Act to Allow the Town of Madrid to Deorganize
(S.P. 330) (L.D. 984)
(C. "A" S-133)

An Act to Increase Internal Plumbing Fees and Remedy Inconsistencies in Plumbing Laws
(H.P. 803) (L.D. 1126)
(C. "A" H-233)

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)

An Act to Amend the Laws Pertaining to Excise Tax Collection
(S.P. 411) (L.D. 1200)
(C. "A" S-134)

An Act to Encourage Municipal and State Partnerships Concerning the Issuance of Aquaculture Leases
(S.P. 441) (L.D. 1316)
(C. "A" S-145)

An Act to Allow Military Personnel Home on Leave to Purchase a Hunting or Fishing License for \$10

(S.P. 464) (L.D. 1403)
(S. "A" S-157)

An Act to Amend the Maine Emergency Medical Services Act of 1982

(H.P. 1051) (L.D. 1473)
(C. "A" H-301)

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

(S.P. 562) (L.D. 1629)
(C. "A" S-139)

An Act Concerning the Sea Urchin Fishery

(H.P. 1275) (L.D. 1836)
(C. "A" H-306)

An Act to Amend the Lead Poisoning Control Act

(S.P. 727) (L.D. 2047)
(C. "A" S-137)

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

Resolves

Resolve, to 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)
(C. "A" S-135)

Resolve, to Establish Reimbursement Funding for Transportation Costs to and From Dialysis Treatment Facilities

(S.P. 601) (L.D. 1724)
(C. "A" S-138)

Resolve, to Create a Committee to Establish a Memorial Dedicated to the Civilian Conservation Corps

(H.P. 1394) (L.D. 1999)
(C. "A" H-305)

Resolve, Establishing an Improved Capital Planning Process

(H.P. 1480) (L.D. 2120)
(C. "A" H-298)

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

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

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

Bill "An Act to Require that the State Planning Office Report to the Committee on State and Local Government"

(H.P. 619) (L.D. 859)
(C. "A" H-322)

Which was **TABLED** by Representative AHEARNE of Madawaska pending **PASSAGE TO BE ENGROSSED as Amended**.

On motion Representative AHEARNE of Madawaska, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-322)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-505)** to **Committee Amendment "A" (H-322)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-322) as Amended by **House Amendment "A" (H-505)** thereto was **ADOPTED**.

Representative CAMERON of Rumford **PRESENTED** **House Amendment "A" (H-496)**, which was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-322)** as Amended by **House Amendment "A" (H-505)** thereto and **House Amendment "A" (H-496)** and sent for concurrence.

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

SENATE PAPERS

The following Joint Resolution: (S.P. 810)

JOINT RESOLUTION DECLARING MAY 7, 1999 AS STAND UP FOR RURAL MAINE DAY

WHEREAS, there are over 50 nonprofit community-based development groups hard at work improving housing and economic conditions in the State's rural communities, while preserving the rural communities' natural and cultural heritage and the values and quality of life that define rural Maine; and

WHEREAS, Maine's nonprofit community-based developers are recognized as leaders in development in the State and their efforts and determination are appreciated by members of the Maine Legislature and the Maine residents they represent; and

WHEREAS, Maine is the 3rd most rural state in the Union with 55% of its population living outside urban areas; and

WHEREAS, 17% of rural Maine residents live in poverty compared to 13% in urban areas and per capita personal income in rural Maine in 1989 was 79% of that in urban areas; and

WHEREAS, 60% of unemployed Maine residents live in rural areas; and

WHEREAS, Maine's community-based development groups support the Stand Up for Rural America Campaign, a national initiative to strengthen rural community-based development organizations and secure additional federal, banking and philanthropic resources to help these development organizations; and

WHEREAS, to promote greater awareness of the needs of rural Maine residents, Maine's community-based development organizations, the Maine Rural Development Council and the Stand Up for Rural America Campaign are recognizing May 7, 1999 as Stand Up for Rural Maine Day; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the First Regular Session, declare May 7, 1999 as Stand Up for Rural Maine Day, a day for all Maine residents to celebrate the accomplishments of community-based development groups, recognize the need for more private and public support for the efforts of these groups and call on the Federal Government, banks and philanthropic organizations to invest more resources in helping these groups help Maine residents help themselves.

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

SENATE PAPERS

The following Joint Resolution: (S.P. 815)

JOINT RESOLUTION PROCLAIMING MAY 8, 1999 AS DOHERTY FAMILY LETTER CARRIERS' FOOD DRIVE DAY

WHEREAS, the National Association of Letter Carriers will conduct its annual food drive on Saturday, May 8, 1999; and

WHEREAS, this food drive in the Augusta-Hallowell area is the most recent effort in the work that the Augusta office of the National Association of Letter Carriers, Branch Number 92, has accomplished over the years to provide services to the community including helping to feed those in need; and

WHEREAS, the members of the Doherty Family, including Rusty, Sean, Ariana and Faith, have donated their time and effort to previous National Association of Letter Carriers food drives in the Augusta-Hallowell area and have made a major impact on the success of previous food drives; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the First Regular Session, take this occasion to proclaim May 8, 1999 as "Doherty Family Letter Carriers' Food Drive Day" in the Augusta-Hallowell area and urge all citizens of these communities to join the Doherty Family and National Association of Letter Carriers Branch Number 92 in working to aid those in need in our communities by participating in the annual food drive; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Angus S. King, the Doherty Family and the National Association of Letter Carriers Branch Number 92 in honor of the occasion.

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

CONSENT CALENDAR

First Day

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

(S.P. 319) (L.D. 953) Bill "An Act to Reclassify Certain Waters of the State" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-220)**

(S.P. 362) (L.D. 1066) Bill "An Act to Establish the Early Care and Revolving Loan Program" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-223)**

(S.P. 536) (L.D. 1598) Bill "An Act Regarding Hospital Cooperation" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-221)**

(S.P. 693) (L.D. 1939) Bill "An Act to Fund a Minimum Level of Services for Deaf and Hard-of-Hearing Persons in all Regions of the State" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-206)**

(S.P. 697) (L.D. 1972) Resolve, to Establish a Commission to Encourage Incorporations in Maine (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-215)**

(S.P. 699) (L.D. 1974) Resolve, to Transfer a Parcel of State Land to the Town of Carrabassett Valley Committee on

AGRICULTURE, CONSERVATION AND FORESTRY reporting **Ought to Pass as Amended by Committee Amendment "A" (S-210)**

(S.P. 717) (L.D. 2039) Bill "An Act to Improve Access to Residential Care in Rural Maine" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-222)**

(H.P. 900) (L.D. 1278) Bill "An Act to Base Sales Tax for Net Energy Billing Customers on Net Energy Deliveries" Committee on **TAXATION** reporting **Ought to Pass**

(H.P. 1077) (L.D. 1524) Bill "An Act to Include the Income of a Lessee for the Purpose of Determining Eligibility in Farm and Open Space Tax Laws" Committee on **TAXATION** reporting **Ought to Pass**

(H.P. 144) (L.D. 206) Bill "An Act to Create the Maine Tax filer's Prescription Medication Plan" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-493)**

(H.P. 433) (L.D. 575) Bill "An Act to Provide for Increased Penalties, Enforcement and Education Regarding Dangerous Dogs" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-488)**

(H.P. 1093) (L.D. 1540) Bill "An Act to Create a Historic Preservation Tax Credit" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-492)**

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

SENATE PAPERS

Bill "An Act to Retain Jobs at Paper Production Facilities in the State" (EMERGENCY)

(S.P. 816) (L.D. 2222)

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

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

The following Joint Order: (S.P. 821)

ORDERED, the House concurring, that the Joint Standing Committee on Criminal Justice report out, to the Senate, a bill authorizing the Commissioner of Corrections and the Commissioner of Administrative and Financial Services to enter into a lease for up to 2 acres of land for an emergency youth shelter in South Portland.

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

ORDERS

On motion of Representative BRENNAN of Portland, the following Joint Order: (H.P. 1576)

ORDERED, the Senate concurring, that the Joint Standing Committee on Education and Cultural Affairs report out a bill, to the House, regarding the school funding formula.

READ and **PASSED**.
Sent for concurrence.

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

The following items were 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 (9) Ought Not to Pass - Minority (4) Ought to Pass as Amended by Committee Amendment "A" (H-203) - Committee on TAXATION on Bill "An Act to Protect Municipalities from Property Tax Loss when Land is Acquired by the State"

(H.P. 205) (L.D. 283)

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

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

Representative KASPRZAK of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **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 Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Men and Women of the House. I wish to speak in opposition to the pending motion. This bill requires the state to reimburse municipalities in unorganized territories for property tax revenue lost as a result of the state acquiring land after October 1, 1999. I doubt if there is anyone here that represents a municipality that does not have some form of tax-exempt property. Today, more than ever before, large and small land areas are being bought by tax-exempt entities. One of the largest non-profit entities is the State of Maine. In 1987, Maine voters approved a \$35 million bond for purchasing lands for recreation and conservation. In the last 10 years, 63,355 acres have been acquired in 16 counties. In addition, there have been easements recently purchased around West Lake in Hancock County southeast of Lincoln. This involves several hundred acres with valuation worth many thousands of dollars.

Some examples of acquisitions and the value of the property lost of local tax rolls are the following. In Grand Lake Stream, 163 acres, plus 108 acres in conservation easements with an appraised value of \$270,000. Androscoggin River, the Twitchell lot acquisition. It is 55 acres with an appraised value of \$30,000. Duck Trap River, 123 acres with an appraised value of \$80,000. The Will Shore Farm with 168 acres and an appraised value of \$385,000. Rapid River, 446 acres with an appraised value of \$275,000. The Rangeley River conservation easement, 150 acres with an appraised value of \$250,000. In Lee, a small town east of Lincoln, lost \$426,700 in valuation when the state purchased a woodlot along the Medunkeunk Stream from a timber company. At Lee's mill rate the revenue from that valuation would have been enough to keep the town supplied with plow trucks forever. Another choice of revenue could be education with enough revenue from that woodlot to provide a computer for each and every student forever. Many

municipalities are already facing a severe loss of local tax base with tax-exempt property being added to their rolls.

It was recently reported on a local TV news program that Orono is leading the way with 80 percent of its property being tax-exempt. Orono was a little more fortunate than many municipalities because it has the University of Maine System, which adds to the economy there. In addition to being a member of the 119th Legislature, I am also chairman of the Lincoln Town Council where I have served for the past seven years. Serving in that capacity has made me more aware of the many problems facing the local municipalities. In carrying out their duties and providing a good education in basic services. In conclusion, since arriving in Augusta, one of the most often heard concerns is that of reducing the property tax. Each time tax-exempt property is taken off the rolls an increase is placed on the other property owners. If you are truly concerned about reducing property tax to Maine citizens, join me in defeating the Majority Report.

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

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. I thank the good Representative for bringing this issue to our committee and certainly it is a problem that has been growing in the State of Maine. It has not been ignored. There have been a number of groups looking at the problem of increased tax-exempt properties, be it from the state or from private corporations purchasing property within municipalities in an unorganized territory. In fact, there was a terrific report that I would encourage everyone to look at called reviving service centers and it addresses that, in part, which was presented to us last fall. In that report it wants us to take a further look at the issue. We are hoping to be able to do that through some other legislation that would be coming along out of State and Local Government and some of it being held over by the Taxation Committee.

What this bill does is it tries to address that problem, but it creates some other problems and certainly it would create a number of inconsistencies and an inequitable approach to this problem. As the good Representative mentioned, it does simply require from a certain date, which is October 1, 1999, any land purchased by the state that the taxes lost would be reimbursed by state government. It sounds straightforward enough and certainly you can understand the financial impact that would bring to any state project, whether it is purchasing land to be protected, or whether it is a courthouse building, or if it is a roadway that the state may want to build. There are also some inconsistencies and some inequities in the law. For example, while this particular bill does not apply to the university system because the university is actually a separate entity from the state, it does apply to the technical colleges. That would be any land purchases that the technical colleges would want to make to expand their services in certain areas and they would be taxable, they would have to add that to their cost of operation. While it would apply to most state highways, it does not apply to the Maine Turnpike Authority, since they are a separate entity also. While it covers state purchase properties, it does not address the increase in the private and nonprofit properties, such as hospitals, colleges and churches. That has also been a problem within the state. It really goes at a very small, but growing, area within the number of acres that are being purchased by the state.

I think the solutions to these problems that I have hinted at is that we continue to look at this problem and find equitable ways to deal with this issue. I know that the State and Local Government Committee will be continuing to look at this issue into the future and certainly the Taxation Committee will be continuing to look at this well into the future. In fact, we have a carryover bill that is specifically targeted at these issues. Also, as part of our responsibilities and taxation, every so many years we are obligated to look at exemptions and the whole section of the tax code relating to exemptions and that part of the tax code. This year we looked at the sales tax and the exemptions and what is taxable and what isn't taxable and the sales tax. Next year we will look at property taxes throughout the state and the code relating to property taxes. I would encourage members to follow my light and vote this bill out Ought Not to Pass. Thank you Mr. Speaker.

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. I think it is admirable that the Taxation Committee is going to take a look at property taxes next year. However, that is not going to take care of what is happening out here right now. If we consider the county of Piscataquis, 13 percent of the county is state owned. Much of that unorganized territory, think of the burden that this has placed upon the remaining taxpayers in the unorganized territory in Piscataquis County. The same thing is happening everywhere throughout the state. I realize that we need to take a look at the tax-exempt organizations that are buying up property, but the state is the largest offender. We have found ourselves stampeded into a tremendous posture where everybody seems to think that it is so important to buy up land and put it in public ownership. However, that is going to cost many, many people a very dear price in the years to come. I don't think that we can afford to wait another year to take a look at what is happening. I urge you to defeat the pending motion and pass this bill. At least we will be one step closer to protecting the private property owners and taxpayers. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative LaVerdiere.

Representative LAVERDIERE: Mr. Speaker, Ladies and Gentlemen of the House. I always hesitate to rise after my good friend and colleague from Crystal, Representative Joy, gets up. I have great respect for him. I do want to ask you to take a moment and think of some of the unintended consequences of the passage of this bill. In particular, one unintended consequence would have to do with school funding. If property is removed from the tax base, that provides that there is less property in that community and that community therefore is eligible for additional school GPA. Therefore, the community would be getting more GPA. If you also turn around and reimburse the full amount of the taxes, then that community is double dipping. They are getting the benefit of additional school funding and the full amount of the tax. I would urge you to think very long and hard before you pass this bill. I would ask that we not pass the bill and we accept the Majority 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 agree with the speaker last about the unintended consequences with this provision, but I would remind you all that

that condition already exists. As you know, we have TIF programs throughout the state that will allow a tax credit to encourage businesses to settle in certain cities and towns. When they do that, the same situation applies. The TIF grants those businesses a break on their taxes. As a result, there is an incremental increase in the school funding formula as a result of it. When we approved that TIF financing, we were all aware of the consequences of that. I would just submit to you that because there is an ongoing desire, basically from southern Maine, to purchase lands for public use by the state, it seems awfully unfair for the taxpayers in those northern, eastern and western Maine communities that suffer the consequences of those tax losses, particularly when you get up into those areas of the state you are dealing with very small communities and often times the land that is taken off the tax rolls is the most valuable property in those regions. I would urge you to follow the light of the good Representative from Crystal. Thank you.

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

Representative JOY: Mr. Speaker, Men and Women of the House. I think that perhaps one way to put an end to this and let the Taxation Committee hand this in the next year. That is to put a moratorium on any purchases of land. I would love to see that. Mr. Speaker, I request when the vote is taken, it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative SHERMAN: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to read the fiscal note on the amendment. I think it makes the point of the prior speakers in a certain perverse way. I think it highlights the enormity of the problem and what is taking place around removal of land. The fiscal note on the amendment says, that assuming the average tax rate of 17 mil every \$10 million of valuation exempted as a result of a purchase would require \$170,000 reimbursement for a year. Assuming \$10 million is purchased each year, the future cost due to the accumulative section of the reimbursement will grow as follows: \$170,000, \$340,000 and \$510,000 in fiscal year 2003 and 2004. That is really the loss to the municipalities that you are talking about. The amounts we purchased after October 1 cannot be accurately estimated at this time. The Land For Maine' Future Board and several departments, such as the Department of Conservation, Department of Inland Fisheries and Wildlife and the Department of Transportation regularly purchase land and interest in land. I think it is a growing problem. It is a problem for the folks who look at the fiscal note and say it is happening. The longer we wait on that, I think, the more people are going to be hurt. I would vote with Representative Carr.

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

Representative COLWELL: Mr. Speaker, Men and Women of the House. The Representative from Hodgdon makes an interesting point about the fiscal note and cites the 17 mil average for property tax throughout the State of Maine. Lest anyone be confused, this bill deals only with the unorganized territories, land in the unorganized territories. The average mill rate in the unorganized territories is 7 mil. I guess as a capital area lawmaker, one who is always interested in this issue, the City of Augusta has close to 35 percent of its property that is state owned and is exempt from property tax. The City of Gardiner has not that much, but close to 20 percent. Bangor has

a very significant amount. Lewiston has a very large amount, as does Portland. I don't want my colleagues to be confused to think they would be helping those tremendously burdened by property tax communities, because they would not. This bill only addresses the unorganized territories. The unorganized territories have the lowest property tax burden in the State of Maine. It is almost a third less than the average. I would guess that if we were going to focus on property tax relief, I would prefer to give it to the communities that I mentioned before who have mil rates of 24, 25 or even 28 in some cases. There is another very, very important issue that was mentioned earlier. Representative Carr brought it up. He mentioned the Rapid River as one of the properties that has been purchased. I think the Bigelow Range, well I don't have the list, but I do know that I have fished many of these areas. The fact of the matter is, when we make the decision to purchase public lands, we do so for the greater interest. For the interests of sportsmen, hikers and all the people of the State of Maine. I would suggest that if we did not protect areas like the Rapid River, I wouldn't be able to go there. The Sportsmen's Alliance of Maine wouldn't be able to go there. Trout Unlimited wouldn't be able to go there. People who want to enjoy the great outdoors in our long history of Maine probably wouldn't be able to go there and catch five and six pound brook trout because it is a beautiful area. It is one of those prime spots where out-of-staters would love to have their own little condominium. I am very sympathetic to property tax relief along these issues, but I don't think we need to target it, number one, to the area that needs it the least. Number two, at the expense of securing access to the great natural treasures of the State of Maine for our children and our children's children. Thank you Mr. Speaker.

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

Representative DAVIDSON: Mr. Speaker, Men and Women of the House. Not to belabor the point, but what I want to focus on just for a minute is not as much the fiscal tale of this bill, which is undetermined at this point and I don't think even the Office of Fiscal and Program Review could tell you the enormous growth potential there is in terms of the fiscal perspective of this. Also, the bureaucratic side of this. I think the fiscal note that you are talking about in terms of the reimbursement under Section 661 on this from 50 percent to 100 percent growth would be outweighed by the amount of bureaucratic strain this would put on the DOT, Department of Conservation and the Bureau of Administrative and Financial Services. They would need to hire legions of new bureaucrats to administer this issue. If you take, for example, just a couple of issues, as this amendment is written, basically the DOT, every single project undertaken by the DOT, whether it is widening one foot of a drainage pipe, to basically the purchase of Sears Island, would be covered by this reimbursement. If you take the situation that is brought to us about Edwards Dam, you had this negotiation that was brought together between the state and the municipalities, for example, the transfer of structure, the west bank of that structure was given title to the city. If this would have been in effect, the state would have to pay property taxes on that land as the city takes control of that land after five years. This is a major, major shift in the tax policy in the state. It is major. It is probably the most significant tax policy issue that we have here this session. If the Legislature decides to enact this bill and the Governor signed it, it would be a major shift. I think that the tail on this is not as much the cost, that is not my concern, it is the absolute

bureaucratic nightmare and state employees that would need to be hired just to deal with the reimbursement and the triggers that would be affected after this. I thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative TRACY: Mr. Speaker, Men and Women of the House. The good Representative from Gardiner, Representative Colwell, said this only dealt with unorganized territories. Does this bill only deal with unorganized territories? If it does, I must be reading the bill summary wrong because it says this bill requires the state to reimburse municipalities and the unorganized territory for property tax revenue lost as a result of the state acquiring land after October 1, 1999. Am I missing something here?

The SPEAKER: The Representative from Rome, Representative Tracy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Gagnon.

Representative GAGNON: Mr. Speaker, Men and Women of the House. I thank the good Representative for asking a question and to allow us to clarify that. We did have lengthy discussions about limiting it to unorganized territories. The Representative is correct. It is not limited to unorganized territories. It is statewide. It is for all municipalities. It does take effect only after 1999, that October deadline. Of course, the municipalities that are growing and will require additional infrastructure, those new municipalities, again, I would refer you to that report on service center communities. Those growing municipalities where values are increasing and people are doing very well in those municipalities and would benefit disproportionately from that while the older municipalities, such as Augusta, would not benefit. In other words, prospective. If we were to make this retrospective, you could imagine what the fiscal note would look like if we started reimbursing all the municipalities for all of the state land that has been purchased over the years. 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. I would just like to remind everybody as far as the unorganized towns are concerned, most of that territory right now is available to anybody to go hunting and fishing without any charge at all. You want to keep that in the back of your mind when you think about the state purchasing land for people to go up there and have fun. Much of it is already available. Thank you.

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

Representative COLWELL: Mr. Speaker, Men and Women of the House. I want to apologize for confusing that. We did have an amendment to this bill that did target only the unorganized territories. With 450 plus bills in Taxation, I momentarily lost control of that. It doesn't change the substance of the debate, but I do apologize for my mistake.

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

Representative TRAHAN: Mr. Speaker, Men and Women of the House. As I probably told many of the members in this House in the last couple of months, I am a woodcutter. I harvest

trees for a living. I have many landowners that I work for that only have me harvest enough wood to pay their property taxes. For some years, they only have me harvest \$1,000 worth of wood so they can pay their taxes. As we purchase more and more land, there is an unintended circumstance to purchasing that land. It puts an increased pressure on the rest of property owners to pick up the cost. As we debate this issue, if we don't pass this bill, we must find a way somehow to reimburse these property owners for the increased burden that they have to accept. If not, we are going to be harvesting more trees. We are going to be turning our property into subdivisions to help pay for our property. I want you to think closely about this issue, whether it be solved today or in the future. We have to find a way to solve it. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative PERKINS: Mr. Speaker, Men and Women of the House. On the one hand we hear that if this is passed, the towns would get more GPA. Several people have said that there would be a loss in tax revenue. I guess the question is, on the average, could anybody say whether there is a net loss or gain on the average to these areas? In most towns 80 or 85 percent of their property tax goes to the local schools. Can anybody answer that?

The SPEAKER: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Gagnon.

Representative GAGNON: Mr. Speaker, Men and Women of the House. I thank the Representative for that question. The point is they would win. They would win big because they would be receiving the tax revenues from the state coming out of sales taxes, income taxes and the taxes that every citizen in the state pays and going to that municipality to be paying the property tax on that property. At the same time, they would be increasing the evaluation, which according to the formula in education, that would help them in the GPA formula. In addition to what Representative LaVerdiere mentioned, the GPA formula would also help them with general revenue sharing. That is part of the equation also. It would be more than a double dip. It would be a triple dip. That is terrific for those municipalities. That is terrific. All that responsibility now rests with the other municipalities. Those municipalities that have had, traditionally, a great deal of state property in their areas, such as the City of Augusta. A great deal of property. It does not apply to them because this is perspective. It is a problem. I am not denying anyone that this is a problem. I am just trying to say that this is an inequitable way to deal with it. Thank you.

Representative McNEIL of Rockland REQUESTED that the Clerk READ the Committee Report.

The Clerk READ the Committee Report in its entirety.

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

Representative CARR: Mr. Speaker, Men and Women of the House. I would just like to kind of touch on a couple of things that have been mentioned. First of all for clarification, this does not apply to building and personal property. It is only the land. As far as the technical colleges are concerned, if they should purchase a piece of land, they would need to pay taxes on that,

but not personal property or the buildings. As far as the state purchasing tracts of land in unorganized territories or other places, if you are a private individual and you are planning on purchasing land, there are certain things that you have to plan ahead for. Number one, you have to maintain that property and the other thing is you have figure how much it is going to cost you to keep it and that includes taxes. My take on this is the state should be required to do the same thing. If they are going to purchase land, they should plan ahead to see how much it is going to cost them to maintain it, either through forestry or some other method if it is on the watershed. They also need to plan ahead to see what it is going to cost them for taxes like it would if you were a private landowner. These are some of the things that I think need to be discussed.

In our committee Agriculture, Conservation and Forestry, we had large landowners in with ownership of over 100,000 acres. We had many of the pulp companies in. People who owned over 100,000 acres. We had Bowater and Seven Islands. All those people came in and they were required to report to us on what type of audit plan they are going to use. Some of them have different types of audit. I asked who of the large landowners with ownership of over 100,000 acres have not complied with the audit program. They gave me a list and there was four or five and one of which was the State of Maine. The State of Maine should be required to do some of the same things that we require the private landowners to do. I believe, if not this year, somewhere in the future, we need to start looking ahead and being sure that when we purchase lands and make decisions such as this, at the same time we are not doing something that is impacting negatively upon municipalities. That is property tax relief.

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. I believe there is a misunderstanding here. We have heard some folks discuss the fact that the school funding formula will affect these unorganized territories. It is my understanding that the unorganized territories, none of them benefit from the school funding formula. The funds provided by the State of Maine for the schools of the unorganized territories. The state directly funds those unorganized territories for the operation of their school and the school funding formula has no effect whatsoever on those areas. There is, in fact, no double dipping or triple dipping or any other kind of dipping. The fact of the matter is the schools are paid directly by the state. Thank you.

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

Representative STANLEY: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to defeat this pending motion. The reason why is because property taxes affect everybody in this state the way it is going right now. Whether it is on the municipal level or the county level the way the taxes or done on the state level or on the county level on the municipal side. You have an X amount valuation and an X amount of money to be raised. Every time you raise money, you have to have a money evaluation to offset the cost of it. By offsetting the cost of it, you use the valuation and every time that valuation and property is taken off the evaluation, the higher the mil rate is going to be and the spending stays the same. Also, I would like to say that this issue here directly affects everybody whether you live in the southern part of a county or a northern part of a

county. When you do the county taxes, your municipality is going to get it. They are going to have to do it. The thing here is also one that has to have a lot of work done to it because there is a lot to this. We have to do something. We cannot sit around and wait because every time we wait it is costing people money. I said when I came down here I wanted to address property tax issues. I still feel that property taxes are a very important issue. When the person goes up and puts their money down on that counter to pay their taxes, they see the money. This is an issue we have to deal with directly. One way of doing that is to make sure the valuation is being taken off some of these payrolls to reimburse some of the municipalities. Also, when you are talking like this, you are talking about tree growth and the state comes in and does the tree growth tax. They don't pay a penalty under the land if they change the use. That is money that the people from the unorganized territories and the municipalities have been paying for years to make up the difference for what the tree growth account owes. I hope you will defeat the pending motion. Thank you.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. As others before me, I would ask you to defeat the pending motion. I think the best thing this bill will do is when the state goes to start looking for land, it will start budgeting what it can afford. It will very carefully pick the parcel that it wants to buy. It will take care of the parcels that it does buy.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Colwell. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I appreciate your indulgence to allow me to speak one more time. The Representative from Yarmouth is correct about school funding in the unorganized territories, but I think I was just informed, as the rest of you were in my mistake, that this bill does not just deal with the unorganized territories. The double dip or triple dip phenomenon that the good Representative from Wilton pointed out is a very real feature to this bill. I would just like to address one more point. The Representative from Waldoboro, Representative Trahan, I think he was lamenting the loss of land that would be available to be harvested for timber. The reality is that public lands are harvested for timber. As a matter of fact, I have a good friend up in St. John Valley who makes his living just harvesting timber on public lands. He does it in perhaps a little more careful manner than some of our logging operators because he does that the way the Bureau of Public Lands wants him to do it. They harvest timber on public lands. They use the profits and the money from those sales to pay for the administration and for the maintenance and management of the public lands. I would just like to clarify that. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. The previous speaker misunderstood me so I am here to clarify. When you purchase a piece of property and you take it off the tax rolls, you lose that tax payment every year. The rest of the landowners around them have to pick up the difference. The way that they pick up the difference is they cut more trees. They have to take more stumpage because their

taxes are higher. That means that more trees are taken out of the forest unnecessarily. I wanted to clarify that point. I think it is very important. I have had landowners tell me on many different occasions that I am going to sell off house lots. I have to get some money so I can afford to keep my property in the future. That is the direct result of their taxes going up. If we continue to purchase land, people's taxes are going to go up. All I am telling you is, this is a result of purchasing land. If we don't address it now, it is just going to create more development and more trees out of the forest.

I would like to address harvesting trees on government lands. It costs money to maintain government land. I know from 15 years of experience in the lumber industry that there is not enough wood that could be harvested to maintain that property, and not pay state employees. Thank you.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Peavey.

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

The SPEAKER: The Representative may pose her question.

Representative **PEAVEY**: Mr. Speaker, Men and Women of the House. A question to anyone from the committee who can answer it. Someone mentioned that there is a bill being carried over to address this issue. I wondered if you could tell me what it is so I could look it up?

The SPEAKER: The Representative from Woolwich, Representative Peavey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Gagnon.

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. I am trying to find the LD number very quickly. It is a bill by Senator Daggett. There is a bill being carried over and as soon as I find it I will let you know. All property tax issues are going to be reviewed in the next session.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative **CAMERON**: Mr. Speaker, Men and Women of the House. As one who signed onto the bill for money for Land for Maine's Future and I endorsed the concept. If someone in the past had not had that kind of vision, we would not have Baxter, Yellowstone or all these other places. Having said that, it is unfair and misleading to stand here and tell people that access to lumbering will always be available on public lands. I ask you to look at what has happened in the last six years in the northwest. I understand we are looking at federal land versus state land. The reality is it is government and government is by the people in this country. The people in this country have pressured our government to take millions of acres of publicly owned land in the northwest out of production. Over 30,000 jobs have been lost in Idaho, Washington State, Oregon and northern California. I can't tell you how many sawmills and how many other wood processing mills have closed out there in the last six years. Don't think when you vote on this that this isn't a potential of happening here, because it is. The people who want to see this happen have been successful in the northwest and now they are looking at the northeast.

I will continue to support the Lands For Maine's Future Program. I think it is the right thing to do. I will also support the effort to make whole the small rural communities that are impacted by this. Those of us that don't live in a real rural community, I live in a relatively rural county, but property taxes in my community are not that bad because we have a good tax

base. Many of these rural communities have nothing but the residents. Every acre of land that we take away from these people means their property taxes are going to go up. We sit here in good faith and we pass laws for the public good to do with education and the environment and a number of other things. These things all impact the property taxes of these small communities. I have heard it said here today that when we make these decisions about buying public land, that we do it for the greater good. That is easy to say when you are not the one being impacted. It is for the greater good of society. I understand. That is what eminent domain is about and a number of other things that we do in this society. I don't think the greater good of society was ever intended to hurt the people that don't have a voice, the people who are most impacted by it. If we think this is important and I do think it is important, then I submit to you as citizens of the State of Maine that we need to step up to the plate and do the whole job and somehow help these people. I think you will be surprised to find out if we do and treat them fairly, then more of them will be on board to create these kinds of public lands. I hope that you will follow my light and defeat the pending motion. Thank you.

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

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. I would like to avoid a long protracted debate on the Land For Maine's Future issue. We will be dealing with that issue sometime in the future. This bill certainly goes far beyond that issue, but I would remind folks that when property is considered to be purchased under the Land For Maine's Future Statute, it requires the approval of local elected municipal officials when more than 1 percent of the municipal state valuation is considered for acquisition. It has been the policy of the board of this organization to seek permission in all situations. This comes down to the issue of this being brought to municipalities. I haven't been involved in these discussions obviously. The board goes to municipalities and talks to them about the land they are considering buying and takes their input into consideration. I am assuming that more than likely the purchase of public land is beneficial, not only to all the people of the state, but to the municipality as well. Thank you Mr. Speaker.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. As a southern Maine Representative that has high nonprofit tax-exempt property, I understand when the good Representative from Waterville talks about the costs and burdens that we share. I think we are seeing today and it is appropriate when a press conference was held focusing on rural areas of Maine. We are talking about regions of the state that don't have the offset of industry or retail and commercial property to make up the difference. My community bears that burden and other communities do throughout the state. At some point you say that this is the time and the place to do the right thing. I think the right thing today would be to defeat the pending motion and get on to the bill. Thank you.

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

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I have heard rural Maine many times in this debate. I am proud to say that I come from the Town of Rome. Yes, we are rural. I am a cast back into the stone age.

We don't have any industry in Rome. We have Blueberry Hill owned by the state. We have French's Mount Conservation Trust. We have the Mountain Trust. We have Pine Tree Camp for Crippled Children. They all pay no taxes. We have all this tax-exempt property in Rome. It is not that I have anything against the Pine Tree Camp for Crippled Children because it is the greatest thing that ever came down the pike. I do belong to some of the conservation trust stuff. As we continually take the tax base, this land off the tax rolls, our mil rate has to go up. Something has to be done. I don't know where this bill is going, but I will not be accepting the Majority Ought to Pass Report. There has to be something said very clearly to the state.

Getting back to the City of Augusta, Representative Colwell mentioned Augusta. I was born and brought up in Augusta. In probably one of the most eloquent and beautiful cities with a capitol. All around you you can look and cast back into the stone age again. There were beautiful homes. The state came in willy nilly and reduced the tax rate base. Serving in my first life down here, now that I am recycled, we worked to get some funding for the City of Augusta for fire protection, police protection and things like that because the tax base continually was taken away by the state. That was my two cents. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. I am on the Majority Report in this bill. I would urge you to follow that majority recommendation. My perspective on this is perhaps a little different than many of yours. I come from a town where over 60 years ago the main asset, our beach, became public property. Since then, it has been the economic generator for our community. I look at public ownership as a dynamic analysis. I think to simply say taking something off the tax rolls does forever result in an increased burden on the remaining taxpayers. It is certainly possible to invest in property to retain its nature and to have that be an investment that lifts the votes of all those in the community. I say that with great deference and respect for those who have taken the other view. We will need to do some measure so that in the long run those communities that may otherwise suffer a property loss are given some sort of protection, a carryover to get them through any impact that state ownership may have. My final point is one that I will share with you in the long-term nature of this bill. It overreacts, I believe, to the perceived problem. It creates a permanent subsidy for each community even though that state investment may be, in the long run, the best economic thing that has happened to that community. I would hope that we would avoid, both in this debate and in this bill, going on in perpetuity. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to comment on some things that I have heard. If I were the Representative from Old Orchard Beach, I would be willing to take my meter stick down there and measure the size of Old Orchard Beach and then go anywhere in the State of Maine in the woods and measure off the like amount and we would have equal amounts of land set aside. I find it strange when someone talks about cutting on state land in the St. John River Valley that it is wonderful. It sounds like every tree is pulled out and lay on a pillow and there are no marks in the forest. If you are talking about harvesting on private land, the implication is it is terrible and awful. I think DEP, LURC

and the forest rangers aren't allowing that type of stuff to happen on private land. Obviously today is the opening salvo over what is going to happen to the State of Maine and its land.

I would just like to point out that I went through the map of the State of Maine and looked at the Maine house as a place to come, sleep and camp. You can look and there are hundreds of thousands of acres already set aside. I think Maine is probably a million and a half or more acres, enough for probably every person on the face of the Earth to come and stand or even sit. We could all invite him here in that million and a half acres. I would also like to point out that in my mind the State of Maine owns every lake, every stream, every swamp and every wetland. I have land that I can't use. A little stream and you can't come close to those streams. You got the land, water and swamps. All that is left is the color in between, like a map that you get, color by numbers. It seems to me that you have a great deal of land already. I realize this is not the last word, but thank you.

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

Representative CLOUGH: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to comment that this is truly not a north south issue. Fully 95 percent of the people that I have polled in my district support this legislation. I would urge you to vote for this legislation and vote down the Ought Not to Pass. Thank you.

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

Representative VOLENIK: Mr. Speaker, Men and Women of the House. The real problem that we continue to fail to resolve is a forest industry that keeps stumpage, piece work rates and hourly wages artificially depressed and it pays less than its fair share of property taxes and corporate income taxes. Correct that or switch to a resource depletion tax that values wood products more realistically or switch from a municipal property tax system to a municipal income tax system, but don't reduce the people's ability to protect areas that are of value to the common public good.

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. 131

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bragdon, Brennan, Brooks, Bryant, Bull, Chizmar, Cianchette, Colwell, Cote, Cowger, Davidson, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagnon, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Matthews, McDonough, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Pieh, Povich, Powers, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Sullivan, Tessier, Thompson, Townsend, Tripp, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

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

ABSENT - Bouffard, Clark, Duncan, Frechette, Gagne, Glynn, Goodwin, Green, Lemont, Martin, Murphy E, Perry, Quint, Shields, Shorey, Stevens, True, Tuttle, Weston, Wheeler GJ.

Yes, 64; No, 67; Absent, 20; Excused, 0.

64 having voted in the affirmative and 67 voted in the negative, with 20 being absent, the Majority Ought Not to Pass Report was **NOT ACCEPTED**.

On motion of Representative MACK of Standish, the House **RECONSIDERED** its action whereby the Majority Ought Not to Pass Report was **NOT ACCEPTED**.

Representative JOY of Crystal **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.

Representative SAXL of Portland moved that the Bill be **TABLED** until later in today's session pending the motion to **ACCEPT** the Majority Ought Not to Pass Report.

Representative MURPHY of Kennebunk **REQUESTED** a roll call on the motion to **TABLE**.

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 to Table. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 132

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Brennan, Brooks, Bryant, Bull, Chizmar, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagnon, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Matthews, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Pieh, Povich, Powers, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Sullivan, Tessier, Thompson, Townsend, Tripp, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

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

ABSENT - Bouffard, Clark, Duncan, Frechette, Gagne, Glynn, Goodwin, Green, Lemont, Martin, Murphy E, Perry, Quint, Shields, Shorey, Stevens, True, Tuttle, Weston, Wheeler GJ.

Yes, 65; No, 66; Absent, 20; Excused, 0.

65 having voted in the affirmative and 66 voted in the negative, with 20 being absent, the motion to **TABLE** until later in today's session **FAILED**.

The SPEAKER: The roll call having been previously 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. 133

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Brennan, Bryant, Bull, Chizmar, Cianchette, Colwell, Cote, Cowger, Davidson, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagnon, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine,

Mailhot, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Pieh, Povich, Powers, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Sullivan, Tessier, Thompson, Townsend, Tripp, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

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

ABSENT - Bouffard, Brooks, Clark, Duncan, Frechette, Gagne, Glynn, Goodwin, Green, Lemont, Martin, Matthews, Murphy E, Perry, Quint, Shields, Shorey, Stevens, True, Tuttle, Weston, Wheeler GJ.

Yes, 61; No, 68; Absent, 22; Excused, 0.

61 having voted in the affirmative and 68 voted in the negative, with 22 being absent, the Majority Ought Not to Pass Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-203)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 10, 1999.

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

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

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

- In Senate, 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**.

TABLED - May 4, 1999 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - FURTHER CONSIDERATION.

On motion of Representative BAKER of Bangor, the House voted to **RECEDE**.

On further motion of the same Representative, the Minority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-250)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on Bills in the Second Reading.

Representative BAKER of Bangor **PRESENTED** **House Amendment "A" (H-445)**, which was **READ** by the Clerk and **ADOPTED**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-250)** and **House Amendment "A" (H-445)** in **NON-CONCURRENCE** and sent for concurrence.

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

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

(S.P. 612)

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

- In Senate, Senate **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**.

TABLED - May 4, 1999 (Till Later Today) by Representative KANE of Saco.

PENDING - FURTHER CONSIDERATION.

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

SENATE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (S-163)** - Committee on **JUDICIARY** on Bill "An Act to Confine Tribal Gaming to the Reservation of the Licensed Organization"

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

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

TABLED - May 4, 1999 (Till Later Today) by Representative MURPHY of Kennebunk.

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

Subsequently, the Majority Ought Not to Pass Report was **ACCEPTED** in concurrence.

On motion of Representative POVICH of Ellsworth, the House adjourned at 4:07 p.m., until 9:00 a.m., Monday, May 10, 1999 in honor and lasting tribute to Richard "Dick" Andrew Britt, of Ellsworth.