

# 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  
49th Legislative Day  
Wednesday, May 12, 1999

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

Prayer by Reverend Thomas Teichman, Trinity Lutheran Church, South Paris.

National Anthem by Loranger Middle School Jazz Band, Old Orchard Beach.

Pledge of Allegiance.

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

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the Loranger Middle School Jazz Band, of Old Orchard Beach, under the direction of George Shabo, winners of the 1999 Maine Junior High Division II State Jazz Band competition. We send our congratulations to the members of the jazz band on this accomplishment;

(HLS 384)

Presented by Representative LEMOINE of Old Orchard Beach.

Cosponsored by Senator PENDLETON of Cumberland.

On **OBJECTION** of Representative LEMOINE of Old Orchard Beach, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. It is my great honor to bring to your attention this morning the Maine 1999 Junior High Division II State Jazz Band champions, under the direction of George Shabo. The Loranger Middle School Jazz Band is now the state championship band for the State of Maine. They competed in a statewide competition on May 19, in which approximately 100 other bands were involved. Their dedication, commitment and energy brought them to the very top. As you may know from your history studies and music studies, jazz has been called America's classical music. It has been said it reflects the combination that is unique to America of collective energy and individual talent. We, in Old Orchard Beach, could not say more than that about the terrific band program we have that is here with you today. I am proud to have presented them to the body. Thank you all very much.

**PASSED** and sent for concurrence.

The Journal of yesterday was read and approved.

**SENATE PAPERS**

**Non-Concurrent Matter**

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

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

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250) AND HOUSE AMENDMENT "A" (H-445)** in the House on May 7, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250), HOUSE AMENDMENT "A" (H-445) AND SENATE AMENDMENT "A" (S-258)** in **NON-CONCURRENCE**.

On motion of Representative TUTTLE of Sanford, the House voted to **RECEDE AND CONCUR**.

**Non-Concurrent Matter**

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)

Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **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)** in the House on May 7, 1999.

Came from the Senate with the Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-323)** in **NON-CONCURRENCE**.

On motion of Representative AHEARNE of Madawaska, the House voted to **INSIST** and ask for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

**Non-Concurrent Matter**

Bill "An Act to Allow the Town of Cornville to Receive its 1997 Tree Growth Tax Reimbursement"

(H.P. 867) (L.D. 1224)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389)** on May 6, 1999.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389)** on May 7, 1999, in concurrence.

- **RECALLED** from the Engrossing Department pursuant to Joint Order (S.P. 822).

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389) AS AMENDED BY SENATE AMENDMENT "A" (S-256)** thereto in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

Bill "An Act to Revise the Fact-finding Process under the Public Employees Labor Relations Laws"

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

Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-352)** in the House on May 11, 1999.

Came from the Senate with the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **LABOR READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

On motion of Representative TREADWELL of Carmel, the House **RECONSIDERED** its action whereby it voted to **ADHERE**.

The same Representative moved that the House **RECEDE AND CONCUR**.

Representative HATCH of Skowhegan **REQUESTED** a division on the motion to **RECEDE AND CONCUR**.

The Chair ordered a division on the motion to **RECEDE AND CONCUR**.

Representative SAXL of Portland **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

On motion of the same Representative, **TABLED** pending the motion of Representative TREADWELL of Carmel to **RECEDE AND CONCUR** and later today assigned. (Roll Call Requested)

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**Non-Concurrent Matter**

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

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

Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395)** in the House on May 7, 1999.

Came from the Senate with the Minority (3) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

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**Non-Concurrent Matter**

Bill "An Act to Provide Binding Arbitration for Police Departments, Sheriff Departments and Professional Fire Departments"

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

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-351)** in the House on May 11, 1999.

Came from the Senate with the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **LABOR READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Representative TREADWELL of Carmel moved that the House **RECEDE AND CONCUR**.

On motion of Representative SAXL of Portland, **TABLED** pending the motion of Representative TREADWELL of Carmel to **RECEDE AND CONCUR** and later today assigned.

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**COMMUNICATIONS**

The Following Communication: (S.C. 244)

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

May 11, 1999  
The Honorable Joseph W. Mayo  
Clerk of the House  
State House Station 2  
Augusta, ME 04333  
Dear Clerk Mayo:

Please be advised the Senate today Adhered to its previous action whereby the Majority Ought Not to Pass Report from the Committee on Taxation on Bill "An Act to Amend the Laws Regarding the Taxation of Certain Automotive Parts," (H.P. 241) (L.D. 345), was accepted.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 243)

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

May 11, 1999  
The Honorable G. Steven Rowe  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Speaker Rowe:

In accordance with Joint Rule 506, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Agriculture, Conservation and Forestry, the nominations of Vaughn Holyoke of Brewer for appointment and Carol A. Eckert, M.D. of Windsor for reappointment to the Board of Pesticides Control.

Thank you for your attention to this matter.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

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

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**BANKING AND INSURANCE**

Bill "An Act to Permit Certain Referrals by Health Care Practitioners" (EMERGENCY)

(H.P. 1578) (L.D. 2225)

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

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**JUDICIARY**

Bill "An Act Relating to Remedies for Unlawful Housing Discrimination"

(H.P. 1579) (L.D. 2226)

Presented by Representative SAXL of Portland.  
Cosponsored by Senator: LONGLEY of Waldo.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the Portland High School Boys Basketball Team, who have won the 1999 Class A State Basketball Championship. We send our congratulations and best wishes to the members of the team on this occasion;

(HLS 385)

Presented by Representative QUINT of Portland. Cosponsored by Representative BRENNAN of Portland, Representative DUDLEY of Portland, Representative McDONOUGH of Portland, Representative NORBERT of Portland, Speaker ROWE of Portland, Representative SAXL of Portland, Representative TOWNSEND of Portland, Senator ABROMSON of Cumberland, Senator RAND of Cumberland.

On **OBJECTION** of Representative NORBERT of Portland, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

**REPORTS OF COMMITTEE**

**Ought to Pass Pursuant to Joint Order (S.P. 806)**

Report of the Committee on **NATURAL RESOURCES** on Bill "An Act to Encourage Continuous Improvement in Pollution Prevention in Maine"

(S.P. 820) (L.D. 2223)

Reporting **Ought to Pass** pursuant to Joint Order (S.P. 806).

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

Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE** and **TOMORROW ASSIGNED FOR SECOND READING**.

**Divided Report**

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-189)** on Bill "An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers"

(S.P. 288) (L.D. 806)

**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 Not to Pass** 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 AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-189)**.

**READ.**

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

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

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. This report was a bipartisan effort on behalf of the Labor Committee, a majority of the committee. To accommodate those workers who have been on the system the longest, to give them a cost of living adjustment. I would like to read from prepared testimony, which makes it very clear. This was given at the hearing. It is comments from the Maine AFL-CIO. "This legislation is a very modest attempt to recognize that the people who are out of work for six years or longer deserve to have an inflation adjustment in their compensation rate. Current law provides that when an individual is disabled for extended periods of time, the weekly benefit they received is fixed as of the date of injury and never increases. Former law provided annual increases initially on the first anniversary of the injury and then subsequently on the third anniversary of the injury. Those increases were not included in 1992 reforms. It is now six years later and people who are receiving workers' compensation benefits are receiving the same amount of money they were receiving six years ago. This bill says that on the sixth anniversary of an injury an injured worker is entitled to receive an adjustment to his workers' compensation benefits. Therefore, on the sixth anniversary the injured worker's weekly compensation check will bear the same relationship to the state average weekly wage as it did on the fifth anniversary. This does not make up for the five years of slippage that has already been experienced by this individual. It is sure that that disabled worker will not experience further slippage. Fortunately this applies to a very small percentage of workers. Those who have a long-term or permanent disability and are required to be out of the workforce for longer than six years. However, it is critically important that these individuals receive this adjustment in order to maintain some standard of living. It will have a very modest impact on the overall workers' compensation picture, but it is very important to people experiencing long-term disability as a result of work injuries."

This was amended in committee after a talk with the board that assured us that these cost of living adjustments would be coming around in the year 2000. All the bill does at this point is put the trigger in to assure that this will happen. I ask for your support. I believe it is a good bill. I believe that it is time that we did this. I don't want the next Labor Committee to find out from the Workers' Comp Board that we were wrong. It is going to be 2002 before these most seriously injured workers are going to receive a cost of living adjustment.

I have heard the story before. I think it is time that we put a trigger in for these injured workers. Mr. Speaker, when the vote is taken, I request the yeas and nays.

The same Representative **REQUESTED** a roll call on her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. Since 1992, we have had a workers' comp system that is working. It is providing good benefits to the injured workers. The premium rates have gone down on workers' comp since 1992 by about 40 percent. The caseloads are being reduced. We do have a good workers' comp system. We have to look at this bill in conjunction with all the other bills to tinker with the system that we are going to have before us this year. We can't take each bill individually because if we do that, it is not a significant impact. If we look at them in total, it makes a very significant impact on the system.

The cost of the bill that we are talking about right now is estimated by the National Council of Compensation Insurers is communicated to the committee by the deputy superintendent of insurance is \$9 million a year that will be taken out of the profits of the companies in the State of Maine when we are already trying to be more competitive to keep the jobs that we have been losing in this state over the past few years. We can't afford to continue loading expense on the employers of this state and expect them to stay here and provide jobs for our workers. I would urge you to vote against the pending motion and accept the Ought Not to Pass report of the minority of the committee. Thank you.

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

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. Just a couple of remarks in regard to the \$9 million that was in the original bill as it was printed. This would be prospective and would go from 2000 on. It would only cover those people who had been in the system more than 6 years. It would not go back to 1993. This would cover very few people in the system. Most workers are in and out of the system in a very few months, sometimes a year or two. I don't have the actual number, but I would say it is less than 10 percent. Thank you.

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

Representative **TREADWELL**: Mr. Speaker, Men and Women of the House. Quoting from the same letter, "The retrospective cost estimated by the National Compensation Insurers is \$46 to \$50 million. The ongoing cost would be \$9 million per year." That is prospectively.

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

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. During public hearings, the Maine Municipal Association came to our committee to offer testimony in opposition. In their Workers' Compensation Trust Fund, which represents 450 municipal and quasi-municipal entities in Maine. Since the reforms of 1992, they have seen reductions of quite a large amount. It has translated into almost \$8 million a year in taxes, which, of course, leave that money available for other important municipal needs. It has also allowed them to have a bit of a surplus, which provides stability to their rates. That word stability is very important to the whole workers' compensation reform universe. Stability, something before 1992, the State of Maine had the exact opposite, which drove rates, impacted

safety in the workplace and I think affected the trust between employer and employee.

Their unallocated surplus also became a source for funding for some very good things. Two programs that they mentioned that impacted the safety of their employees directly. One is called the Safety Education Scholarship Program. The other was the Safety Equipment Grant Program for members of their workers' compensation fund. Recent scholarships have provided drug and alcohol training for supervisors as well as funds for hazardous materials training. These are all very good things that are being done as a result of the stability that has been engendered by the 1992 reforms.

Bear in mind that Maine's comp benefits are still the sixth highest in the nation and yet our overall cost still ranks at 23<sup>rd</sup> in the nation. The reductions that have been enjoyed by Maine employers, as the Representative from Carmel, Representative Treadwell, related, was 40 percent. A drop in premium costs. Those have translated into increases in benefits like 401 K plans, safety programs in the workplace, health insurance benefits and so forth. In addition, it has helped businesses to grow and stay competitive in the marketplace, which provides stability for Maine working families.

Also, I would leave you with this last point because it is not a minor one. Just recently the board unanimously voted to increase the duration limit for workers' compensation benefits. That is 52 additional weeks from 260 weeks to 312 weeks. They have initiated their auditing enforcement program, which will provide valuable data to future legislatures. That didn't come out of nothing. Three hundred and twelve weeks, an additional 52 weeks. What I am trying to share with my fellow colleagues this morning is that the reforms have provided excellent provisions and benefits for Maine's working families. This particular bill, along with others, threaten the stability and threaten the balance of a system that is working incredibly well. It has a long way to go, but this is not the way to improve it. Thank you.

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

Representative **SAMSON**: Mr. Speaker, Men and Women of the House. The workers' comp insurance business in the state is very lucrative. That is why there are dozens and dozens of companies doing business in the state. Some of the information I have gotten is that some of the companies have made as much as a 57 percent profit on the insurance they sell to the businesses. This bill does one thing. This bill gives a modest increase to an individual that has been injured at work after that person had been injured for six years. If you were to break your arm today, you would never see this increase because you would be back to work tomorrow. You would probably go to work tomorrow with that broken arm and they would find something for you to do. This bill helps give an increase to those who have been out a long time. They have a permanent injury, lifetime injury. I think it is a very modest thing to do. This does not go back in time. This is from this day forward. I hope and I urge you to vote Ought to Pass on this bill to help injured workers in the State of Maine.

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. Yes, there are more insurance companies. They are having profits, but their profits are no way around 57 percent. The study that came up with that number is totally bogus. You know what, I wish their profits were higher.

When you have more profits from insurance companies, it means you have more insurance companies in the State of Maine. We are going from a system back before the reforms were about 90 percent of the employees in the State of Maine were in the average risk pool. The pool for the last ditch effort. If you can't get your own insurance, this is the pool you throw the bad risks into. Ninety percent of Maine employees used to be in that fund. Now we have over 40 insurance companies in the State of Maine providing insurance here because of the reforms. The insurance companies are doing an excellent job in Maine and even more are coming to get a piece of that profit. Since the reforms happened, the number of insurance companies in Maine has gone up. The cost of workers' comp insurance is down dramatically by about 40 percent. It is one of the Major reasons we have the strong job growth that we have today. At the same time, injured workers are on average getting more money apiece than the amount of injuries that are down. Preventative care is up. The system is working.

Like my right honorable from North Berwick, Representative MacDougall, said, these workers have gotten an increase recently. The people who are getting lifetime benefits, a huge new pool of people have gone from a limited time of benefits to getting lifelong benefits. This is putting a huge cost onto the system. There was a trigger put into the reforms that if the system was making a lot of extra money and things were going well and injuries were down, that would increase the benefits for the injured workers. That trigger happens. It is a difficult process to explain on percentage of your body have the ability to use from an injury. A large pool of people when they first got entered thought they would have limited benefits, now get lifetime benefits. Also, the people who are limited amount of benefits, just had another extra year added to their benefits. A whole extra year that they will get workers' comp benefits. That is a huge cost to the system. It may not be an immediate small increase, but a whole extra year of benefits is a much larger cost than that small amount they would get.

Also, like my right honorable friend from Carmel, Representative Treadwell, has said, this is a huge cost to the system. This would add about \$9 million a year, which is about 4 percent increase to workers' comp premiums all over the State of Maine. If we want to get more jobs in Maine, we want to keep these manufacturing jobs from leaving the state like they have been, we need to keep costs down. Increasing workers' comp costs by another 4 percent are not going to help bring more jobs to Maine. It is not going to help the shoe workers and the papermill workers be able to feed their families and earn a living. Remember, we also have the sixth highest benefits already in the State of Maine, sixth highest workers' comp benefits in the nation. We still do not have an inexpensive system. With the two increases in benefits that happened recently, with the large cost of benefits all ready in the State of Maine and the good work that has been done with the workers' comp system, I urge you to vote against the pending motion. Thank you.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. I will be brief. I was a member of the other body in 1987, the beginning of the workers' compensation reform issue. I did support that. I recognized, as many members of this institution back then, that the system was out of control. In all honesty, ladies and gentlemen, we find ourselves a decade later with a system that is saving money, but it is saving money

primarily at the expense of the working people of the state. I understand the need to keep costs reasonable for the business community of the state. I will always support that, but I think there are occasions where we have to revisit situations, particularly those people who are injured. Many of them for probably the rest of their lives and they are in a situation financially where they are human. They are trying to survive with their families. I would ask that you would support this. I think it is a step in the right direction. We will revisit these issues from time to time. I think in this case it is justified that we would support the Majority Ought to Pass Report.

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

Representative GOODWIN: Mr. Speaker, Men and Women of the House. I am on the Labor Committee on the Majority Ought to Pass Report. The maximum rate of pay on workers' compensation is \$441 a week. How it is adjusted is there are very, very few people in the State of Maine on workers' comp that receive \$441 a week. The weekly pay is two-thirds of your average weekly wage with a maximum of \$441. If you work in a papermill and earn \$60,000 a year, yes, you are going to get \$441, which is about half of what you would make as a mill right in the paper industry. Workers who are injured working in a low paying position, some are receiving \$130 or \$140 a week. Long-term folks who have been out injured deserve a cost of living increase. All workers, union or nonunion, negotiate with their employers for cost of living increases. They call them raises within their departments. We, in the Legislature, are the court of last resort for our workers' comp injured employees. I urge you to vote Ought to Pass on this. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative MCNEIL: Mr. Speaker, Men and Women of the House. I am still unclear as to exactly what the cost of living increase, what the fiscal note would be. Could somebody answer that?

The SPEAKER: The Representative from Rockland, Representative McNeil has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Mack.

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. To answer the right honorable Representative's question, there is not a fiscal note for the general fund. What it would do is that \$9 million of cost to the workers' comp system, which in essence is a tax on the employers and employees in the State of Maine. Another \$9 million is another 4 percent to cost of their workers' comp policies.

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

Representative MCNEIL: Mr. Speaker, Men and Women of the House. Maybe I don't know the question I need to ask here. If a person is making \$100 a week on workers' compensation and five years later he is still injured, you are asking for a cost of living increase on that \$100. Is it the cost of living increase on that \$100. Is that correct?

The SPEAKER: The Representative from Rockland, Representative McNeil has posed a question through the Chair

to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative **HATCH**: Mr. Speaker, Men and Women of the House. That is correct. They would be asking for a cost of living adjustment had they been in the system for six years.

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

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. The fiscal note calls for approximately \$22,000 annual increase as an adjustment. That is on the fiscal note on this bill.

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

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

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

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. We heard the \$441 a week value. I am curious. Is that money taxed? I know in a lot of insurance settlements the money is tax free. Is that taxed as income or not? Can anybody answer that question?

The **SPEAKER**: The Representative from Lewiston, Representative Mendros has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Pembroke, Representative Goodwin.

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. The \$441 that a person would get on workers' comp is not taxed.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. We have heard a lot of numbers thrown around here tonight and I am not sure where some of them came from. I have talked to members of the Labor Committee and I haven't seen in writing anything that indicates an increase in premiums. What I can give you in writing is the Representative from Standish has a concern with the 56.3 percent profit margin as defined by a very reputable national independent group who has done an audit on Maine's workers' comp. That is 56.3 cents on every dollar. That is, it goes to profit for Maine's workers' comp insurers. If he disputes that, then I have from the Maine Bureau of Insurance from last year indicating that 34 cents on every dollar is something called a direct service ratio. Either way you cut it, 34 cents or 56 cents, I don't care, each and every one of us who have been working with small businesses in the State of Maine would love those small businesses to make 34 cents on the dollar as a profit or to do their administration or to do whatever they want with. What we are talking about here today is just a few permanently injured workers in the State of Maine. People who have been without an adequate source of revenue to feed themselves, their families or to live with simple dignity. If somebody worked hard their whole life and they are tragically, permanently disabled and they are not able to work in this state, I think we owe it to them to keep them from being on welfare. I think we owe it to them to give them the dignity they need to live each and every day of their lives. I hope that we continue to make sure that workers' compensation costs don't go out of control.

I hope that when we look at workers' compensation that we remember that workers' compensation is a social compact. What is that social compact? That compact protects businesses from

lawsuits. It protects them and allows them to survive in the State of Maine. At the same time, it promises injured workers that they would be made whole. We, the people in this body, are very fortunate to be here today. I think that we owe it to the permanently injured workers of the State of Maine to make sure that they are whole. We have that obligation. I hope that you will follow the chair's light.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. I heard the previous speaker mention that there is a gross profit. I am not anyone who can teach an economics class, but I do run a business. I know the difference between a gross profit and a net profit. A gross profit is what you make before you take out your expenses, such as payroll, rent, electricity, supplies, mileage, unemployment insurance and workers' comp insurance on your own employees who work for you. They employ adjusters, secretaries and custodians. That is the difference between gross profit and net profit. If someone would like to find out for me what the difference between gross profit and net profit is in the insurance industry, that would be a figure you could rely on. When you talk about gross profit, that is not the real picture. If you want to throw around figures, please accurately report what they make on the dollar after they have actually paid all their bills. Thank you.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I can tell you one thing and I understand the difference between gross and net also. The insurance industry, what they are doing would be gross. The amount of money that they are stealing from the system is gross. We are asking for 3 percent increase in cost of living for injured workers. I think sometimes we have to boil things down, right down to the essence of what we are discussing here. We have injured workers before our committee on Labor. We went for a long day. It was an admirable job done by our chairs in committee. We listened to every person that was there at that hearing. We had one individual who came down from northern Maine and had lost an arm, both legs and this individual got \$400 a week and never is going to see an increase in that benefit, not a cost of living, 3 percent, not anything. Now we have had the good Representative from Standish, Representative Mack, tell us that whatever the figure is, 30 percent, 30 percent or whatever the insurance industry is making, and they dog gone deserve it. You know what, whatever that poor victim of the workplace, the injured worker, somebody has to stand up for him. Maybe they should also get a cost of living increase. Maybe they should get a couple of percent, 3 percent cost of living increase. They are going to be injured for their lives. Their whole lifestyle has changed.

As the good gentleman from Pembroke stated on the floor, their lives have changed and now they are looking for a cost of living to help them get through. This young gentleman that I remember that came to the Labor Committee had a wife, two children and suffered this type of drastic impairment in the workplace. Doesn't this individual deserve a little justice, a little fairness. I guess if today is not the day to do it when the insurance industry is making anywhere from 30 percent to 60 percent increase in profits, when we talk about 3 percent, maybe that could have been covered by the insurance industry if they hadn't sent down a high priced lobbyist. Maybe one of them



would have funded this at the amount of money they make. Where is the simple fairness. If not now, when? Thank you Mr. Speaker.

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. Two important things to remember. In looking at what the injured worker gets, if we were starting from a base where we were the lowest benefits in the country, our cost of living adjustment would not be a larger cost in comparison to other states. Right now, we have the sixth highest benefits in the country. We already give a lot to those injured workers. We have already, before this day, decided that they deserve a lot of money. That is why we are giving them the sixth highest benefits in the country. The numbers have been thrown around with the amount of money made on the gross amount for insurance companies. When you ask, are the insurance companies making those profits by raising prices and hurting employers and employees in the State of Maine? No, prices are down about 40 percent since the reforms. The fact that there are profits and we have a stable system. It means we have gone from a handful of companies to over 40 companies now providing workers' comp insurance in Maine.

As more companies come in, the cost will continue to go down. We have more companies coming in and the costs go down. You know what those savings on the policies mean. It means that the men and women working in the State of Maine will be able to have jobs and keep those jobs. It means that the children that we see as pages in this body and in school today, they will have a future when they get out of school. The businesses in Maine and those children's future are hampered because of our fourth highest taxes in the nation, because of all the red tape we put on businesses. We still have an expensive workers' comp system. We owe it for these children's future, for the future of all the workers in this state to have a good stable working environment and a good business climate for them. We don't want all these children to have to go on welfare because there are no jobs in this state. You and I need to ensure that the business climate stays healthy. These children have the future to work and do not want a handout. We can't roll back workers' comp, wreck the system and go to the high unemployment with the slow growth that we used to have. Not only is this good for the economy, our economy is in excellent position now because of the reforms. We have the highest job level in state history. The jobs are coming back to Maine. The costs on insurance are going down.

Also, keep in mind that when you talk about the insurance companies, the largest insurance company in the State of Maine is the Maine Employers Mutual Insurance Company. They are a nonprofit company. They have more than all the other companies. MEMIC is nonprofit and makes zero profit. You are going to be hurting the nonprofit insurance companies as well as the for profit ones and all the workers in the State of Maine. I urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative **BRYANT**: Mr. Speaker, Ladies and Gentlemen of the House. This is a modest, modest request to help some of our worst victims in the workplace. I can only listen for so long. This isn't about welfare. This isn't about all of the other great big things that are out there. This is about injured workers. Some of the worst situations that we have in the state,

they are in your districts. We listened about how much it is going to cost and we sat down in committee and we see lobbyist after lobbyist come in. How much are they paying them? What is the issue here? The issue is, we don't have any COLA or any way for a person to live after he has been injured in the workplace. All this bill is requesting that you give them a chance to continue life. I request that you support the pending motion. Thank you.

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

Representative **SAMSON**: Mr. Speaker, Men and Women of the House. My friend the good Representative from Standish has said what I have been hearing here for six years on the Labor Committee. The lower cost of workers' comp is helping the workers back at work with safety programs, etc. The wounded workers, tough, let them suffer. To me, that is tantamount to leaving the wounded on the battlefield, so you can go back to camp and share their ration of beans. I think that is a shame.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. For me, this is a very simple matter. If you are able to stay healthy, work, retire and collect social security, we give a cost of living increase to those people. If you are injured, permanently, people who have worked in the workforce and given something above and beyond what retired people give. They are denied a cost of living. Each morning we start the House with a prayer. We are asked to dole out justice. Where is the justice? People who work all their life and are able to go on and have a retirement, the golden years, receive a cost of living from the time they retired until they died because the cost of living goes up. If you are injured working permanently, you are not able to collect a cost of living. Where is the justice? We are here to dole out justice. I hope you think of that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell. 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 **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I apologize for rising a third time. I think there are two points that need to be made. The good Representative from Pembroke alluded to 17, but the fiscal note that I have is \$22,000 annual cost. I would like you to keep in mind that this is only for injured state employees. That is not the system as a whole. That is only for state employees. The next point I would like to make is we have heard a lot of numbers thrown around here about the profits of the insurance companies, 30 percent or 57 percent. The good Representative from Winslow mentioned 60 percent. I would like you to do a little bit of simple math. Last year the total compensation insurance premiums in the State of Maine were \$200 million. Fifty percent of the insurance on compensation in the State of Maine, 50 percent is written by the self-insured groups. They don't pay a premium. They pay an assessment based on the amount of money that is paid out for injuries. That leaves \$100 million remaining in that fund. MEMIC, which is a mutual insurance company, writes about 50 percent of the remaining, the commercial insurance that is written in the State of Maine. They are a mutual company. They are not a for profit company. If you subtract the 50 percent they write, that leaves you with \$50 million worth of premium. The same company that gave that

report that has been alluded to today, last year said that the insurance companies made a profit of \$43 million. You tell me how they are going to make a profit of \$43 million on \$50 million worth of premium. If you can do that, I would really like to hear it. Thank you.

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

Representative **STANLEY**: Mr. Speaker, Ladies and Gentlemen of the House. I am not going to sit here and say that the system does not work because it does work. The way that it works, it does not work for the better of the employee or the employer. It will benefit the insurers. I have spent a lot of time on this issue here. I have been to a lot of board meetings. I have seen a lot of things. What we have to do as a body here is we have to start gathering our information and get our information about what is going on with the workers' comp system in the state. Part of that information gathering should be what happens to an employee after he gets hurt. We should be tracking that employee to find out what kind of living standard that person is living on.

Also, what is going on here is we were talking about MEMIC. MEMIC had the opportunity to give some money back to their businesses that use them for their insurance. What they did is they went out of state to do their business when they could have given the money back to the employers on their classification rate adjustment. They often go the other way on that. Also, the things that have to be done to make this a better system. Like I said, it works. I am not saying it doesn't work. I am telling you what, it should be working a lot better than it is. Some of the things that should be working, it is one of those issues right here, the cost of living adjustment, for people that have gotten hurt and are going to live on a fixed income the rest of their lives. You sit back here and think of where you were 10 years as far as computers and everything else. See how times have changed. The same thing is going to happen to these people. Say you are living on \$400 now, probably five years from now that \$400 is not going to be very much money at all. I am not saying that we have to provide people forever with making big money, but if you get hurt on the job, they got hurt because they got hurt. It is not because they wanted to get hurt.

Also, if we had a system in place where we could be tracking some of this information to find out what was really going on here, I think we could do a better system for all. I think we could lower the premiums for the businesses. I think the benefits for a person hurt would become better. The way we are going right now, the only one that is benefiting here is the insurance companies. I feel that this issue should be the issue that should be talked about because it is affecting both the business and affecting the employee. The reason why we are allowing it to happen is we are not keeping track of what is going on there. I think it is about time we, the State of Maine, take a hard look at what is going on here and get some information and do the right thing. If we start doing right things, instead of putting 30 or 40 bills in here every session. I will tell you what, this is a situation that will work. It works in Wisconsin, Florida and we are modeled after these two states. I think it is about time that we, as a state, take a hard look at this issue and start doing the right things. Thank you.

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

Representative **MACDOUGALL**: Mr. Speaker, Men and Women of the House. In my early remarks I used the word

balance. Before these reforms, the whole system was out of whack. When you want to talk about profits, my company almost went belly up because we weren't making any profits. A major contributing factor to that was workers' comp premiums. We weren't the only business in that shape. When we talk about profits, we upset the balance that the reforms have caused and have made and generated this state, that is why I stand up emphatically opposed to tinkering with the system that is working well. It is helping our injured workers. It is making the workplace a safer place to work. We are not done. We are still working forward. I would ask you to bear in mind that the Workers' Compensation Board is also the epitome of balance. Four members are from labor and four members are from management. They analyze and collect data continually to try and improve themselves and improve the system. There are four and four. That creates the balance so that it is a win, win.

Extending the benefits from 260 weeks to 312 weeks is no small matter. That is a major victory for the system and for people who work in Maine. I just would ask that before you vote, that we are on an excellent course. A course that is good for Maine's families. Businesses win, labor wins, that is the sense of balance that I am trying to talk about. We must stay the course. The Workers' Compensation Board as they continue their fine work, will move towards perhaps increasing benefits to the very bill we are talking about. It is too early. I just want to remind the members here that the businesses that pay the premiums, they need to make profits too in order to pay our salaries, benefits and retirement benefits. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **DAIGLE**: Mr. Speaker, Men and Women of the House. I am confused by the language and by the title of this bill. It uses the term COLA, but as I look at the language in the bill it is tied to the average weekly wage, which is not the cost of living. I am confused as to why we are dealing with a bill that is seemingly mislabeled as to the mechanism by which it tends to adjust these workers' compensation benefits?

The SPEAKER: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Mack.

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. To respond to the right honorable Representative from Arundel's question, he is absolutely correct. The cost of living here is not an accurate measure to measure the cost of living for social security. Most other programs that you talk about a cost of living increase, you use what is called the CPI, inflation. The basket of goods that we all buy and what the cost to live our lives goes up. Inflation is not the measure used in this bill. The measure being used is the average weekly wage, which does not give an accurate representation of the cost of living, especially in times when the economy is in a downturn. The average weekly wage tends to go up because when the economy is in a downturn, the first jobs to be lost are the most marginal of jobs, low paying jobs, the jobs that we put on when the economy is good that we cannot afford in bad times. When you take the low paid jobs out of the system, the jobs that are left are the more highly paid jobs. The average wage goes up. If

you talked about what the average was for the same amount of people were, the wage would go down because many are out of work. The average does go up way past what inflation would go up. You only have the more highly paid jobs left in the system. To answer the good Representative's question, in short, this is not an accurate determinant to have. Inflation would be a much more accurate measure.

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

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

The SPEAKER: The Representative may pose his question.

Representative TUTTLE: Mr. Speaker, Men and Women of the House. Isn't it true that the State of New Hampshire has a higher maximum weekly benefit wage rate than Maine? Isn't it also true that New Hampshire and most New England states have an automatic cost of living adjustment in state law already?

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

Representative MATTHEWS: Mr. Speaker, Men and Women of the House. That is correct. Maine has one of the lowest weekly benefit levels in New England and in the Northeast. That is really what should be mentioned on the floor of this House. Again, this is simple justice and simple fairness. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pembroke, Representative Goodwin. 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 GOODWIN: Mr. Speaker, Men and Women of the House. I would like to thank the Speaker for the additional time. The average weekly wage for a workers' comp recipient is established at the time of the injury. If a worker was injured in 1994, working in a low wage job, the average weekly wage is established. That is the established wage forever. There is no increase. We, here in this body, can put out a COLA. The average weekly wage will remain the same, but we can add a percentage to it. Thank you Mr. Speaker.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House. It is interesting to note that some members of the House wish to do as New Hampshire does. Anytime anyone wants to put in a bill to repeal the sales tax, I would be glad to sign on. Having said that, injured workers who were permanently injured, if you are going to give them a COLA, write the bill to make it like a COLA, just as you have described with social security and has been explained before. However, there are other things that injured workers do as they progress through the system. That is to file for a maximum medical improvement petition to show that they have reached the improvement level that they will be at for the rest of their lives. Once they have reached that, they can file for a lump sum settlement. At which point, they will receive in a lump sum the average weekly wage times whatever is negotiated. That money, put into an appropriate interest bearing account is how workers end up taking care of themselves if they have been permanently injured.

The fact is, we have heard today that we have added a whole other years benefits, not we, the Workers' Comp Board has. That is recent. Before we pass anything, let's see how that reflects into our premiums for our insured and how it reflects into what happens in the job market. For people who get money back from their insurance companies, it is because they work very hard to make sure their employees do not get injured. It is not a bonus for nothing. If you get money back from your insurance company, it was because no one was injured. Everyone followed the rules. They kept an eye on each other. A safety manager might have been hired. Don't start picking the little pieces that you want. Again, we have looked at the whole system. The whole system has just increased. Give it a chance to see how it rebounds. There is a rebound affect to everything we do. I would guarantee you if you asked an injured worker today, if you would better have extra benefits or a 3 percent cost of living, their answer would be, I would rather have an extra years benefits. Thank you.

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

**ROLL CALL NO. 164**

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Brennan, Brooks, Bryant, Bull, Cameron, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Honey, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Martin, Matthews, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Muse, Norbert, O'Neal, O'Neil, Perry, Pieh, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Shorey, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Wheeler GJ, Williams, Mr. Speaker.

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

ABSENT - Dugay, O'Brien LL, Watson.

Yes, 83; No, 65; Absent, 3; Excused, 0.

83 having voted in the affirmative and 65 voted in the negative, with 3 being absent, the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-189)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 13, 1999.

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:**

Dean Wilber, of Palmyra, a member of Boy Scout Troop No. 63, who has attained the high rank and distinction of Eagle Scout. We extend our congratulations to Dean on this accomplishment;

(HLS 391)

Presented by Representative STEDMAN of Hartland.  
Cosponsored by Senator MITCHELL of Penobscot.

On **OBJECTION** of Representative STEDMAN of Hartland, was **REMOVED** from the Special Sentiment Calendar.

**READ** and **PASSED** and sent for concurrence.

Joshua Nichols, of Hartland, a member of Boy Scout Troop No. 63, who has attained the high rank and distinction of Eagle Scout. We extend our congratulations to Joshua on this accomplishment;

(HLS 392)

Presented by Representative STEDMAN of Hartland.  
Cosponsored by Senator MITCHELL of Penobscot.

On **OBJECTION** of Representative STEDMAN of Hartland, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. It gives me pleasure to rise and speak on something that we all can agree on. These two gentlemen that you have before you have attained the rank of Eagle Scout. The one on your right, Dean Wilber, is the most recent member of Troop 63 to reach the Eagle Scout status. Dean's special project was to plan and carry out the expansion of the towns cemetery, which is located near the center of town. He laid out the plan and got the volunteers to work, recruited the equipment and the materials needed to make that happen. Now the cemetery's expansion is near completion. I think it is a worthy project for a young man of his age.

Josh Nichols, the one on your left, was the youngest of the troopers to achieve the Eagle Scout status. His project was a community service project, working for the school department, helping to clean and rake the school grounds and other projects of that nature.

It gives me a great deal of pleasure to recognize these two gentlemen today who stand before you as the newest of Eagle Scouts in Troop 63. Thank you.

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. Congratulations gentlemen. I just want to say hello to Dean who is a former student of mine in the Palmyra School Library for years. I am very proud of you and Josh.

**PASSED** and sent for concurrence.

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

Expression of Legislative Sentiment recognizing the Portland High School Boys Basketball Team.

(HLS 385)

Which was **TABLED** by Representative NORBERT of Portland pending **PASSAGE**.

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

Representative **NORBERT**: Mr. Speaker, Men and Women of the House. It is a real pleasure for me to rise today on behalf of the entire Portland Delegation and recognize the State Class A State Champions in basketball this year, the Portland High School Boys Team. The Representative from Portland, Representative Quint, has graciously allowed me a proud alumnus of that school to rise and to congratulate them. I know I speak for the entire delegation when we say how proud we are of their really phenomenal season. It was a hard fought game with Lawrence when they won the championship. This was the fourth team in Portland High School to win the state championship. They did it with a 22 and 0 season, undefeated season. If you count the preseason games and the Christmas tournaments, they went 33 and 0. It is really remarkable. They are the first team in our school's history to go undefeated and to win a state championship. I must say that what makes me most proud is that for two years in a row they have won the Sportsmanship Award in this state. Thereby balancing skill with the sportsmanship and decency that is needed. Also, they have terrific academic averages. They are going to be losing six seniors so we are happy that many of them will be returning for another excellent season. Again, I just want to say to Coach Russo and the boys, we are very proud of you. It was a remarkable season. Some months had passed since the basketball season, but many of us are still talking about it in Portland. I know last time I rose, some of you were awfully happy to hear a litany of famous graduates of Portland High School. I won't subject you to that this time, but let me just say that you could add this team to that long list. Thank you.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-241)** on Bill "An Act to Amend the Workers' Compensation Laws"

(S.P. 364) (L.D. 1067)

Signed:

Senators:

DOUGLASS of Androscoggin

MILLS of Somerset

LaFOUNTAIN of York

Representatives:

HATCH of Skowhegan

MUSE of South Portland

FRECHETTE of Biddeford

MATTHEWS of Winslow

SAMSON of Jay

DAVIS of Falmouth

MacDOUGALL of North Berwick

MACK of Standish

TREADWELL of Carmel

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

Signed:

Representative:

GOODWIN of Pembroke

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-241)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-241)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 13, 1999.

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Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-187)** on Bill "An Act to Increase Health Insurance Benefits for Retired Educators"

(S.P. 607) (L.D. 1730)

Signed:

Senators:

DOUGLASS of Androscoggin

MILLS of Somerset

LaFOUNTAIN of York

Representatives:

MUSE of South Portland

GOODWIN of Pembroke

FRECHETTE of Biddeford

MATTHEWS of Winslow

SAMSON of Jay

HATCH of Skowhegan

DAVIS of Falmouth

TREADWELL of Carmel

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

Signed:

Representatives:

MacDOUGALL of North Berwick

MACK of Standish

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-187)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-187)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 13, 1999.

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Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-246)** on Bill "An Act to Provide Opportunity for an Increase in Wine-tasting Locations for Farm Wineries"

(S.P. 222) (L.D. 644)

Signed:

Senators:

DAGGETT of Kennebec

CAREY of Kennebec

FERGUSON of Oxford

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

O'BRIEN of Lewiston

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

Signed:

Representative:

GAGNE of Buckfield

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-246)**.

**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" (S-246)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 13, 1999.

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Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-509)** on Bill "An Act to Impose Stricter OUI Penalties on Operators of Watercraft, ATVs and Snowmobiles"

(H.P. 209) (L.D. 287)

Signed:

Senators:

KILKELLY of Lincoln

KIEFFER of Aroostook

RUHLIN of Penobscot

Representatives:

DUNLAP of Old Town

CHICK of Lebanon

HONEY of Boothbay

TRUE of Fryeburg

CLARK of Millinocket

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

Signed:

Representatives:

PERKINS of Penobscot

TRAHAN of Waldoboro

BRYANT of Dixfield

TRACY of Rome

**READ.**

Representative DUNLAP of Old Town moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief. It is not that I am against increasing fines in OUI, people that drive under the influence. As a matter a fact, they can double, triple, quadruple it or do anything they want. The problem I have with this bill is the private property issue, the individuals like to enjoy their land as they see fit. If I should have a large amount of acreage and I feel like I want to take a little trip around the acreage with my snowmobile, my ATV or whatever and I have had a few brews in me, which I don't drink by the way, but if I should happen to and

my neighbor didn't like me or something and he called the game warden or a law enforcement official, they would come on my property and could give me a sobriety test to see if I was under the influence. I have a great problem with that, even though I do understand in the 117<sup>th</sup> they did pass this. That is exactly why I am opposing this bill. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. Just to clarify a point in case anyone is confused by this, what this amended report does is it only increases the fine. It does not address any new issues about operating in a particular area under the influence. That is already current statute. The Representative from Rome, Representative Tracy, concern is current statute. The bill only addresses the fine. Thank you very much.

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

Representative **CAMERON**: Mr. Speaker, Men and Women of the House. This is my bill and Representative Dunlap has explained very well that this has nothing to do with private property rights. That is an issue where the folks that are opposed to this, they should put in a bill about that. This bill deals strictly with increased penalties for OUI on snowmobiles and ATVs and the like. I put the bill in because I am the president of our snowmobile club in town. I spend many hours, late at night, in the middle of the night and during the day out grooming the trails. I see people acting inappropriately, I think, on the snowmobile. I don't have any power to arrest people. I don't want that. Also, as we walk the trails in the summer and spring to do repairs and build bridges, we find beer cans everywhere. That, to me, is clear evidence of what is going on. Snowmobiling, in particular, is what I am concerned about. It has the same impact as on the other type of sport vehicles. Snowmobiling, in particular, ladies and gentlemen, is a family sport. There are in excess of 12,000 miles of trail around the State of Maine right now. There are over 80,000 snowmobiles registered in Maine. That is 80,000. While 12,000 miles of trail is admittedly a lot, 80,000 snowmobiles on those 12,000 miles, you don't have to be a rocket scientist to know there are a lot of snowmobiles out there.

Thank the good Lord in the last two or three years we have had a relatively small number of deaths due to OUI. I submit to you that we should never have another one, ever, particularly children. There are young children out on the trails riding snowmobiles. We need to protect those children. If it inconveniences somebody that they have to wait until they get home until they have their beer, I am not sorry for that. If this is what it takes to send a message to these folks, I hope you can support it. I emphasize again that this has nothing to do with private property rights. Representative Dunlap has already mentioned that the private property issues are in statute now. I don't mean to repeat, but I think this is so important that everybody understands that this is just about increasing the penalties to send the message that the people of the State of Maine will not accept this kind of behavior. Thank you very much for listening. I hope you can support the bill.

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

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. I am on the minority side of this. I think it has everything to do with private property. I have to disagree with my friend

from Rumford. I protested this law that we passed four or five years ago on that grounds. He is right, this bill here just increases the penalty. It is the original bill we have to go after. Perhaps we can later on.

My main opposition to this pending motion is by increasing the fines so that they are equivalent to a person driving out on the highway, implies that there is a risk to the public. My friends, there is not the same risks to the public. I am certain that these snowmobile trails that are well groomed and funded partly through state funds, I could see that perhaps that would be equivalent public safety concern. For the vast majority of the State of Maine, if you are just out there in your woodlot behind your house on your ATV or snowmobile, then you would be subject to the same fines you would be if you were out in the busy traffic. There is not, if not, the same concern for public safety. This does not make sense.

By the way, the way it is today, written in the law, your riding lawnmower could perhaps fall into this concern and into this category. I just submit that we are heading down the wrong road. We were heading down the wrong road five years ago when we passed the original law. Part of the argument was that the fines were minor, even though it is on your own land. Of course, now we come along to jack up the fines, eroding people's rights. I hope you will vote against this. Thank you.

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. Here we go again. We are missing the issue. It is all about safety. It is trying to bring to people's attention that by being intoxicated, they are presenting a very bad situation to those who are snowmobiling, whether it is on their property or not. Picture the little child of five or six years old that is in the house and several people gather. They are going to snowmobile on the property. The little child wishes to go and is injured. I don't believe there is any question here in this House that the addition of alcohol to a person's body causes them to have a lot of false courage and try with a snowmobile to do things that are not safe. That is what we are talking about here. It is safety. If you recall in this past season, there have been some children involved in being injured on snowmachines. Thank you.

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

A vote of the House was taken. 84 voted in favor of the same and 16 against, the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-509)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 13, 1999.

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

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Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act to Exempt Donnell Pond and Tunk Lake from Personal Watercraft Prohibition"

(H.P. 422) (L.D. 564)

Signed:  
Senators:

KILKELLY of Lincoln  
RUHLIN of Penobscot  
KIEFFER of Aroostook  
Representatives:  
DUNLAP of Old Town  
PERKINS of Penobscot  
CHICK of Lebanon  
HONEY of Boothbay  
TRUE of Fryeburg  
BRYANT of Dixfield  
COTE of Lewiston

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

Signed:  
Representatives:  
TRAHAN of Waldoboro  
CLARK of Millinocket  
TRACY of Rome

**READ.**

Representative DUNLAP of Old Town 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.

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Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act Concerning Ownership of a Rafting Company" (H.P. 879) (L.D. 1236)

Signed:  
Senators:  
KILKELLY of Lincoln  
RUHLIN of Penobscot  
KIEFFER of Aroostook  
Representatives:  
DUNLAP of Old Town  
TRAHAN of Waldoboro  
HONEY of Boothbay  
TRUE of Fryeburg  
CLARK of Millinocket  
BRYANT of Dixfield  
COTE of Lewiston  
PERKINS of Penobscot

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

Signed:  
Representatives:  
CHICK of Lebanon  
TRACY of Rome

**READ.**

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

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**CONSENT CALENDAR**  
**First Day**

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

(H.P. 527) (L.D. 734) Bill "An Act to Strengthen the Child Care Licensing Laws" Committee on **HEALTH AND HUMAN**

**SERVICES** reporting **Ought to Pass** as Amended by **Committee Amendment "A" (H-533)**

(H.P. 1092) (L.D. 1539) Bill "An Act to Require More Timely Court-ordered Psychological Evaluations" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass** as Amended by **Committee Amendment "A" (H-534)**

(H.P. 1129) (L.D. 1588) Bill "An Act to Increase the Penalties for Persons in Possession of Methamphetamine in Conformity with the Penalties for Similarly Dangerous Drugs" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass** as Amended by **Committee Amendment "A" (H-535)**

(H.P. 1412) (L.D. 2019) Bill "An Act to Remove the Statute of Limitations for Unlawful Sexual Contact and Sexual Abuse of Minors" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass** as Amended by **Committee Amendment "A" (H-536)**

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

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**CONSENT CALENDAR**  
**Second Day**

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

(S.P. 256) (L.D. 751) Bill "An Act to Amend the Moose Hunting Laws" (EMERGENCY)

(S.P. 708) (L.D. 2017) Bill "An Act to Allow the Taking of Endangered or Threatened Species Under the Authority of the Department of Inland Fisheries and Wildlife"

(S.P. 153) (L.D. 473) Bill "An Act to Clarify the Laws Pertaining to the Importation of Fish" (C. "A" S-249)

(S.P. 182) (L.D. 536) Bill "An Act to Improve Wild Game Transportation Laws" (C. "A" S-248)

(S.P. 187) (L.D. 580) Bill "An Act to Clarify the Voting Rights of Persons Residing in Certain Sanitary Districts" (EMERGENCY) (C. "A" S-260)

(S.P. 406) (L.D. 1195) Bill "An Act to Create Accountability in the Management of Trout and Salmon in Maine" (C. "A" S-252)

(S.P. 415) (L.D. 1204) Bill "An Act to Amend the Fishing Laws" (C. "A" S-253)

(S.P. 725) (L.D. 2045) Resolve, to Establish the Citizens' Advisory Committee to Secure the Future of Maine's Wildlife and Fish (C. "A" S-254)

(S.P. 768) (L.D. 2158) Bill "An Act to Authorize Matinicus Isle Plantation to Implement a Disposal Fee for Motorized Vehicles" (C. "A" S-259)

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

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(S.P. 240) (L.D. 662) Bill "An Act to Amend Maine's Boating Laws Pertaining to Noise Limits on Watercraft" (C. "A" S-250)

On motion of Representative DUNLAP of Old Town, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the committee Report and later today assigned.

(S.P. 241) (L.D. 663) Bill "An Act to Clarify the Powers of Game Wardens When Stopping Motor Vehicles" (C. "A" S-251)

On motion of Representative DUNLAP of Old Town, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the committee Report and later today assigned.

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(S.P. 574) (L.D. 1654) Bill "An Act to Improve the Efficiency of Environmental Regulation in the Unorganized and Deorganized Areas of the State" (C. "A" S-261)

On motion of Representative PIEH of Bremen, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the committee Report and later today assigned.

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### BILLS IN THE SECOND READING

#### Senate As Amended

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)  
(C. "A" S-181)

#### House As Amended

Bill "An Act to Clarify Free-lance Labor in an Employer/Employee Relationship"

(H.P. 875) (L.D. 1232)  
(C. "A" H-502)

Bill "An Act to Prohibit Law Suits by Municipalities Against Firearm or Ammunition Manufacturers" (EMERGENCY)

(H.P. 1537) (L.D. 2192)  
(C. "A" H-442)

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.

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Bill "An Act to Reauthorize and Amend the Diesel-powered Motor Vehicle Emission Opacity Testing Program" (EMERGENCY)

(S.P. 381) (L.D. 1082)  
(C. "A" S-184)

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

On motion of Representative CAMERON of Rumford, was **SET ASIDE**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-184)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-546)** to **Committee Amendment "A" (S-184)** which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (S-184)** as Amended by **House Amendment "A" (H-546)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-184)** as Amended by **House Amendment "A" (H-546)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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Bill "An Act to Amend the Victims' Compensation Fund Law"

(H.P. 1229) (L.D. 1758)  
(H. "A" H-465 to C. "A" H-421)

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

On motion of Representative KASPRZAK of Newport, was **SET ASIDE**.

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

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

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. Yesterday in the flurry of action on this bill and the amendment that was added that wasn't explained, I had a question concerning what exactly it does to this bill. To me, the interpretation is that a person can collect from the Victims' Compensation Fund, a psychological injury that doesn't involve any physical injury. I would like to have someone clarify that for me if I am misunderstanding it. Thank you.

The **SPEAKER**: The Representative from Newport, Representative Kasprzak has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative **MCALEVEY**: Mr. Speaker, Men and Women of the House. I will try to answer your question if it is possible. It is not a psychological injury per say. We heard testimony that young children who are victims of sex abuse, the perpetrator is charged and convicted. There is some restitution, but it is hard to get restitution when a person is in prison. We expanded the law to cover the counseling that the child victim receives as a result of being sexually assaulted. That is legitimate counseling. That is an injury even though we can't see the black and blue marks or the broken bones. Believe me, there are some serious psychological problems, especially if you have been a victim of repeated sexual abuse as a child. This is what the amendment will do.

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

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

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. I don't mean to belabor this at all, but I do have a serious question about the amendment. The amendment summary says that it changes the language regarding circumstances under which a victim is eligible for compensation based on psychological injury from the Victims' Compensation Fund. It doesn't seem to jive with what I just heard.

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



recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. This amendment comes to us as a technical nature to help the bill. It was brought to our attention by a victim's advocate and is consistent with the intent of the committee, a unanimous Ought to Pass report. Thank you.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-421) as Amended by House Amendment "A" (H-465)** thereto and sent for concurrence.

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**ENACTORS**

**Emergency Measure**

An Act Concerning the Review of State Solid Waste Management Policies

(S.P. 391) (L.D. 1170)  
(C. "A" S-185)

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

On motion of Representative SHIAH of Bowdoinham, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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**Emergency Measure**

An Act to Clarify the Regulation of Viatical Settlement Contracts When Sold as Investments

(H.P. 1182) (L.D. 1693)  
(C. "A" H-402; H. "A" H-474)

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. 132 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, Establishing a Task Force to Study the Need for an Agricultural Vitality Zone Program

(S.P. 393) (L.D. 1172)  
(C. "A" S-196)

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

On motion of Representative PIEH of Bremen, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED** House Amendment "A" (H-543) which was **READ** by the Clerk.

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

Representative **PIEH**: Mr. Speaker, Ladies and Gentlemen of the House. This is a very complicated technical amendment. It changes the date from July 31 to July 30, 1999. The reason being is because July 31 is a Saturday.

**House Amendment "A" (H-543)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-196)** and House

**Amendment "A" (H-543)** in **NON-CONCURRENCE** and sent for concurrence.

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**Emergency Measure**

Resolve, to Create the Task Force to Explore Alternative Payment Mechanisms for Dental Health Care

(H.P. 918) (L.D. 1296)  
(H. "B" H-264 to C. "A" H-146)

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

On motion of Representative KANE of Saco, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-146) as Amended by House Amendment "B" (H-264)** thereto was **ADOPTED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **House Amendment "B" (H-264) to Committee Amendment "A" (H-146)** was **ADOPTED**.

On further motion of the same Representative, **House Amendment "B" (H-264) to Committee Amendment "A" (H-146)** was **INDEFINITELY POSTPONED**.

The same Representative presented **House Amendment "C" (H-541) to Committee Amendment "A" (H-146)** which was **READ** by the Clerk.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. The amendment incorporates all changes made by House Amendment "B" to Committee Amendment "A" and changes the convening date to the same date as the emergency preamble.

**House Amendment "C" (H-541) to Committee Amendment "A" (H-146)** was **ADOPTED**.

**Committee Amendment "A" (H-146) as Amended by House Amendment "C" (H-541)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-146) as Amended by House Amendment "C" (H-541)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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**Emergency Measure**

Resolve, to Establish a Task Force to Study the Improvement of Public Water Supply Protection

(H.P. 1103) (L.D. 1550)  
(C. "A" H-425)

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

On motion of Representative MARTIN of Eagle Lake, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED** House Amendment "A" (H-540) which was **READ** by the Clerk.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. This basically changes a date. I guess we are in a changing mode this morning. It changes the date from January 15 to January 14 for reporting time.

House Amendment "A" (H-540) was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-425) and House Amendment "A" (H-540) in **NON-CONCURRENCE** and sent for concurrence.

**Emergency Measure**

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

(S.P. 539) (L.D. 1601)

(C. "A" S-186)

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

On motion of Representative MARTIN of Eagle Lake, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED** House Amendment "A" (H-539) which was **READ** by the Clerk.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. This is the same issue. Thank you.

House Amendment "A" (H-539) was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (S-186) and House Amendment "A" (H-539) in **NON-CONCURRENCE** and sent for concurrence.

**Mandate**

An Act to Amend the Androscoggin County Budget Process (H.P. 758) (L.D. 1048)

(C. "A" H-321)

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

Representative GERRY of Auburn **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative **GERRY**: Mr. Speaker, Ladies and Gentlemen of the House. This is a county matter. I am a member of the Androscoggin County Delegation. I want to go on record as opposing this bill. The reason is, I don't want to get out of the county budget process if it is just because us legislators want out of the process, the county commissions, the towns or the budget committee has asked us. That is what I want to go on record to show. Androscoggin County is one of the two last remaining counties. Chances are after this year, we are not. Thank you.

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

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.

**ROLL CALL NO. 165**

YEA - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bryant, Buck, Bull, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Lovett, MacDougall, Madore, Mailhot, Martin, Marvin, Matthews, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Neal, O'Neil, Peavey, Perry, Pieh, Pinkham, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin J, Townsend, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Andrews, Bumps, Clark, Gerry, Gillis, Glynn, Jones, Joy, Kasprzak, Mack, Perkins, Stanwood, Stedman, Tobin D, Tracy, Trahan.

ABSENT - Bruno, Gagnon, Lemont, Mayo, Murphy E, O'Brien LL.

Yes, 129; No, 16; Absent, 6; Excused, 0.

129 having voted in the affirmative and 16 voted in the negative, with 6 being absent, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Mandate**

An Act to Amend Juvenile Corrections Laws and to Establish a Juvenile Records Repository

(H.P. 1002) (L.D. 1400)

(C. "A" H-428; H. "A" H-475)

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. 136 voted in favor of the same and 2 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Resolve Pursuant to the Constitution  
Public Land**

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

(S.P. 699) (L.D. 1974)  
(C. "A" S-210)

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

On motion of Representative PIEH of Bremen, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-210)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-538)** to **Committee Amendment "A" (S-210)** which was **READ** by the Clerk.

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

**Representative PIEH**: Mr. Speaker, Ladies and Gentlemen of the House. This is another technical amendment. There is a fiscal note on this bill of \$430,000 dollars. It incorrectly stated \$433,000. Before you panic, that is revenue. The bad news is we are losing \$3,000 due to a typographical error. Thank you.

**House Amendment "A" (H-538)** to **Committee Amendment "A" (S-210)** was **ADOPTED**.

**Committee Amendment "A" (S-210)** as Amended by **House Amendment "A" (H-538)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-210)** as Amended by **House Amendment "A" (H-538)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

**UNFINISHED BUSINESS**

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

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

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

**TABLED** - May 11, 1999 (Till Later Today) by Representative **SAXL** of Portland.

**PENDING - FINAL PASSAGE**. (Roll Call Requested)

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 Final Passage. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 166**

**YEA** - Ahearne, Andrews, Bagley, Baker, Berry DP, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Campbell, Chick, Chizmar, Colwell, Cote, Cowger, Daigle, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gerry, Gooley, Green, Hatch, Jabar, Jacobs, Jones, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl MV, Sherman, Shiah, Shorey, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin J, Townsend, Tripp, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

**NAY** - Belanger, Bolduc, Bowles, Bragdon, Bruno, Buck, Bumps, Carr, Cianchette, Clough, Collins, Cross, Davis, Dugay, Foster, Gillis, Glynn, Goodwin, Heidrich, Honey, Jodrey, Joy, Kasprzak, Labrecque, Lovett, MacDougall, Mack, Marvin, McKenney, McNeil, Mendros, Perkins, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Shields, Snowe-Mello, Stedman, Tobin D, Tracy, Trahan, Treadwell, True, Tuttle, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

**ABSENT** - Cameron, Clark, Davidson, Gagnon, Lindahl, Madore, O'Brien LL, Saxl JW.

Yes, 91; No, 52; Absent, 8; Excused, 0.

91 having voted in the affirmative and 52 voted in the negative, with 8 being absent, the Resolve **FAILED** of **FINAL PASSAGE** and was sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

**Acts**

An Act to Facilitate Compliance with the Federal Communications Act of 1996

(S.P. 141) (L.D. 377)  
(C. "A" S-175)

An Act to Amend the Requirements of Full-time Students for State-funding Purposes

(H.P. 573) (L.D. 813)  
(C. "A" H-372)

An Act to Reclassify Certain Waters of the State

(S.P. 319) (L.D. 953)  
(C. "A" S-220)

An Act Relating to Uninsured Vehicle Coverage

(S.P. 421) (L.D. 1258)  
(C. "A" S-201)

An Act Regarding Hospital Cooperation

(S.P. 536) (L.D. 1598)  
(C. "A" S-221)

An Act to Renew Maine's Economy

(S.P. 569) (L.D. 1636)  
(C. "A" S-190)

An Act Concerning Standards for Operation and Maintenance of Radio Antenna Towers

(S.P. 633) (L.D. 1800)  
(C. "A" S-180)

An Act to Require the Display of the Prisoner of War - Missing in Action Flag

(H.P. 1287) (L.D. 1848)  
(C. "A" H-369; S. "A" S-231)

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

(S.P. 693) (L.D. 1939)  
(C. "A" S-206)

An Act to Clarify Underinsured Motor Vehicle Coverage

(S.P. 723) (L.D. 2043)  
(C. "A" S-204)

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 Conduct and Report on a Comprehensive Needs Assessment for Coordinated School Health Programs

(H.P. 1196) (L.D. 1706)  
(C. "A" H-365)

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

An Act to Amend the Local Highway Laws

(S.P. 418) (L.D. 1207)  
(C. "A" S-169)

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

On motion of Representative SAXL of Portland, was **SET ASIDE**.

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

An Act to Criminalize Internet Dissemination of Child Pornography

(H.P. 1116) (L.D. 1575)  
(C. "A" H-418)

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

On motion of Representative SAXL of Portland, was **SET ASIDE**.

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

An Act to Allow the Surviving Veteran Spouse of a Veteran to Continue to Receive the Property Tax Exemption

(H.P. 1128) (L.D. 1587)  
(C. "A" H-388)

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

On motion of Representative SAXL of Portland, was **SET ASIDE**.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Establish the Maine Dental Education Loan Program

(H.P. 1367) (L.D. 1965)  
(C. "A" H-406)

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

On motion of Representative SAXL of Portland, was **SET ASIDE**.

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

Resolve, Regarding Results-based Certification for Teachers

(S.P. 568) (L.D. 1635)  
(C. "A" S-170)

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

On motion of Representative BRENNAN of Portland, was **SET ASIDE**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-170)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-542)** to **Committee Amendment "A" (S-170)** which was **READ** by the Clerk.

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. This is a technical amendment that simply changes the reporting date to the Education and Cultural Affairs Committee from January 15 to January 14 of the year 2000.

**House Amendment "A" (H-542)** to **Committee Amendment "A" (S-170)** was **ADOPTED**.

**Committee Amendment "A" (S-170)** as Amended by **House Amendment "A" (H-542)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-170)** as Amended by **House Amendment "A" (H-542)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

**UNFINISHED BUSINESS**

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

**SENATE DIVIDED REPORT** - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (S-212)** - Minority (2) **Ought to Pass as Amended by Committee Amendment "B" (S-213)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Laws Governing

the Aroostook Water and Soil Management Board and to Provide Funding for a Low-flow Study"

(S.P. 430) (L.D. 1267)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-212)**.

TABLED - May 10, 1999 (Till Later Today) by Representative SHIAH of Bowdoinham.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. I urge you to vote against the pending motion and vote for a very similar report, which is the Ought to Pass as Amended Report by Committee Amendment "B." What is before you right now is the Ought to Pass Report as amended by Committee Amendment "A." I would briefly like to tell you why. The Aroostook Water and Soil Management Board is presently established in current law. Its responsibilities are to coordinate state and local efforts with respect to implementation of the United States Corps of Engineers Conservation and Research and Demonstration Program. The existing responsibilities of the board include research, demonstration projects and informational activities related to improved water and soil management practices. This legislation before you expands the role of the Aroostook Water and Soil Management Board to include coordinating all irrigation activities in Aroostook County. The board will now be dealing with much more complex issues involving irrigation of crops and competing uses for water, such as the needs for wildlife and recreation. I believe that these new tasks will require the coordinating group to deal with farmers' needs relative to water issues in addition to determining research priorities and disseminating information. The board will have vast new responsibilities, while being very appropriate that the board have those responsibilities, I believe that it requires that the board develop a broader membership base.

This Minority Report that I am on agrees with the new charge of the board, but simply adds four additional members to the existing 11-member board, which is now made up almost entirely of representatives from the agricultural community. While the whole committee agrees that it is important to maintain a strong majority of the board representing the interests of farmers, it is equally important to broaden the membership. This Minority Report proposes to add the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Environmental Protection. Both people that are already very much involved with the activities of the board, but it also adds a member representing a conservation organization with membership in Aroostook County and also a representative of a sportsmen's organization with membership in Aroostook County.

I believe that this broader membership of the board will prepare it well for its expanded mission. This mission includes, again, the Corps of Engineers Program, but also dealing with potentially significant water withdrawal issues in dealing with irrigation needs, but also balancing the need for wildlife and recreation uses in the same waterways. I ask you to vote against the pending motion so you can go on and accept the similar also Ought to Pass motion, but a broader base for the board. Thank you Mr. Speaker.

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

Representative **PIEH**: Mr. Speaker, Men and Women of the House. I appreciate the comments of the good Representative from Hallowell. I would just like to run through the membership of the board. The current membership is the chair of the Maine Potato Board, one person designated by the Maine Potato Board who shall be a farmer with irrigation experience, a representative of each of the three Aroostook County Soil and Water Conservation districts chosen by the boards that supervise the three districts, the director of the Maine Agriculture Experiment Station, the director of the University of Maine Cooperative Extension Service, the State Conservationist of the United States Department of Agriculture Soil Conservation Service, the director of the Natural Resources Information and Mapping Center, the director of the Northern Maine Regional Planning Commission and the commissioner of Agriculture, Food and Rural Resources.

It was the sense of the committee that that was absolutely adequate to handle the needs of board. I encourage you to support the Majority Ought to Pass Report. Mr. Speaker, I request a roll call.

Representative PIEH of Bremen **REQUESTED** a roll call on her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

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

The SPEAKER: The Representative may pose his question.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. Is there anybody from the Aroostook Delegation that might testify as to how the delegation feels upon either report?

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

Representative **SHERMAN**: Mr. Speaker, Men and Women of the House. I am a minority of one here. We talked through this at our morning breakfast meeting on Tuesday. This came up slightly when we went by it. I think setup as it is now is sufficient for most people. This is not going to be a huge irrigation project up there. The impact on the streams as they are, a lot of them tend to have low water flow as a natural consequence. I don't think we need to expand it more to be involved. Representative Kneeland is here and I would pass it on to him as a much larger farmer than I am.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Kneeland.

Representative **KNEELAND**: Mr. Speaker, Ladies and Gentlemen of the House. The way this program is set up at the present time is working very, very well. IF & W still and along with DEP still has control over what goes on. They have to be asked and they have to give their permission on everything that is accomplished. I would ask you to vote with the majority and go on to pass this bill the way it is. Thank you.

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

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

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

Representative **MCKENNEY**: Mr. Speaker, Men and Women of the House. What addition to the board does the amendment make?

The **SPEAKER**: The Representative from Cumberland, Representative McKenney has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative **COWGER**: Mr. Speaker, Men and Women of the House. To answer the question, the only difference between the Majority and Minority Report is the additional membership on the board. That is the only change.

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

**ROLL CALL NO. 167**

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

NAY - Cowger, McKee, Mitchell, Volenik, Watson.

ABSENT - Dugay, Green, Jabar, Marvin, O'Brien LL.

Yes, 141; No, 5; Absent, 5; Excused, 0.

141 having voted in the affirmative and 5 voted in the negative, with 5 being absent, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-212) was READ by the Clerk and ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, May 13, 1999.

**SENATE DIVIDED REPORT - Majority (10) Ought to Pass as Amended by Committee Amendment "A" (S-211) - Minority (1) Ought Not to Pass - Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act to Amend the Laws Relating to Development and Centralized Listing of Municipal Ordinances that Apply to Forestry Practices"**

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

- In Senate, Majority **OUGHT TO PASS AS AMENDED Report READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-211).**

TABLED - May 10, 1999 (Till Later Today) by Representative SHIAH of Bowdoinham.

**PENDING - ACCEPTANCE OF EITHER REPORT.**

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

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. I urge you to vote against the current motion on this diabolically, appropriately numbered, Senate Paper 666. Since passage of the Forest Practice Act in 1990, municipalities have had a difficult time passing municipal forest practices ordinances. Only six new ordinances out of 44 existing ones have been passed since 1990.

Municipalities are required, under current law, to send to the department a copy of any proposed ordinance 30 days in advance of a public hearing on that ordinance. That public hearing must be at least six weeks prior to the town meeting. In other words, the ordinance must be proposed a total of 10 weeks prior to the town meeting. The town must use a licensed professional forester to assist in developing the ordinance and meet with state forestry employees for guidance in writing the ordinance. Within 30 days of adoption, the town must send the ordinance to the state so that the state will have a centralized listing of ordinances. This bill proposes to add to this mandate burden on municipalities. The requirement that municipalities must publish a minimum of two notices in a newspaper. The first of these 14 days prior to the public hearing, the second at least seven days prior to the public hearing. In addition, the town must mail notice of the hearing to every landowner in the town at least 14 days before the hearing. Failure to receive this notice in the mail would allow any landowner a 90-day window to file suit against the town to negate the ordinance. These ordinances will be hard to pass and easy to strike down in the courts.

Also, municipal officers must prepare and file with the municipal clerk a written certificate indicating each landowner to whom notification of the proposed ordinance has been mailed. Also, all municipalities would be mandated to bring their existing and new ordinances into definition compliance with forest practice acts definitions. While mailing costs for municipalities will be reimbursed by the state, such costs as town attorney fees and municipal officials time involved will be considerable, will not be reimbursed. If you like municipal mandates and roadblocks to direct democracy at the town level, vote for this current motion. If you don't like municipal mandates, see red and vote red. Just so you can vote red, Mr. Speaker, I request a roll call.

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

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

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

Representative **FOSTER**: Mr. Speaker, Ladies and Gentlemen of the House. One of the problems that this bill is attempting to correct is that not everybody lives on the land that they own. Some people live in the next town. Some may live two or three towns away. Some people may go to Florida for the

winter. I know in my town a person went to Florida for the winter and came back to find his farm, including his woodland, altogether in a different zone, which had quite an impact on him. If he had been mailed a notice of a change of zoning, then he wouldn't be quite so surprised and he might have come back and at least had a chance to say something about it. This is very important to people who own woodland, particularly, in rural towns.

The other thing about this piece of legislation is it essentially is not going to cost the town an arm and a leg. It is only asking that the people carry the burden of the zoning ordinance, whether it is a plus or a minus economically or otherwise. It only seems reasonable to me that they be notified by mail of something that is going to take place and affect their land. Thank you.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. I think it is also important on this particular issue to say a few more words and that would be that notification of landowners is central to this bill. It respects home rule, while at the same time, helping landowners to participate in the process. Such broad participation with landowner notification, public meeting and the involvement of the Maine Forest Service would create better local laws. The expected burden on the towns has been greatly exaggerated. In any one town, forestry ordinances are adopted infrequently.

There are two important exemptions for landowner notification. One, ordinances that deal solely with the harvesting in the shoreland zone and ordinances that deal solely with municipalities definition into conformance with the state's definitions. These types of ordinances do not require notification.

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

**ROLL CALL NO. 168**

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

NAY - Baker, Berry RL, Dudley, Duplessie, Glynn, McKee, Rines, Shiah, Skoglund, Tobin D, Treadwell, Volenik.

ABSENT - Green, O'Brien LL.

Yes, 137; No, 12; Absent, 2; Excused, 0.

137 having voted in the affirmative and 12 voted in the negative, with 2 being absent, the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (S-211) 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 PIEH of Bremen PRESENTED House Amendment "A" (H-527), which was READ by the Clerk.

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

Representative PIEH: Mr. Speaker, Ladies and Gentlemen of the House. This amendment simply extends the implementation date by 12 months. This is so that any towns that need to change their ordinances just can do it in their regular town meeting. We thought we would extend it and it was at the request of the Maine Municipal Association.

House Amendment "A" (H-527) was ADOPTED.

Under further suspension of the rules the Bill was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-211) and House Amendment "A" (H-527) in NON-CONCURRENCE and sent for concurrence.

SENATE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (S-172) - Minority (4) Ought Not to Pass - Committee on LEGAL AND VETERANS AFFAIRS on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke Voting Rights of Convicted Felons While they are in Prison

(S.P. 545) (L.D. 1607)

- In Senate, Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-172).

TABLED - May 10, 1999 (Till Later Today) by Representative TUTTLE of Sanford.

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

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

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

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

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. I urge a vote against the pending motion so that we can get to and pass the Majority Ought to Pass Report. What this bill does is it would send out to the voters to amend the State Constitution to prohibit convicted felons from voting while they are in prison. I have gotten a few calls from my district on this. Most people that called me were surprised. They were under the impression that convicted felons, while they were in prison, were not allowed to vote. It is easy to understand why they had that impression. Maine is the only state in the union that does not prohibit some sort of felon from voting. There are only four other states that do not prohibit convicted felons from voting. They banned felons from voting if they had been convicted of election fraud or treason. Each state

treats it a little bit differently. Some states say that while you are in prison, you cannot vote. Others say that three years after you get out of prison, you can vote. In Mississippi, if you are a convicted felon, to get the right to vote back, not only do you have to be out of prison, but you need two-thirds vote from both houses of their Legislature. This bill doesn't go that far. It simply says that the people that obey the laws should be the ones to make the laws. It would send this out to the voters and the good people of the state to decide whether convicted felons should have the right to vote while they are in prison. I urge you to vote against the pending motion so that we may get to the Majority Ought to Pass Report. Thank you.

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

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. As you have heard already, this resolution proposes an amendment to the Constitution of Maine to revoke the voting rights of convicted felons while they are in prison. As I said before, the resolution proposes an amendment, which would require a two-thirds vote of both this body and the other. At the public hearing, as you have heard, the bill proponents feel that this bill is based on a premise that those who disregard our laws have violated a social contract and should not have the privilege of helping make those laws while paying for their crime in prison. It was also said at that public hearing that we don't allow, presently, the mentally ill to vote, but we do allow convicted felons to. This bill addresses that fundamental problem according to the proponents. As one legislator and as one citizen of this state, I disagree. I personally feel that it is a sign of improvement and health when an inmate takes an interest in community affairs. This bill is proposed as a solution to a problem, in my opinion, that really doesn't exist. One purpose of sentencing is to return the prisoner to the community as a better citizen. An important part of citizenship, as we all know, is contributing to the state and town you reside in. Allowing a person to be involved in the political process is a small opportunity that can be provided to prisoners at no cost to the state, which will ultimately benefit their reintegration into society.

I do understand some of the concerns to individuals who sponsored this legislation. I really feel that by passing it, we are sort of going too far. I haven't heard of any situations where it is mandated that this thing occur. I think that it is a bad piece of legislation that should be defeated. I would hope that you would support my motion to Indefinitely Postpone Mr. Speaker.

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

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

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

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **MCKENNEY**: Madam Speaker, Ladies and Gentlemen of the House. People who ignore our laws should not help to decide who makes these laws. Because of their anti-social behavior, prisoners have been locked away and they lose their rights of citizenship for the time that they are in jail. How many of you here actually thought that prisoners had the right to vote. I knew it came as a very great surprise to me. I urge you to defeat this motion.

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

Representative **BRENNAN**: Madam Speaker, Men and Women of the House. I find this proposal that is before us to be a troubling proposal. I would feel remiss if I let it go forward without saying something. I hope that people will support the pending motion. I think one of the most fundamental rights that we have as citizens is the right to vote. For us to very easily or very quickly target a group of people felons and say you don't have the right to vote, I think it is too easy. I think we should be more thoughtful than that. It is very easy in this state and this country to pick out different groups of people that we don't like and different groups of people that we can point to and say that what you have done is wrong. It is easy for all of us to do that. What we are doing here today is, we are looking at a group of people and we are calling them felons. We are saying that because you are a felon and we all agree that a felon is somebody who has done something against our community and against our state. Because what you have done is so heinous and so bad, we are going to take away your right to vote, which is one of the most precious rights that you have in a democratic society. I say that is too easy. We shouldn't do that. We should respect and we should look very closely at that right to vote. Regardless of how strongly we feel against what somebody has done, we shouldn't take away that right this easily. I hope you will support the pending motion. Thank you.

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

Representative **MCALLEVEY**: Madam Speaker, Men and Women of the House. A very, very small group of people in our prisons do vote. A couple of issues here, one, not only do they vote, but when they vote either in programs or work in industries, almost half of their incomes come off the top. It goes to pay child support, restitution, fines and income tax. Yes, they pay income tax. On a broader issue, I am not concerned whether they do get to vote or not. The issue I am concerned about is putting roadblocks up for any group of individuals regardless of their status, denying them to vote. Yes, they have lost their right to participate and be in society by being locked up. I think the right to vote is a very, very special precious right. The people of the State of Maine have the authority to revoke that by amending the Constitution. I think as good public policy, none of us as elected officials should be putting roadblocks up for anybody under any circumstances and deny them their right to vote. Not because of their class or their status, but because a good many people have gone before us. A good many people have laid down their lives to protect our right to vote. We don't have the moral right to take that right away from anyone.

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

Representative **WATERHOUSE**: Madam Speaker, Ladies and Gentlemen of the House. Felons give up a lot of freedoms. I consider the right to vote a very important basic freedom right, but I dare say it is a lot of people who don't exercise that right.



People who break the law and are felons, some of them spend their life in prison. Some felons get the ultimate penalty in some states and lose their lives. You have to ask yourself which freedom would you rather lose, if you had the choice. The right of the freedom of movement to decide when you got up, go to bed, where you went or the right to vote. What are only a few states in the country, I don't have the numbers in front of me, the committee members probably do. I think there are only three or four states that allow felons to vote. This is not a radical idea. It also allows the people to decide whether they want this type of policy. I think it is an issue that the people ought to be able to decide. People who commit crimes against their fellow citizens lose a lot of basic rights. The concept of you within your communities and mentioned the fact that convicted felons, while they were in prison, were voting. It would be interesting to see how many people would think that in the first place that they probably wouldn't even believe you and then they would probably be pretty well outraged that this took place.

I support this measure. In fact in the last term I was going to put it in myself. I hope that you defeat the pending motion. Thank you.

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

Representative **MUSE**: Madam Speaker, Men and Women of the House. I can't believe that we are even considering this, quite frankly. The word penitentiary was derived when the institution was formed as a building and a place where we would send people who broke the laws of our society, so that they could pay a penance to society. We send people to jail as punishment. We do not send people to jail to punish them while they are there. That is a very fine line. It is a very important fact for all of us to remember. This is a very bad bill, Madame Speaker. Thank you.

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

Representative **STEDMAN**: Madam Speaker, Ladies and Gentlemen of the House. I would just have one comment. There is one way for a person to guarantee that they don't lose their voting rights and that is to obey the law. Thank you.

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

Representative **MENDROS**: Madam Speaker, Ladies and Gentlemen of the House. It is a rare occasion indeed when I stand in opposition to my good friend from Standish and Bridgton. I ask you to think about this. We have a strong tradition in this country of doing what you believe in, like people going to jail for what they believe in. It used to be they would put you in jail to help slaves who escaped from the south. People did that because they thought it was right. We hear often the slippery slope. This is the slippery slope. You take away somebody's right to vote because they did something that we, as a society, judged as wrong. If we as a society judged that it is wrong, you can put them in jail for it. Fine. If you take away their right to vote and we as a society has made the wrong decision, we will never change. Why are we afraid to hear anybody's voice with that voice just being a vote? Certainly on the extreme there are murders and felons who are in jail for good reason. I don't think we would ever change our mind on. I ask you, do you believe in rehabilitation? Eventually they are going to get out. We hope they will be rehabilitated. If you are a Christian and you believe in forgiveness and you believe that people can change and can be better, either way, if you believe in people

like I do, don't disenfranchise them by taking away their right to vote and become part of society again. That is what our hope is. Thank you.

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

Representative **PIEH**: Madam Speaker, Men and Women of the House. I rise in support of Indefinite Postponement of this bill and its papers. I had an opportunity last summer to work at the Thomaston Prison. Everyone at the Thomaston Prison is not just a felon, they are heavy-duty felons. It is a maximum-security prison. You don't have to be in Thomaston, by the way, to be a felon. You can simply falsify a prescription because you are a drug addict and a felon. When I spoke with that group it was a chapter of the NAACP. It was amazing to me how little voice those folks felt they had. One reason people end up in prison is because they feel they have no voice and they are frustrated and angry. They don't know how to make a success of their lives. One of the things we are trying to do with people in prison is teaching them responsible citizenship. One of the things I was able to talk to them about was the process of how in Maine they could exercise their citizenship and actually vote. It was a powerful experience for me and it was powerful for them. I urge you to support the Indefinite Postponement of this bill. We have enough trouble getting people who are outside of prison to vote. Thank you.

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

Representative **MAYO**: Madam Speaker, Ladies and Gentlemen of the House. As a member of the Legal and Veterans Affairs Committee and a member of the nine on that particular committee that voted to move this bill forward, I would urge you not to support the motion of the good chair of the committee who is in the minority on this particular issue. I would remind you of something that was said earlier in the debate. Maine is only four states in this country that allow convicted felons to vote. There are 14 states in this country who take away a felon's right to vote permanently, not just while in prison. What is being proposed here today, ladies and gentlemen, is not something that places Maine way out ahead of the pack. By voting against this current motion to Indefinitely Postpone and voting for the bill, which is supported by a majority of the committee, we will be joining most, if not all, of the rest of the country. I urge you to vote red on this motion. Thank you.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. I don't know how many of you read in the last couple of months the projections of where we are going in this country with people being sent to prison. I thought it was rather interesting. Assuming that the projections of child birth and death rates remain about the same as they are now and the rate at which we are putting people in prison in this country, by the year 2060, half the people of the United States will be in jail. That is an accurate prediction. If you base them on the assumptions, which are the three assumptions I just laid out to you. If you stop and think about that for a moment, it is kind of scary. The other half is going to have to keep them there and pay for it. I think we had better start looking as to what we are doing as a nation before we start taking away rights and making more things illegal and throwing people in jail for various things that don't mean very much. We ought to be finding alternate ways of dealing with

people who have committed violations against society as we define it.

As I am looking at this legislation it says, Class A, B and C crimes will determine whether or not you lose your right to vote. I don't know if any of you have taken a look at what C crimes are these days. Many of them, frankly, could, in fact, potentially caused to be guilty of one of those at some point in time. Keeping in point that this deals with the time that they are in prison. Keep in mind also when I stop and look at how few people actually get absentees from the prisons in this state, I really wonder what the problem is. We went through this a number of years ago because there actually was a court case that involved the Town of Thomaston. It basically said that if the Legislature did not provide a method for them to vote by absentee, they could vote in the Town of Thomaston. What we did as a Legislature was pass the bill, which said that they had to vote from their hometowns and could not vote in the town in which they were incarcerated. That was not their home. We took care of that problem. Then we looked at the number of times people actually voted and requested absentees. You ought to be interested in perhaps looking from your town. You have all been in state prison from time to time or maybe the county jail and see how often there have been absentees. Ask your clerk and you will find very, very few instances.

This leads me to my final point. What we are doing now, in case you haven't looked at the amendment, will cost \$95,000. That is the cost of the referendum. Do you think it is worth it to deny two people or whether or not we ought to be considering that question? You can make up your own mind, but it seems to me that it isn't worth it and what we are doing now is really we are playing to the voters. Having said that, is it something we really want to do?

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

Representative **MCALLEVEY**: Madam Speaker, Ladies and Gentlemen of the House. To help alleviate the Representative from Eagle Lake's concerns, I just want to remind this chamber that we, as a body, have embraced what we call restorative justice. We are hopefully soon to embrace community oriented policing. Those are diversion programs, which are designed to keep people out of jail or prison for low-level crimes. Diverting them to community restitution or diverting them to wherever else to open up these jail beds and drive down our cost of corrections. Also, make sure the beds are available for the very, very violent serious offenders who does deserve to be locked up for a long time. Hopefully, we are going to break that trend and to along with our motto of, "I lead." Let's divert these people from prison. It is a sad state of affairs that we are the leading "democracy" in the world. Next to Russia, we incarcerate more people in this country than any other country in the world. It does say something about us being a country of laws. I would like to remind you that we have taken some steps to divert some low-level criminals to other productive programs where they can pay society back without costing us \$63,000 a year to keep them locked up in a little room.

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

Representative **MCKEE**: Madam Speaker, Men and Women of the House. I had not intended to stand today and I will be brief. I want to share this with you. As a teacher, I can say that one of the saddest and disheartening things that can happen to us as teachers is to read the names of some of our

former students who have been arrested and who ultimately end up in jail, some of them in Thomaston. As we look back on their days with us and try to remember what they were like, one of the things that seem to come back to me over and over is how alienated they were from society. No matter what I tried to do or society tried to do, it just didn't work. They had no civic identity, total absence of a civic identity. Maybe we don't refer to that very often, but each of us sitting here has developed one over a long period of time, thanks to encouragement of our parents, schools and education.

One of the most heartening and gratifying things that does occur as a teacher is to receive letters from these young men after they have been there or to receive them in my classroom when they come to visit as a part of the JC Crime Prevention Program, which they fund themselves. One of the changes that occurs when one has time to reflect is an examination of that previous life. My former students begin to read and read the papers, they read of what I am doing and you are doing. They write and they comment about that. They develop opinions. They argue. They ask how I feel about issues. Gradually, they developed what I can only term as a civic identity in its most embryonic stage. Some of them are going to get out. The murder probably won't. The rapist, it will be a long time. The rest of them are going to be out. I have a feeling that because they can vote and because they have developed an interest in government and in what is going on, I think that they will continue to vote and they may even become good citizens. Allowing them to vote is not just a right, but it is a responsibility. It is your responsibility and mine in a participatory democracy. We are extending to them the most basic of responsibilities. Thank you.

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

Representative **MAYO**: Madam Speaker, Ladies and Gentlemen of the House. I rise with a little fear and trembling because I would like and feel I need to correct the statement of the good Representative from Eagle Lake. In having watched this process over the last five years, it does give me a slight amount of heartburn, however, it should be noted that the cost of the referendum, if there are one to six referendum on the ballot, it will be a total cost of \$95,000, for six issues. Each additional issue is a cost of \$7,000. Thank you ladies and gentlemen.

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

Representative **MARTIN**: Madam Speaker, Men and Women of the House. I thought I would mention to you that he must have a better idea than I have as to what this body is going to do in terms of passing a number of referendum items. I wish him the best in terms of making that decision.

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

Representative **HEIDRICH**: Madam Speaker, Ladies and Gentlemen of the House. Life is full of choices. We have choices to go down the straight and narrow and we have choices to wonder off. Personally, when you are a felon, you have taken the rights of someone else away. I think you have to consider the victim's rights. I don't believe, in my heart and soul, that when we put someone in prison, they have a right to vote. They don't have a right to own a gun when they get out of prison. They have made that choice. We have to be responsible, as one of the former speakers said, for ourselves. I would ask you to please hit the red light. Thank you Madame Speaker.

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. I don't mean to belabor this issue. As Representative Cross always tells me, don't speak too long. I will try to be brief. Receiving testimony from a chief advocate at the corrections place in Thomaston, I would like to share this with the membership before we vote. He says, "One of the many purposes of sentencing is to create an opportunity for personal growth and the eventual return of the prisoner to the community as a better citizen." Historically, prisoners in the Department of Corrections have voted by use of absentee, as Representative Martin has told us from Eagle Lake on ballot in their own town of origin. The ability to vote while incarcerated has assisted many prisoners in feeling connected to the world outside of the closed world of their present institution.

In closing, in my opinion, there is no evidence that convicted felons are a influential voting block that they vote for bad things, harm the electoral process or join one political party over the other. Therefore, the only possible purpose of this bill is to keep one more punishment upon them. Another purpose of the Maine Correctional System is to help reintegrate people back into society and to train them to be productive citizens. Allowing a person to become or stay involved in the political process is a very small opportunity that can be provided to them at no cost to the state, which will benefit their reintegration into society. In my opinion, allowing felons in Maine to vote has caused no harm to anyone. I would ask you, why is there a necessity to change the system now? As one speaker before me had said that our motto is dirigo, I lead. I think we lead very well in this area. I would encourage you to support the motion to Indefinitely Postpone.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterboro, Representative McAlevy. 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 MCALEVEY: Madam Speaker, Ladies and Gentlemen of the House. This is the first time in my legislative career that I have spoken three times on an issue. I hope it will be the last. It is interesting that for most of the people who are in prison, they didn't vote in the first place before I got there and they probably won't vote when they get out. I need to remind this body of a couple of issues, I don't want to sound platitudinous, but it is the duty of the majority to protect the rights of the minority. I want you to step away from the forest and stop looking at the trees and look at the forest. The broader issue here is we want to take away the voting rights of a group. Forget the word prisoners, convicts or felons, you are asking to take away the rights of a group for whatever reason. Fifty years from now, another class of people could be considered felons, depending where this Legislature takes this state, in 50 years. If you share a certain type of thought, you might be a felon. I ask you to step away from trees and look at the forest. The issue here is do we have the authority? Yes, we do. Is it good public policy to take away the rights of any group, no matter whom they are or how despicable we may think they are, the right to vote? I think for the most part most of the people in our prison systems are right where they belong. They have had their day in court. Many have had illustrious long criminal careers before they have been caught doing something heinous enough to send them to prison. I am talking about adults. Step away from the forest and the trees and look at the forest. Public policy wise, do we want

to be taking away any groups right to vote? Strip the word inmate or convict. This is a pretty slippery slope. Thank you.

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

Representative SKOGLUND: Madam Speaker, Ladies and Gentlemen of the House. To follow up on the good Representative from Waterboro, his comments. I remind you that at one time it was not legal for Baptists to vote. I suppose the argument was when they join that sect, they give up their right to vote. I have received several communications from inside the walls of the Maine State Prison. I wonder if we should make it illegal for those felons to correspond with Representatives being an attempt to influence politics by undo influence. I thought you would be interested to know that inside the prison there are some who are watching us very carefully and send a message. I received this either yesterday or today. The gentleman writes, "I was appalled that you only got \$18,000 for two years of work. That seems incredibly low. Give yourselves a raise."

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

**ROLL CALL NO. 169**

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Brennan, Brooks, Bryant, Bull, Chizmar, Clark, Colwell, Cote, Cowger, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagnon, Gillis, Goodwin, Green, Hatch, Jabar, Kane, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, McAlevy, McGlocklin, McKee, Mendros, Mitchell, Muse, Norbert, O'Brien JA, O'Neal, O'Neil, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bouffard, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Collins, Cross, Daigle, Davis, Desmond, Duncan, Foster, Gagne, Gerry, Glynn, Gooley, Heidrich, Honey, Jacobs, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McDonough, McKenney, McNeil, Murphy E, Murphy T, Nass, Nutting, Peavey, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Davidson, Jodrey, O'Brien LL, True.

Yes, 75; No, 72; Absent, 4; Excused, 0.

75 having voted in the affirmative and 72 voted in the negative, with 4 being absent, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

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

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**HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (H-490) - Minority (6) Ought Not to Pass - Committee on AGRICULTURE,**

**CONSERVATION AND FORESTRY** on Bill "An Act to Establish Mandatory Labeling for Genetically Engineered Foods"

(H.P. 506) (L.D. 713)

TABLED - May 10, 1999 (Till Later Today) by Representative SHIAH of Bowdoinham.

**PENDING - ACCEPTANCE OF EITHER REPORT.**

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

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

Representative PIEH: Madam Speaker, Ladies and Gentlemen of the House. This is the bill you have all been waiting for, at least judging from the amount of paper that has been at your desk on both sides through today. This bill requires mandatory labeling for genetically engineered whole foods. Whole foods are fresh foods and minimally processed foods such as juice. It is weighed different from what was brought into us initially. The basis for this, there are several. One, the consumers have the right to know and the right to choose. If the label indicates that this food or this product is genetically engineered, they would know that so they could make a choice. Of course, there's the thing of allergic reactions that the FDA has required labeling now if there are any genetic materials in a product that might cause allergic reactions. That is, in fact, labeled. Also, if you have religious dietary restrictions, you are not going to know if you are eating something that may contain something that is from something that is against your religion. That is another one.

Another thing, if you decide not to eat genetically engineered food for whatever reason you might decide, as a consumer, it is your right to choose. You are quickly being stuck into the only labeling we have that we know doesn't have genetic engineering is organic food. If any of you have bought any organic food lately, it is very expensive. That is another reason to support this bill.

The Maine Commission on biotechnology originally recommended FDA labeling of genetically engineered food. You will hear testimony, I hope not too much, that states that genetically engineered food is perfectly safe. I am not saying it isn't. I will say that we do not know the long-term effect of altering DNA. This is not high bred material. This is not grafting an apple tree and a pear tree. This is not creating a mule with a horse and a donkey. This is not an embryo transplant to improve your cowherd. This is altering DNA. We really don't know the effect of it. For those people that are concerned about it, many parts of the world have very strict controls on it. They are quite happy to let the United States be guinea pigs or the pioneers that we often are and I am generally quite willing to be a pioneer.

On this particular issue, I want to know and I want to be able to make my choice. You will also hear the FDA approval. You know that many, many things that are approved and later years are brought back because they were found to be detrimental to your health. Any one my age remembers the artificial sweetener that after many years was called back because it was, in fact, a cancer causing agent. While I applaud movement forward and improvement in food, I think consumers have a right to know, this is a very small affect of this. It would affect some Maine potatoes, so you know how Aroostook County may vote. It would affect some corn from the State of Florida and some squash from somewhere else. Those are the three items that would potentially be sold in Maine. There is a report put out every month saying what whole food are coming into your

state and are being marketed that are genetically engineered. It is not hard to figure out. It is not a nightmare. It is not confusing. It is very simple.

I do encourage you to support the Majority Ought to Pass Report. Thank you.

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

Representative COWGER: Madam Speaker, Men and Women of the House. I hope to garner a little more support from the body on this measure than the last time I addressed you. In this matter, I am in total agreement with my good chair from Bremen. As the co-chair of the Research and Development Committee, I am keenly aware of the importance of biotechnology to the Maine economy. This is an industry that we need to nurture and encourage to grow to a size that will blossom into a viable and healthy sector, what is known in R & D parlance as a "cluster." I strongly support the growth of the biotechnology cluster in Maine.

But labeling of genetically engineered whole foods, whether grown within our state or "from away," does not necessarily frighten me. This legislation establishes an informational label, and does not require any precautionary language, which is quite appropriate. In fact, there are many positive benefits from genetically engineered food. The new leaf potato, the only genetically engineered "whole food" in Maine, and only about 5 percent of the entire Maine potato crop, has been engineered to dramatically reduce the use of pesticides. This product could be labeled as, genetically engineered to reduce the use of pesticides, which could potentially result in increased consumer acceptance.

When the flav'r-saver tomato was introduced several years ago, the consuming public accepted the product for its superior qualities, and it was clearly labeled as genetically engineered. This product has disappeared from the shelves, not because of lack of public acceptance, but because it was not economically viable to charge a higher price for this engineered product. It did not disappear because of a public outcry against the product.

Keep in mind that the new leaf potato is the only Maine product subject to this legislation, as amended. And there is only a small quantity of corn and some squash that is imported into our state that would be subject to this law. The bill only applies to whole foods which are defined as, unprocessed or minimally processed, and does not apply to any processed foods that are widely distributed and would require a unique label in Maine.

I support the Majority Ought to Pass Report on this bill because consumers have a right to know when they make a decision about their purchases. I believe that with appropriate marketing, consumers might actually prefer to purchase products that have been genetically improved. I, for one, would prefer to purchase a genetically engineered potato for use in my bed and breakfast business if it has only been engineered to reduce the use of pesticides. Yes, we only serve Maine potatoes at our business.

But others may choose not to purchase these products. All that this bill does is provide information to the consumer. This bill is truly a right-to-know bill. The consumer has a right to know what they are buying. The marketplace should be the forum to debate the benefits and issues involving genetically engineered produce.

I want to let the intelligent consumer make their own individual decision. I believe they should have the appropriate information on which to base their decision, and I believe the

superior qualities of some genetically engineered foods will not affect their marketability.

Please vote with the majority of the committee and support the pending motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Easton, Representative Kneeland.

Representative **KNEELAND**: Madam Speaker, Men and Women of the House. I rise today to ask you to please vote against this bill. The State of Maine has made a strong commitment in the past few years to promoting research and development in such areas as biotechnology. Why? Because we realize that in order to keep our agricultural facilities throughout the state functioning and competitive, they must have access to the types of tools that genetic research provides.

Some argue that genetically engineered food be labeled for safety reasons. The Food and Drug Administration regulates the safety and nutritional properties of foods. The FDA has approved genetically engineered products to be safe. All food labels mandate proper identification of products and notice of health and safety concerns.

By establishing mandatory labeling in Maine, we will be responsible for instilling a false fear in many consumers and, ultimately, putting some of Maine's farming business out of operation because of this. Maine would be the only state in the nation who would be required to label genetically engineered food. Mandated labeling will limit the competitive ability by adding to the cost of doing business here and add expenses and potential liability to non-Maine companies and corporations. It will also make it more difficult for Maine companies to compete.

If we want agriculture to be part of Maine's economy, we must not add roadblocks to the development of tools which enhance the farmers ability to compete. Maine farmers already are disadvantaged by the short growing season, transportation costs and business concerns. Biotechnology offers the agriculture community an economic advantage. When safety is not an issue, we need to do whatever possible to help Maine's businesses grow and thrive. This bill is not the answer. Thank you.

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

Representative **BAGLEY**: Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. What is genetic engineering? It is the process of adding, deleting or reorganizing the pieces of a living substance's DNA to alter its protein production. Scientists are using gene-splitting techniques to combine genes from unrelated substances to create new food products.

Should we be concerned about this process? Certainly, we should if we care about how our food is grown and if we want to have the right to decide for ourselves whether the food we eat is genetically engineered.

Are genetically engineered foods safe? Since this is a fairly new process, this is no long-term data on which to base decisions. What is known is that allergies are caused by proteins. That additions of new proteins to altered products could cause allergic reactions in some people. For example, an individual allergic to peanuts might be severely affected from eating a tomato with a peanut gene engineered into it.

How do consumers feel about the labeling of genetically engineered foods? The January 11, 1999 issue of time magazine reported that in a national survey 81 percent of the

public supported labeling of genetically engineered foods only 14 percent of those surveyed said it should not be labeled.

It should be noted that the legislation before this body does not prohibit the process of genetic alteration of food products. What LD 713 does do is require that all genetically engineered food products be labeled to give consumers the right to know and the freedom of choice in the products they purchase and consume.

One issue raised by the opposition is that no other state in the nation has adopted genetic labeling legislation, I ask, what is wrong with Maine being first.

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

Representative **BAGLEY** of Machias **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: The Chair recognizes the Representative from Fairfield, Representative Tessier.

Representative **TESSIER**: Madam Speaker, Men and Women of the House. I rise today to oppose the current motion and further, to move that this bill and all accompanying papers be Indefinitely Postponed. I oppose this bill for several reasons. First of all, this bill is absolutely unnecessary. It is bad for Maine businesses. It is bad for Maine's economy. Let me tell you why this bill is unnecessary. The 116<sup>th</sup> Legislature created a study committee on biotechnology and genetic engineering. It was this committee's unanimous conclusion that it would be impractical and unnecessary to enact a labeling law for genetically engineered food products. Nothing has changed since then to make this study irrelevant.

Labeling is already required under federal law when there is a health or safety concern. I see no reason for Maine to duplicate this requirement. In fact, expand the requirement substantially, thus making Maine the only state in the nation requiring this labeling. This bill is bad for Maine farmers. Even while farmers strive to use genetic engineering as a means to decrease the use of chemical insecticide and herbicides, we are now placing on them a labeling requirement that will stigmatize their product for no legitimate reason. This bill is bad for the Maine economy. Biotechnology is one of Maine's industries targeted for development. It is not only one of the fastest growing industries in the nation, but here in the State of Maine as well. We, as a Legislature, are poised to invest over \$25 million to grow our research and development economy, which will lead to good paying jobs being created. At the same time as we plan to invest this money in research and development, we are now considering requiring this labeling law for genetically engineered foods, as though there was something to fear. This food should be eaten at your own risk. Isn't there something incongruent with these two efforts. Do we really want Maine to be the only state in the nation with this labeling requirement? Do we really believe that we will attract biotech companies to Maine at the same time that we label their products as if they are something we should avoid? I don't think so.

Let's not torpedo a great bipartisan effort to build a research and development economy in Maine by implementing a unnecessary labeling law which can only create confusion and irrational fear within our citizens and will send a clear and negative message to potential new R & D efforts in Maine. I ask

that you join with me in voting for Indefinite Postponement of this bill. Thank you.

Representative TESSIER of Fairfield moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative **GAGNE**: Mr. Speaker, Ladies and Gentlemen of the House. I am on the Agriculture Committee and am on the Majority Report. I support this bill wholeheartedly. We heard from many people that particular day, it was a long day, we had a biochemist there to talk to us about various things to do with the new technology. He could never really give us the answers of what would be. There are always those unknowns. I know every time we try to let people know something, we give them the right to know, it is alarming them. Why isn't it just making them aware that as a consumer they can make some choices? Why is it we want to keep the masses ignorant so they can't decide for themselves? We are stirring up something. In this particular labeling situation we only have three particular foods that we dare to put in even though we would consider doing it for all of them. I would have liked to have seen that. In fact, I was amazed at how many foods are coming from products or from a seed that was genetically engineered. Almost all your corn products are, corn chips, cereals. There is a whole list that you could get if you had some real concerns about it. I just noticed in last Sunday's coupon section that one of the cereal companies put out a coupon for it, for organic cereal. By golly, they are thinking about something. They must have some concerns themselves that they are promoting foods from these genetic seeds. Now, they have to come out with a serum that would be from organic.

I never paid attention to organic. In fact, I thought what does it mean? Does it mean it is grown with manure instead of fertilizer from the stores? What do I care? I heard all of the things that were suggested at that committee. The one that particularly got my attention and I have to share it with you is the one to do with potatoes, since potatoes is one of the three that we suggest should be labeled. It is kind of fascinating that they were able to invent this particular DNA source, genetically engineered potato, that will prevent the potato beetle from getting into the product and ruining it. When the potato beetle tastes a little bit of it, its insides turn inside out and it curls up and dies. It sounds pretty fantastic, but I want you to think of what potato you are reading that has something in the DNA that can kill that potato beetle and it is now in you. You always hear you are what you eat, by golly, you are going to be this. Don't doubt it. In fact, you are going to give this to your future because it is in your DNA now. It will be in the DNA of your children, grandchildren and generations to come.

I don't know if any of you remember in the 70s there was the book called "Dune." They made it into a movie even. The hero of that story had to try to convince the population of the planet, which had now become a desert, that they had to work for thousands of years to return it to the rejuvenated sense that was like we have it now with trees and forests. They had to do it acre by acre by acre with irrigation. Yet, to convince them of something they would never see, their children and their grandchildren would never see, and to make them believe in that future. It is a very tough thing to do. That is what we have here. I want you to believe that your DNA is going to be touched by all of these foods. Some of them may not be anything, but the thing you have to remember is that it is there. It will become part of

you. I asked a chemist about it and how it would be. He could not defend it thoroughly. It is there. That is our story. We have to decide this ourselves. Only three products are labeled. Give us the right to choose this. Maybe you don't care, it is not going to scare them. We have consumers out there who can think for themselves. They read labels now. We are just asking that for these three items, they can get that choice as well. Vote against the postponement and give us a chance to do this. Thank you.

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

Representative **FOSTER**: Madam Speaker, Ladies and Gentlemen of the House. Some of the testimony that was given in our committee hearing dealt with how dangerous drugs were. The statement was made by a knowledgeable individual where millions of people had died from drugs. Drugs, of course, are labeled upside down on the bottle, can or container like you wouldn't believe. That prompted me to ask the question, how many people have ever died or been seriously ill from eating genetically engineered food? Of course, there was dead silence, because there was no evidence of anybody dying of genetically engineered foods. Essentially it says that genetically engineered food is no more dangerous to you than an orange or an apple that has simply been grown there without man's touch. This bill has some broad implications, particularly economically for the people of Maine. Not only the people who grow food here, but for the people who may ship food to Maine. Maine is not, in many cases, a huge market for some of the producers who ship corn from Florida or some other produce from some other state. They may simply write us off if we get to labeling. That becomes quite an expense to do that. Essentially, all we would be doing is duplicating what the federal government already does for us.

All of these foods that are genetically engineered are put through a process by the federal government, either the FDA or the USDA. It has that authority and the knowledge to test these foods. If they find things that are bad, either toxic or make people allergic to them. That has to be labeled as such. Really, we are not doing ourselves a favor by passing this piece of legislation. I urge you to vote to Indefinitely Postpone this bill.

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

Representative **DAIGLE**: Madam Speaker, Ladies and Gentlemen of the House. This is a very difficult issue to talk about. There is such a difference between those of us in this room to whether we are concerned about genetic engineering or you are extremely comfortable with it. I am going to be voting in favor of the current motion. It is something that I feel so completely comfortable with. I can understand the misunderstanding. We have seen arguments for this bill and we refer to it as right to know. We have seen arguments that talk about the concern about what it might mean to our bodies. It is such a new technology. It is easy to understand why it could be misconstrued.

Genetic engineering, when you eat the product of genetic engineering, you are not ingesting that gene in any way that will affect you. The best way I can try to parallel it is software. Telling the gene what protein to make. When you eat an apple that is genetically engineered, you are not downloading that software into your body or how your body is making protein, like you would worry about a virus in the computer, you are using that as a building block. If you are concerned about polluting a computer with a virus, it is like using that computer as a block to stand on. You are not going to get a virus that way. That is the

difference between giving instructions to make proteins and using that food in your body to turn it to energy. It is key unlock principle. When you make a gene in a potato that affects an insect, you are looking at the lock of that insects genetic code and you are providing a key in that potato that will affect that lock. It will affect no other lock because the key will not match that lock. That is why you can eat these potatoes all day long, every day for your entire life and never, ever have anything happen to your body from the same protein that will totally destroy this specific lock inside that insect, which is why the potato was bred.

The problem with genetic engineering is the way we have all learned about it. It was learned about through the media. What does the media give us. It gives us Jurassic Park. A very popular movie everybody goes to. You see some science fiction fantasy of taking some prehistoric rock and making a dinosaur out of it through genetic engineering. It is fun stuff to see in a theater. It is not the way it is working in science. What we are doing here is we are taking snippets of genes, putting them efficiently into a cell to make a protein. You are not necessarily making a new protein either. Current FDA, which do govern the labeling of foods and would govern genetically engineered foods if they contain certain password criteria. For example, does the food contain genes from a known allergenic source, such as peanuts. That food would have to be labeled under FDA regulations. Does it contain a toxic genetic source? Are the concentrations of natural toxic genetic substances increased or is the nutrient fat content, cholesterol and so forth, is that changed by genetic engineering? Those would require labeling right now under existing FDA regulations. Does the food contain a substance that is new to the food supply that would require labeling? When you are taking genetic engineering and you are improving your potato or ear of corn, if you are not adding a new substance to the food supply, which means nobody is reacting with an allergy to it now, then you are creating no problem.

Finally, I want to comment to help you be confident that existing regulations are adequate to protect you. The FDA regulations prohibit labeling, which is misleading, even if it is true. If you put a label on these foods, for example, that are genetically engineered, it means nothing. In the current FDA regulation, you must also explain that. Now you are going to get into a label that is getting pretty large. It is very difficult. You are adding costs. I confer with many of the people who spoke earlier that this is an issue which has been addressed nationally. The Food and Drug Administration, Department of Agriculture, Environmental Protection Agency and the American Medical Association has endorsed the position of others. The American Diebetic Association has said that the current FDA labeling requirements are adequate to protect you. If you put a Maine only labeling of agricultural products it is a stigma to them, it will reduce their use. It will hurt our agricultural economy. It will cause unnecessary fear in the public. Thank you.

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

Representative BERRY: Madam Speaker, Men and Women of the House. I guess it is lesson time for a bit. First of all, I would like to say that there are ditto marks around everything that my good friend from Arundel has just said. He saved me the time. I will now supplement some of that. Greggor Mendell would be proud of us today. Greggor Mendell only wanted to grow lunch. That is all he was doing. We are giving him credit for all of these genetics. He was just a great

observing person that really had nothing else to do in his garden, but grow his peas and recognize differences. He wondered about how this will chance. Loser Burbank started to expand this whole area of genetic research and giving them tremendous numbers of fruit trees and other fruit crops. People had fear.

We got better. Our techniques got better. We got so good that we can take a cell and open that cell and extract a section of DNA. Actually, it is a section of RNA. Reinsert that material as recombinant DNA. Restructure an organism. The potato that has been alluded to, we have known about VT, variety San Diego, for quite a while. Through genetic engineering, the gene that causes the Colorado potato beetle to die in its larva state, not in its adult state, has now been incorporated. We have taken and introduced that same gene into another material called MVP, which still is an insecticide right now that is used on a crop called broccoli, cauliflower and cabbage to control the cabbage looper. We have taken and caused that gene to be introduced into a bacterial cell, which is ultraviolet resistant.

What does that mean for a farmer? It is meant for a farmer in Aroostook County who is growing some of these crops. The ability not to have to spray every other day for cabbage looper. Ordinary BT, under sunlight, is going to give you about two days of really affective work. Beyond that, with the introduction into killed bacteria, we are now getting up to and good conditions of weather, 10 days of effective killing of the cabbage looper. I don't know about you, but I know in my house one cabbage looper in a head of broccoli is not welcome by the other member of my family.

Let's talk about the other member of my family also. The other member of my family uses human insulin. How does she use human insulin? Why did we develop it? We developed it because it was the health of people who were allergic to hog insulin. By causing e-coli, that little bad critter, by causing recumbent DNA within its system, we are able to produce from that bacteria, human insulin. Identical in every molecular shape. There is no other molecular shape for it people. We talk about these things. We talk about labeling. Pick up your can of diet soda and you will see the government at work with aspertain.

How about the individual who is suffering from Cystic Fibrosis who lacks material in their system? Have you seen some of the medicine that those people take? Work is being done now to take and eliminate that medicine by being able to cause some of the material that they consume to give them what they need to be able to sustain their life. What they need is an enzyme. In our business it says that one gene, one enzyme. You can continue that story because one enzyme, one protein. How many proteins do you think we have? People, there are not hundreds of proteins. The DNA molecule is structured with four amino acids. We know that it takes at least three of those to code in for a protein, an enzyme actually. It is what we call a codone. That is what we are trying to work on. That is the piece we are after, that gene. Those pieces that will dictate the type of substance that would be produced. The applications here of biotechnology and genetic engineering, it is going to increase and it is going to increase significantly. There are going to be more foods in the there. Ladies and gentlemen, it will never get into your DNA. That is not going to happen. Your DNA is unique to you. The only way it is going to get in there is if somebody clones you. I don't know of anybody who wants another one of me. Thank you ladies and gentlemen.

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

**Representative VOLENIK:** Madam Speaker, Men and Women of the House. The Agriculture Committee heard testimony from the industry that indicated that genetic engineering is safe. It is not a health risk. It can be superior to non-engineered foods. If I believed this and if I have a robust immune system and want to purchase only genetically engineered foods, how can I possibly find them on the shelves without some form of labeling? Do I have to write to each and every company in this country to find my wonderful genetically engineered foods? I think that might be an impossible task. Obviously, in order to find this superior product on the shelves, it must be labeled. It will be to the benefit of every corporation that produces genetically engineered food to see that its fine product is clearly labeled, so that you and I can search for it on the shelves, find it and do with it what it richly deserves.

If you pass this bill, you will encourage all of Maine's farms to grow superior natural products, things we all want to eat. If you fail to pass this bill, organic foods will be the only foods that many of us will eat. Organic farmers won't be able to keep up with the increased demand. They are already having trouble right now, even though organic farming is the fastest growing component of Maine's agricultural sector. We will begin to import even more of our food, putting out of business those farmers in this state who fail to go organic. Those who counted on the secrecy of their genetic engineering techniques. Forget exports, the Europeans don't want our genetically engineered food. They have let us know that. They won't buy our products if they don't know what is in it. It has to have a label. Do you want short term, quick sales, based on secrecy or do you want long-term stable sales based on product knowledge and satisfaction with that product? It is yours to answer. I urge you to vote against the pending motion. Thank you.

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

**Representative O'NEAL:** Mr. Speaker, Ladies and Gentlemen of the House. I am rising to support the pending motion. This is the third time in three sessions that I have voted against this bill. It wasn't a good bill then and it isn't a good bill now. If you are going to let the State of Maine lead in something, please don't let it be something that is going to kill our farming and our business communities.

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

**Representative CARR:** Madam Speaker, Men and Women of the House. It is not often that I get up to speak in opposition of the House chair because most of our committee work we do come out with a unanimous decision. On this particular occasion we weren't able to come to an agreement on it. I rise to speak in favor of the pending motion. In this session our committee has worked a great deal with agriculture trying to find new ways to get the agricultural community back to the way it was a few years ago. Many of the things that we have done, I am pretty sure it helped. At this time, I would really hate to put something in that would discourage potato harvesting and some of the other agricultural things that we have going at this time. About 5 percent of Maine potatoes go to Frito Lay. Frito Lay being from out of state would have to have these potatoes labeled before they could be shipped out. Anything that Frito Lay shipped back into our state would have to be labeled. Products of biotechnology are subject to the same labeling requirements that we have already heard. If there was something that was inserted into the potato that was anything that was already requiring

labeling, it would have to be labeled. If protein from a commonly allergenic food is transferred, the new product is assumed to be at risk. It has to be labeled.

Of all the testimony that we have heard today, there is three or four things from people who testified before the committee that I would like to just share with you. Michael Evator is a professor of molecular biology and the assistant director of biotechnology research at the University of Maine. In his testimony he says, "Please note that the University of Maine does not take a position on LD 713. The statement I am making today is my personal assessment of LD 713 based on 20 years of research, experience in the fields of biochemistry and molecular biology. I am a 13 year resident in the State of Maine." He is opposed to LD 713. He says, "There is no reason to expect any health risk greater than that of the food produced by conventional breeding techniques, which are clearly excluded from labeling by LD 713." I gave a great deal of thought from his testimony. I think that we should too.

We also received other testimony in opposition. We had testimony from the commissioner of Agriculture, Robert Spear. He is a farmer who most people in this body either know or have a great deal of respect for. He says, "We are opposed to this bill because we feel that it would be unenforceable. It would hurt Maine farmers. It would be cumbersome for the food processors and retailers to meet and would be potentially misleading to consumers.

With some of that testimony from people that we respect, or probably should respect, I would ask that with all of the other information that we have heard today from people who seem to know what they are talking about, I would ask that you vote in favor of the pending motion and put this to rest, finally, for the 119<sup>th</sup> Legislature.

**The SPEAKER PRO TEM:** The Chair recognizes the Representative from Rockport, Representative Powers.

**Representative POWERS:** Madam Speaker, Men and Women of the House. I have a few things that I would like to bring to light concerning this bill in my urging a vote against the pending motion. A lot of this has to do with the right to know. What is the harm in knowledge? I have concerns with the FDA's position that requires labeling of all known allergens. If allergens are to be known in there, then the genetic engineering will be labeled. I find that presumptuous. Just in the last half of the generation, our youngsters are showing more and more allergic reactions and more and more asthma is showing up in our population. I think it is presumptuous to say that we know all the allergens, all of those things that will be toxic to everyone in our society. It seems presumptuous.

I want to also reference the Maine Organic Farmers and Gardeners Association here. They are a national model of an association that advocates, celebrates and educates about the value of producing and marketing organic products. They have a long history now in the state and have shown themselves as a national model. About that success, I think of two things. One, here in the state I think its success demonstrates, if you will excuse the pun, a hunger, a determination among people in the state to have options and information about the food that they have available. I think MOFGA's success also addresses this argument that labeling genetically engineered products is bad business. I think it is a flawed argument in terms of MOFGA at least. As their name indicates, the term organic in their name, organic products are the only alternative presently available to people who wish not to consume genetically engineered foods.



In a traditional economic model, you would think that MOFGA would be happy to have genetically engineered foods go on as unlabeled. They would then get more business for their products. People would have to buy organic. In fact, MOFGA in its cooperativeness, the spirit of exploration and basic mission for healthy living, is totally supportive of this labeling effort.

Just at lunch I was fooling around with a jar of Ocean Spray Apple Juice. Someone was having it at the table with me. I noticed that stamped in some kind of magenta ink on the bottle was the term, concentrate from Chile. We have done that. We asked that, but it hasn't stopped Ocean Spray bringing their apple juice into the state at all. I ask you, what is the harm in knowledge? I urge you to vote against the pending motion and to pass the original motion.

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

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

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

Representative **GOOLEY**: Madam Speaker, Men and Women of the House. This bill only targets whole foods that have not been processed or have been minimally processed or would negatively impact Maine's potato farmers. It would be unenforceable on products grown in other states, the cost of segregation and labeling would be forced on Maine's farmers and not on products raised in other states. This is not a health issue or even a consumer preference issue since it only applies to raw vegetables and only those sold in a grocery store. I might add that includes broccoli and lettuce also. Restaurants and processed products in supermarkets are exempt from labeling. Under current law, it is now permitted to label voluntarily as either genetically modified or non-genetically modified. Enforcement would be impossible without a lab test in every vegetable in the supermarket. This bill is misleading to consumers by suggesting that nongenetically modified food is either better or safer than genetically modified products when it is possible that the reverse is true.

I know a previous speaker mentioned something about keeping the masses ignorant. I would believe that this is furthest from everyone's mind. We wouldn't want to keep the masses ignorant.

In summary, I would like to mention some of the organizations that are opposed to this bill. One is the Maine Department of Agriculture, the Department of Economic and Community Development, the Biotechnology Association of Maine, the Grocery Manufacturers of America, the National Food Processors, the Food Marketing Institute, the Maine Potato Board, the Maine Grocers, the Maine Farm Bureau, the Maine Merchants and the Maine Chamber and Business Alliance. I would urge you to vote for the Indefinite Postponement. Thank you very much.

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

Representative **CROSS**: Madam Speaker, Ladies and Gentlemen of the House. About everything that could be said has been said by the two sides on this question. I have been listening to these arguments for six years. This vote in the committee was a 7 to 6 vote. You can readily see that this is one of those 50/50 deals. It is going to boil down to the vote of who do you believe. There again, in my particular case, having been

a business person, I will do nothing or vote nothing that I think would impair the Maine Potato Business in Aroostook County, which is the lifeblood of Aroostook. I wouldn't vote to interfere with the Maine grocers and their attempt to live with this. As they have said, the companies are working on a process to hopefully use this to cut the use of pesticides and be a real dominant commodity for all in the country to use. Ladies and gentlemen, again, I urge you to vote to Indefinitely Postpone this bill and all Accompanying Papers. Thank you very much.

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

**ROLL CALL NO. 170**

**YEA** - Ahearn, Andrews, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Cianchette, Clark, Clough, Collins, Cross, Daigle, Davis, Desmond, Dugay, Duncan, Dunlap, Etnier, Fisher, Foster, Frechette, Fuller, Gillis, Goodwin, Gooley, Heidrich, Jabar, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McGlocklin, McKenney, McNeil, Mendros, Murphy E, Murphy T, Muse, Nass, Nutting, O'Brien JA, O'Neal, Pinkham, Plowman, Povich, Richard, Richardson E, Rines, Rosen, Samson, Savage C, Savage W, Saxl MV, Schneider, Sherman, Shields, Shorey, Sirois, Snowe-Mello, Stanley, Stanwood, Stedman, Tessier, Thompson, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tripp, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

**NAY** - Bagley, Baker, Brennan, Brooks, Bryant, Bull, Chick, Chizmar, Colwell, Cote, Cowger, Dudley, Duplessie, Gagne, Gagnon, Gerry, Glynn, Green, Hatch, Honey, Jacobs, LaVerdiere, Lemoine, McDonough, McKee, Mitchell, Norbert, O'Brien LL, O'Neil, Peavey, Perkins, Pieh, Powers, Quint, Richardson J, Sanborn, Saxl JW, Shiah, Skoglund, Stevens, Sullivan, Townsend, True, Tuttle, Twomey, Volenik, Watson, Williams, Mr. Speaker.

**ABSENT** - Davidson, Perry.

Yes, 100; No, 49; Absent, 2; Excused, 0.

100 having voted in the affirmative and 49 voted in the negative, with 2 being absent, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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**HOUSE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (5) Ought to Pass as Amended by Committee Amendment "A" (H-491) - Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act to Eliminate the Use of Nongovernmental Entities in Acquiring and Managing Lands"**

(H.P. 1208) (L.D. 1737)

**TABLED** - May 10, 1999 (Till Later Today) by Representative SHIAH of Bowdoinham.

**PENDING - ACCEPTANCE OF EITHER REPORT.**

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

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

Representative **JOY**: Madam Speaker, Ladies and Gentlemen of the House. As you are well aware, there are many, many different avenues that are being pursued in the

purchase of public land. One of the ways that are being pursued is the use of nongovernmental organizations to buy up this land. The strength of the nongovernmental organizations came along in the 70s when a crisis needed to be created to allow President Nixon to put all of his executive orders into being. As a result, they have grown stronger and stronger and are being really promoted by the United Nations Association to control many aspects of life in many different countries in the world. I have here on my desk and I won't even attempt to read through them, because I haven't had time to scan them myself, a contract which is being executed between Plum Creek and the trust for public land and the State of Maine Bureau of Parks and Lands. The trust for public land apparently is the one who has come up with the money to buy Scarborough Beach and also the Plum Creek holdings. They are standing there with a handout to the State of Maine saying pay me.

Ladies and gentlemen, these organizations are not elected organizations. They are not recognized in any other way except as being promoted through the United Nations in an effort to get them cemented into interfering of state government, the operation of the public and the governmental process. I urge you to defeat the pending motion and go on and accept the Ought to Pass motion. I don't think that we, as a government, need to have somebody else doing the negotiating to buy land for us, or to sell land, or to manage land. This was a divided report out of the Forestry Committee. I think that there is certainly a lot of support for it there. I urge you to defeat this motion and accept the Ought to Pass motion. Thank you very much.

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

Representative COWGER: Madam Speaker, Colleagues of the House. I rise in strong opposition to this legislation. Preserving the places in Maine that we find so special because of their natural beauty or unique ecosystems has been possible because of the wonderful Land for Maine's Future Program. I think we would all agree. It has also been made possible only because of the cooperation and participation of private individuals and nonprofit nongovernmental entities such as local land trusts. Often, it is only with the help of these private funds that unique parcels are purchased for the benefit of all Maine citizens.

I would like to relay a couple of examples, on rather personal and one general example. I have the great fortune to live adjacent to a purchase made under the Land for Maine's Future Program. This area, known as Jamies Pond, is 550 undeveloped acres surrounding a pristine pond and is located less than 6 miles from this capitol building. This land could not have been purchased were it not for a donation from the City of Hallowell, as well as a substantial private gift from an anonymous donor. In addition, public access to this property has been greatly enhanced with the construction of several trails using a great deal of local volunteer labor, which has not been associated with any governmental entity. I encourage all of you to come visit this special spot, bring a canoe, a fishing pole, or a swimsuit as the weather gets warmer and the sessions longer.

I passed out a sheet of information that was provided by the State Planning Office, which is printed on green paper. This information details the recent \$3 million allocation of general fund money for the Land for Maine's Future Fund. As you can see, this \$3 million enabled the purchase of 14 special sites located in 8 counties. This is because of a match in private funds that was

required for the projects that were selected. Take a look at the private funds that were leveraged as part of the \$3 million of public funds. It is over \$8.4 million. As you can see, over \$7.3 million of private donations and over \$1.1 million from local land trusts and landowner in-kind donations were used to provide new public access to 76 inland islands, over 30 miles of lake frontage, one-quarter mile of ocean shore, 4 1/3 miles of river frontage and other unique and special places. We would have been able to obtain only about a third of this land for all the citizens of Maine had it been limited to public dollars alone. This would have been a great loss for Maine.

It is puzzling since the supporters of this bill often argue the need for less government. Enacting this legislation would severely limit what the state could accomplish with limited public-only funds. The costs to acquire and manage land would have to be borne entirely by public governmental units, whereas today, many private funds work in partnership with our limited public tax dollars to provide public access to special lands throughout our state.

Please support the Majority Report of the committee and vote with the pending motion. Please follow my light and that of the good chair from Bremen on this very important issue. Thank you Madame Speaker.

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

Representative PIEH: Madam Speaker, Men and Women of the House. This bill was brought about and does raise a concern, I think, that people have that we, on the Agriculture Committee, have about buying public lands before money is put aside to buy those lands or to buy lands. I think it is an argument to put funds back into the Land for Maine's Future. I hope you remember that when it comes up soon, we need to fund that so that things like Plum Creek and Scarborough Beach can actually happen out of those funds. If this bill passes, here is some examples of things that will not happen again or will stop. The Grand Lake Stream Project, a nonprofit Maine Coast Heritage Trust working in conjunction of the citizens group, Friends of Grand Lake Stream and the town to raise nearly \$300,000 to protect the shores of this river. Hundreds of hours of time were donated. Tens of thousands of dollars were raised on the state's behalf. Hours and money the state did not have to spend. Finished. The Kennebunk Plains, the Nature Conservancy has managed this area under a management agreement with IF & W since 1987. Finished. Dodge Point, in my area, the Damariscotta River Association needs a 500 acre area, maintains the trails, builds signs, prepares an interpreter brochure. Done. Bald Mountain, the Rangeley Lakes Heritage Trust helps maintain the trails and manages the area. Finished. Spedneck Lake, Forest City, the Local Maine Guides Association and the Woody Wheaton Land Trust maintain campsites and access points. Finished. Duck Trap River, the Coastal Mountain Land Trust acts as an on site stewards for the area. Any area that you know of that has public lands and is managed by a local group, a rotary club, for instance, gets involved. That would not happen anymore under this bill. I encourage you to support the Majority Ought Not to Pass Report. Madam Speaker, I request a roll call.

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

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

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

Representative FOSTER: Madam. Speaker, Ladies and Gentlemen of the House. I think in this situation it is adored by land for the public, so called, on the other hand, I have seen some of these organizations purchase the land, not pay anything immediately, and then turn around within a very short period of time and sell part of it to pay for what they bought through either a federal agency or a state agency. It is kind of a sneaky way to get a hold of public land, although it might be right in some people's eyes. It is not in mine. Here we have an agency, which is not a governmental agency, which is messing around with a government. I don't think that should be. The other question, which you have to ask, at least in Maine, is with the state already owning a million acres of land, how much more land do you think the public needs, particularly when this state is unique in the nation in having almost all of the private land, which is already open to the public, with few exceptions. You can go hunting, fishing, bicycle riding, snowmobile, hand glide or almost anything at no cost to the public. You also have to keep in mind that every time a piece of land is taken off the tax rolls, somebody else has to pick up the tab. Not only that, but in many cases some jobs are lost in the process, which also produces taxes. Before we go helter skelter into something, which seems nice and it feels good and maybe it is good, I don't know. It may be for some. I am skeptical of it. I would hope that you would vote against the current motion. Thank you.

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

Representative KASPRZAK: Madam Speaker, Men and Women of the House. I would just like to add to this conversation. The problem that I have with nongovernmental entities managing government lands and that is an experience that I have had on occasion as I have taken a group of teenagers off on a hike to a very lovely mountain in my area. An area a little north. We had a great trip all the way up. About half way up the trail there is a little stopping point where you can stop in this little building and see some stuffed animals and talk with a gentleman who runs the place. He is a member of the Audubon Society. The experience that we had that made it not as enjoyable as it could have been was that there is a little pond there as well. This little pond is not allowed to be touched by anyone. You are not allowed to get within a few feet of it. You are not allowed to stand on the dock. It is there for someone, but not for the public. When my teenagers, who have hiked halfway up this trail and then intend to check out what is at this site and then go on to the top of the mountain, are told that they are not allowed to go near the edge of the pond. They might disturb some kind of mud puppy or something that resides there. You can't touch it. You can't breathe over it. You can't cast a shadow over this pond. Apparently someone is allowed to because, as I said, there is a dock and a little canoe parked there. Someone is allowed to use that, but not the public, not my teenagers. That is the kind of experience that I think many of us have shared in this case when there is someone else in charge of public lands. I just wanted to share that and add it to the conversation. Thank you.

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

ROLL CALL NO. 171

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

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

ABSENT - Davidson, Lemont, Matthews, Perry.

Yes, 72; No, 75; Absent, 4; Excused, 0.

72 having voted in the affirmative and 75 voted in the negative, with 4 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-491)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 13, 1999.

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HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-478)** - Committee on **JUDICIARY** on Bill "An Act to Require Testing for HIV and Blood-borne Pathogens of All Prisoners in the Maine Correctional System"

(H.P. 658) (L.D. 914)

TABLED - May 10, 1999 (Till Later Today) by Representative THOMPSON of Naples.

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

On motion of Representative BULL of Freeport, **TABLED** pending the motion of Representative THOMPSON of Naples to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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HOUSE DIVIDED REPORT - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-480)** - Committee on **JUDICIARY** on Bill "An Act to Require the Department of Human Services to Provide Disclosure in Child Protection Proceedings"

(H.P. 764) (L.D. 1087)

TABLED - May 10, 1999 (Till Later Today) by Representative THOMPSON of Naples.

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

On motion of Representative BULL of Freeport, **TABLED** pending the motion of Representative THOMPSON of Naples to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-479)** - Committee on **JUDICIARY** on Bill "An Act to Amend the Freedom of Access Laws"

(H.P. 1296) (L.D. 1857)

**TABLED** - May 10, 1999 (Till Later Today) by Representative THOMPSON of Naples.

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

On motion of Representative BULL of Freeport, **TABLED** pending the motion of Representative THOMPSON of Naples to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass** - Committee on **LABOR** on Bill "An Act to Amend the Prevailing Wage Laws"

(H.P. 728) (L.D. 1018)

**TABLED** - May 10, 1999 (Till Later Today) by Representative HATCH of Skowhegan.

**PENDING** - Motion of same Representative to **ACCEPT** the Minority **OUGHT TO PASS** Report.

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

Representative **TREADWELL**: Madam Speaker, Ladies and Gentlemen of the House. This bill has some very serious flaws, I believe. I would like to read the summary of the bill and then make some comments about it. This bill requires contractors subject to the prevailing wage laws to keep payroll records on the work site and to make the records available to labor department officials and the public to enable them to oversee compliance of the prevailing wage law. Most of the changes proposed by the bill are redundant, at least the first two that I just read to you in the summary. The first one requires that wage records be maintained at the work site. That is already required in Title 26, at the present time. Title 26 also contains a requirement that a federal labor department or state labor department representative may inspect those wage records at any time. That is also already contained in the law. The only thing that is different is that any member of the public may have access to those records. I find that this is a very serious flaw. We have debated at length here in this House about the confidentiality of personal records. This law would make those personal records, including the name, address and social security number of those employees at the work site available to the general public. I don't think this is a good idea. Therefore, I urge you to vote against the pending motion. Madame Speaker, I request a roll call.

Representative **TREADWELL** of Carmel **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass** Report.

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

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

Representative **HATCH**: Madam Speaker, Ladies and Gentlemen of the House. It has been a long day. This is another one of those labor bills. All this asks to do is that the records are available for inspection at the site. Yes, the Labor Department can request the global payroll records at any time. It also puts in that the public can to. What we mean by public would be any person working on that site could look at the payroll records. Having been a bookkeeper for 21 years, I can tell you that normally payroll records are kept by man number. That part of the book would not be opened. Pages were flipped and you go by man number to keep the payroll records. All this would do is ensure that when you are working on a state funded job that you would be able to check and make sure that an asphalt raker was hired as an asphalt raker and was making \$9.48 an hour, minimum wage rate under the law. It doesn't say that anyone out there who is working on any kind of a contract would have to have their payroll record opened to the public. Only those on jobs that have to pay the prevailing wage. Other states already do this, Massachusetts is one. It is in the federal wage law that weekly reports are open to the public. I don't find that this is a far stretch. I would ask for your support.

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

Representative **MACDOUGALL**: Madam Speaker, Men and Women of the House. The deputy director of the Department of Labor testified at the hearing that one of their concerns was having the requirement that would reveal the privacy of an individual worker, since these records would not only include his wages, but personal information such as the home address or social security number. They mentioned that concern very clearly. I just want to remind the body that current law requires that the prevailing wage rates by trade must be posted on the job site. Every worker has easy access to that information and can judge for himself or herself if they are being paid in accordance with the wage structure established for that particular job. If the issue is public interest, non-workers, the prevailing wage rate structure for that individual job is public record and available from the bureau or the contracting agency to any member of the public upon request. I would urge you to oppose the pending motion. Thank you.

Representative **WHEELER** of Eliot **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

**ROLL CALL NO. 172**

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

**NAY** - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick,

Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Etner, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McKenney, McNeil, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Tripp, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Lemont, Perry.

Yes, 77; No, 72; Absent, 2; Excused, 0.

77 having voted in the affirmative and 72 voted in the negative, with 2 being absent, the Minority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, May 13, 1999.

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-484)** - Minority (3) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act to Prohibit the Employment of Professional Strikebreakers"

(H.P. 756) (L.D. 1046)

TABLED - May 10, 1999 (Till Later Today) by Representative HATCH of Skowhegan.

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

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

Representative **SAMSON**: Madam Speaker, Men and Women of the House. I stand and support the Ought to Pass as Amended Report. Currently this law is on the books. It is under the criminal code. It has been on the books for about 35 years. This bill would change it from the criminal side to the civil action side. The bill also defines what a professional strikebreaker is. That is an outfit that provides 10 or more strikebreakers at least twice in a 20-year period. Exempt in this law are security guards, special maintenance people and permanent workers, employees. The results on the exception in the law that provides for the employer if they need professional strikebreakers to show that it is necessary to keep their business running. I urge you to support the Ought to Pass report. Thank you.

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

Representative **TREADWELL**: Madam Speaker, Ladies and Gentlemen of the House. We had a piece of legislation last year almost identical to this bill that passed both bodies and was vetoed by the chief executive. I don't think that we should be playing chicken. I think that if we look at the issue and the law, we would realize we are not doing what is right by federal standards. This law would not be in agreement with federal law. The National Labor Relations Board preempts state law. The National Labor Relations Board says they preempt this sort of legislation and, therefore, this is unconstitutional. We had a member of the Attorney General's Office that came and spoke to the committee and told us it would be very, very likely that it would be unconstitutional if challenged in court. I would submit to you that we are playing a cruel hoax on any business to think that they are protected by a law that is unconstitutional. The other consequence would be that it would be very expensive to the State of Maine to pass this law, having challenged in the

court, then have a ruling that we had passed an unconstitutional law. It happened in Massachusetts. I think the decision was in favor of the plaintiff to the tune of about \$10 million, if I remember correctly. We are playing a dangerous game with this piece of legislation. I would urge you to not accept the report and vote against the motion that is on the floor.

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

Representative **CLOUGH**: Madam Speaker, May I pose a question through the Chair?

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

Representative **CLOUGH**: Madam Speaker, Men and Women of the House. There are a number of organizations throughout the state that provide temporary workers on an as needed basis. For the purpose of this bill, would those companies be considered strikebreakers if they had provided more than the certain number of workers twice in 20 years?

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

Representative **MACK**: Madam Speaker, Right Honorable Men and Women of the House. To answer the right honorable Representative's question, yes, any temporary service company or any company that would provide temporary or any workers if in the last 20 years on more than two occasions supplied 10 or more employees, they would not be allowed to supply workers to keep the business running.

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

Representative **MATTHEWS**: Madam Speaker, Men and Women of the House. To answer the question, they would be in violation if they were providing strikebreakers. Strikebreakers, those people that come in to permanently take the job of Maine workers. Strikebreaker legislation has been around here for a while, ladies and gentlemen, I was very proud to sponsor it when I was a member of the other body. At that time we heard many of the same arguments, but, you know, ladies and gentlemen, when an issue is right, it is the right thing to do, you have to stand up and stand at that plate and take that pitch and do the right thing, you do it and you keep doing it. We have a tradition in Maine of not giving up. What happened, as an example in Jay, was an injustice and an unfairness recognized by members of the Congress. At that time we were for strikebreaker protection for Maine workers in Maine nearly six or eight years ago. Ladies and gentlemen, the Congress was looking toward Maine for some guidance. As far as the court challenge and the unconstitutionality, ladies and gentlemen, under the system that we have, we have a State Legislature and State Court System. We are allowed to make decisions in Maine to protect Maine workers. If that means that we have to go to the Supreme Court and defend the fact that we don't want out of state strikebreakers taking jobs from Maine workers, then I will stand there before the court. I know many members of this House would do the same. It is the right thing to do.

I think the good Representative from Jay, Representative Samson, has crafted a good language in this bill. I am not so sure I buy the arguments of our Attorney General, who I have a great deal of respect for and the members of his office. I think

we should do the right thing and formulate our case. I think the Maine people support it also. Thank you Madam Speaker.

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

Representative **DAIGLE**: Madam Speaker, Ladies and Gentlemen of the House. I look at this basic issue as one very similar to the debate we are currently having over public lands where every single one of us agree to that that particular area of policy. We believe in a willing buyer and a willing seller. In the area of employment, what we have here is a willing buyer over the company and the willing seller being the union. This bill attempts to change that. It is trying to force companies to prevent a strike because it prohibits their ability to operate. I would like to point to a specific part within this bill to illustrate what I am saying. In the bill, section 857, special maintenance workers employed by the seller or manufacturer of the equipment maintained or a person who had performed the maintenance work on the equipment before the beginning of the labor dispute, strike or lockout. This is an exemption.

Many years ago, shortly after leaving the military, I was a member of management with a company in Illinois that went on a strike. We had to work that plant and keep that plant opened so that we would maintain our market share. It was miserable. We hated it. I wanted the strike to end more than most people and bring our workers back. Our workers knew that because they wanted to get back to work, but we had a labor dispute to solve. One thing we could not do in management is we could not run the boiler. It is against the law to operate a steam plant in this state and the state I was in, without a license. In that case, we had to contract with a firm to provide a boiler operator. This exemption, for example, allows maintenance workers employed by the seller or manufacturer to be maintained. The boiler operator wasn't employed by the owner of the boiler. We own the boiler. This exemption requires that operator to be somebody who was working on the equipment before the strike. We had a union member of maintenance running the boiler before the strike. I cannot apply this exemption to this situation. Any manufacturing operation in the state requires a licensed boiler operator cannot apply for this exemption, it cannot operate. In this situation you are shutting them down. This means the union has the control to lock it up and you don't have steam. You are not going to ask that plant to violate the law to run that boiler without a licensed operator, are you?

This is an example, if you want to pass a bill saying that if you go on strike, you shut the gate and give the keys over to the union. Put out legislation that says that. This is essentially the same thing, but you are not choosing those words. That is the intent. You have to defeat this bill to leave that fair parity between the rights of the union and the rights of the employer to be sustained.

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

Representative **MACK**: Madam Speaker, Right Honorable Men and Women of the House. I urge your vote against the pending motion. First of all, like the right honorable Representative from Carmel, Representative Treadwell, has said, this is preempted by federal law. Even if we pass it, it would not do anything. The National Labor Relations Board sets up a delicate balance between employees and employers. Employees have the ability to strike, but not to shut down the business in doing it. As the good Representative said, this would put a cruel hoax on the employees. The employees may be

under the impression that there is a law on the books to protect them if they strike. In essence, they could strike and have no protection because this law is unconstitutional. The Attorney General and many Supreme Court rulings have all ruled this to be unconstitutional. It would cost the state hundreds of thousands of dollars to bring this through the courts and possibly even millions, like the case in Boston the good Representative suggested we would have to pay the employers back penalties for what happened. Besides being unconstitutional, this is bad legislation. This is a push button strike bill. Everyone believes the union should be able to strike. Striking should not mean shutting down a business. This would give union bosses the ability to strike and shutdown a business at the push of a button. That is a lot more power than they should have and a lot more power than the National Labor Relations Board has set up for them with that delicate balance they have in the law. This leaves employers a stark choice, give in to union bosses every demand, or shut down their business. Like the right honorable Representative from Arundel, Representative Daigle has said, in many cases it is hard to get replacements to keep the company going. For many large employers, they must look beyond the immediate area to get workers. They can't just put in a little newspaper ad, not only to get qualified people, but in some cases to get licensed people, people who are legally able to operate the equipment. This is bad legislation. I urge your vote against the pending motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative **BRYANT**: Madam Speaker, Ladies and Gentlemen of the House. I rise today to urge you to support the pending motion. Just to lay a few facts out on the table to Representative Daigle's point on section 4 on exemptions. He needs to read the whole bottom part of that. The whole bottom part of that allows the company to operate the facility if they prove it is going to cause them harm or shut them down. That is clear. That is why you have an exemption. The point that the good Representative from Carmel, Representative Treadwell, if you think anybody is playing chicken here, he is mistaken. There is nothing here. This is a serious matter. It is beholden upon us to make sure that we have some type of protection for our people in the State of Maine. That is all we are asking for here. I would encourage you to accept the pending motion. Thank you.

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

Representative **DAVIS**: Madam Speaker, Men and Women of the House. This is a very emotional issue, obviously, but we should ask ourselves what happened in Jay in 1987. Was it right? Was it a good thing to happen? Was it a good thing for Maine? It was not a good thing for Maine. There were three strikebreaker bills. This is narrow in scope as I read it. It only bans professional strikebreakers. A company that moved around the country. Some of the same people that showed up in Jay, Maine, in 1987 were strikebreakers at a company in 1983 in Arizona. I would urge you to think about this. I know there are a lot of problems or emotion to it, but I don't think Maine people are this way. I think we are fairer. We believe in collective bargaining, both parties.

I would like to end by posing a question to the chair. For anybody who would like to answer, what would happen if General Dynamics/Bath Iron Works, decided they wanted to break the union at Bath. Could that be done?

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. To answer the right honorable Representative from Falmouth's question, no. No company is allowed to just go in and break a union. The National Labor Relations Board has very specific criteria to allow union organizing. The only way a union could be disbanded would be if a majority of the workers, under an election by the National Labor Relations Board, voted not to have a union. Otherwise, the union would have to stay.

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

Representative **BERRY**: Madam Speaker, Men and Women of the House. I was going to sit quietly in my seat today. After the last comments, I guess I can show you a case where that is not true. The employees in the plant at International Paper in Jay were replaced, permanently replaced. The employees there filed for a decertification election. The strikers don't get a vote after a year. Did you know that? You can break a union. I would say that people on the outside said that that was a violent strike in Jay. I will tell you. It wasn't. We held a lot of people back from doing some awful bad things, I will tell you. If General Dynamics was to go after the union, good luck.

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

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today and I am proud to say that in the last few years I have voted on this strikebreaker legislation. I have voted yes every time it has come up. This is an emotional issue for many of us, having gone back for many years. I remember a strike at the mill in Lincoln, Maine. My husband was employed there. The strike was resolved in a few days. The workers went back to work. The company continued to make money. They are still there. It took a strike. It took the men to walk out to get them all to the table again. That company has paid the wages of many people in that area for a long time. When my husband went to Old Town to work at a paper mill, they went on strike. It lasted about a week and a half. The problems were resolved. The company is making money today and so are the employees. In 1982, my husband went to work for S.D. Warren, currently SAPP. They, too, were negotiating a contract and couldn't come to a resolution. They went out on strike and the strike lasted less than a week. Within three or four days, they had a contract and went back to work. We talk about fair balance. People can strike or people can be replaced.

When a strike happens and they sit down at a table and they negotiate, that is a fine thing. When the company, even before they get to their point, starts moving in trailers and replacement workers, before the workers have even gone on strike, that is wrong. That is absolutely wrong. This is an emotional issue for many of us. My former seat mate gave us an opinion on this four years ago. He sat in the back of this House, Seat 149, prior to being the Attorney General, and when he gave us the opinion, I met him afterward. I said that I didn't really care for his opinion. He said to remember that it is only an opinion. Everyone has one. When I hear people who say that we can't do things because the federal government tells us we can't, I get a

little bit like the people who own some land in the north. I want to say, no restrictions.

You gave us a right and it is up to us to govern ourselves. In this chamber today, we have some members who were in Jay, Maine, who are personal friends. You may think I only show up when there is a strike. I spent many, many weeks over there at their weekly meetings during that strike. I can honestly tell you folks when the company commits to not talking at all, moves in workers, it devastates a community for years. Family against family. Brother and sister against each other. You can't even imagine the devastation that it causes. I don't want it to happen in my town and I don't want it to happen in yours. We still have a lot of good industries in this state. You may have relatives who work there. No, I can't control what happens on the second floor, but I can honestly make a point on this floor on one end of this body. I can tell you that it is not right. It is not a good idea that anyone can be replaced as a Maine worker in this state simply because they have a disagreement. If you can't sit down at the table, how can you sit down and work through things? I think that this is a very narrow bill. It is not the same bill that was before us two years ago as amended. I think it strikes for the heart. I have never been one to sit back. I have always been in the front line. I ask for your support on this bill. I think it is good. I think that we should give it an Ought to Pass. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Auburn, Representative Bolduc.

Representative **BOLDUC**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today in strong support of this bill. I firmly believe that we are morally bound to evaluate social practices that define normality and are required to pursue the change of unjust laws and immoral practices. With this in mind, I would like to put to rest some of the arguments that will be made by opponents today on this particular bill. Opponents will cite that the decisions of the Judicial Branch of government will make our efforts null and void, or that the Executive is not supportive of this bill, or that the Attorney General's opinions are not particularly supportive of this bill. That is a very defeatist and unhealthy attitude in this body. I would put forth that this defeatist attitude is irrelevant to the arguments in the bill. The fact of the matter is, court opinions in this country can and have been changed many times in the face of unjust laws. All one has to do is look at our history and note that, for example, in the early 1800s, dozens of cases came before the Supreme Court of the United States, which upheld human bondage. Just a few years later, in 1862, Abraham Lincoln signed the Emancipation Proclamation.

The Legislative Branch is the forum for public opinion on the issues of the day. This body and its action can and have, in the past, had a positive effect on changing the court opinions of the state and of the federal government. We see this same defeatist attitude stand in the way of many of the most important social pieces of legislation that have occurred in this century, which have had a positive effect. We saw it in the beginning of the century with the child labor laws and the opponents to those laws and court opinions that adversely affected those movements. We saw it again later on in that century with a lot of the new deal reform from Franklin Roosevelt's administration that took place. Once again, in spite of the fact that the Judicial Branch of Government gave a lot of those bills and pieces of legislation an adverse opinion, they were passed. Now, for instance, social security, which is the bedrock, what we consider to be the mainstream bedrock of a decent society and how we

treat people in old age and people who are sick. We can have a positive impact and we and we can begin to change the perceptions that the Judiciary Branch of government puts forth.

I dare not waste much time on the moral arguments of this bill. They are very clear. All one must do is look at the parties involvement and the effects that it has had on our community in the state and the countless injustices that this state and its citizens have bared in the name of business. I respectfully urge my colleagues to send a very clear message to the nation that Maine will not tolerate such injustices. This Legislature will not be intimidated by very powerful interests groups. I think the wishes of the people have been very clear with the election results of both branches of the Legislature this November in their desire to see the causes in which certain members in this room believe in and are put forth in spite of the Judiciary and in spite of the Chief Executive.

Finally, I challenge the opposition to think very clearly about the moral implications of this bill. It empowers those individuals who contribute their life's energy and endeavor of which they deserve to have a certain amount of control and influence over. I would reiterate the words of the Council of Maine's Churches. The economy exists for the betterment of the individual. The individual does not exist to be taken advantage of as a result of the economy. Thank you very much.

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

Representative **TREADWELL**: Madam Speaker, Ladies and Gentlemen of the House. I would like to reiterate again, without repeating myself. This legislation has been challenged in the courts of several states. It has not survived a single challenge. I would compare this to trying to stop a runaway train by laying down on the track. It isn't going to accomplish the job. The penalty is pretty severe. I would encourage you not to vote in favor of the pending motion.

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

Representative **SAMSON**: Madam Speaker, Men and Women of the House. I will repeat what I have said in the past as far as what we do in the Legislature. There was a good lesson that was told to all us freshman in the 117<sup>th</sup> Legislature by then speaker, Dan Gwadosky. He said, "As Representatives in this House, we are not to worry about what the other body will do, what the Executive will do or what the Attorney General's opinions may be. We are here to enact legislation that is beneficial to the people we represent."

I put this bill in. I put it in last session. I will tell you why I put this legislation in. I live in the Town of Jay. I worked in the IP mill for 22 years. I saw the devastation that was brought upon the town and the people surrounding it by professional strikebreakers. It was the first time in 65 years that there was a strike in that community. The strike previous to that was in 1921 when International Paper Company permanently replaced all its workers throughout the country. Maybe we were naïve in going on strike, but the union bosses didn't call the strike. Let me tell you who the union bosses are, the union bosses are each individual member that has a vote. I work for a union. I work for the 320,000 members we have. They are the bosses. When you hear union bosses, realize it is each individual union member. We didn't see the warning signs about a year or a year and a half before the strike before our contract ended. The company, for the first time since its existence, put up a fence around the whole property.

A year before the contract ended, they brought in a Birmingham, Alabama construction company called BNK. They came into the mill and did a small boiler job. They brought in their top of the line maintenance people to scope out the place. Before we ever went out on strike, they had literally hundreds of out of state workers in the plant ready to take our jobs, permanently replace the workers. This bill does not prohibit permanent replacement workers. It does not prohibit replacing workers. What it does is it puts a crimp on companies that professionally break strikes. They bust unions. They enjoy doing that. This company is one of them. They have a history all over the country of doing this kind of work.

Before I left the mill on a Sunday morning, they were installing trailers. There were 60 trailers literally yards from the pulp mill where they were going to house 10 workers per trailer. Those workers all came from out of state. They roam the country. I am not calling them this. They call themselves gypsies. They go from community to community. Some love to break strikes. Some do it because they need to earn a living. They come into your community. They take over your communities workers jobs. They did that very effectively in the Town of Jay. Within a matter of a couple of weeks, we weren't negotiating a contract. I wasn't on the committee, by the way, but as a union we were trying to negotiate our jobs back within just a couple of weeks. This was done with the help of professional strikebreakers.

I will relate one story. It happened to be on Labor Day. A worker drove all the way from Louisiana in his rattletrap car. He was probably in his late 20s. His wife was probably close to 40. She seemed much older than he was. He was offered a job by BNK in Louisiana. It was a welding job for \$12 an hour. When he got to the gate he saw a picket line. He didn't want to cross the picket line. He didn't want to shame his family. He came to the union hall. The workers that had been out of work for a year and a half chipped in and got him enough money so he could get a hotel room for the night for him and his wife. The worker didn't know what to do. He reminded me of a seaman that got banged on the head in a bar, thrown on a sloop and when he woke up, he was dozens of miles out to sea. This worker didn't have enough money to get back home. They had given him just enough money to get to Jay, Maine. They never told him it was a strike. They never told him he was going to be a strikebreaker. One of the men who had been out of work for a long time offered him his job as a welder in a wood mill where there was a shut down. The job paid much more than that \$12 an hour. The member of the union knew that fellow needed a job, but he gave it to this guy because he felt sorry for him. This is the kind of business these professional strikebreakers are in. I will always remember this young man that came to the union hall that day, until the day I die.

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

Representative **DUNLAP**: Madam Speaker, Men and Women of the House. There is an element to this debate which has been alluded to, but I don't think has been spelled out, which is also the crux of the argument before us. My good friend from Arundel, Representative Daigle, pointed out that there is a social contract between an employer and the bargaining unit, the union. I think that what this bill does, what it addresses is a situation that can exist if left unaddressed, we allow those industries to hold this possibility as a weapon against the social fabric of the



communities that nurture them. I think to allow this is negligence of the blackest type. Thank you.

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

Representative **MACDOUGALL**: Madam Speaker, Ladies and Gentlemen of the House. One aspect of the debate that I don't think has come up and I will attempt to share my thoughts on it. Federal law that has been in place for many, many years here, as has been mentioned, strikes a balance between the right to strike with the business to be able to function and run. Basically to debate today about management and labor. This balance beam, the tightrope of balance that is so important and why the law has worked, has greatly decreased the number of strikes. Replacing workers is not some kind of wonderful positive thing to do. What a company or a business is attempting to do by running their business is something very important. It is fulfilling a responsibility to customers. The customer hasn't even been part of this debate today. An earlier speaker talked about what kind of message are we sending if we don't pass this bill. I submit to you that the message we send out to certainly the business community or any business planning to locate here in Maine. That is one thing. Maine businesses have customers within the state and outside the state. In the case of a paper mill, I work at a commercial printer and I can assure you that our customers are expecting for us to get their magazines or newspaper inserts in the mail or in the newspaper on time. If you don't make that date, it is a useless promotion. You are talking sometimes \$2 million, \$3 million or \$4 million for this project. Having paper delivered on time at the quality it needs to be at the high speeds and have the printability it needs to have is crucial. A company has to have workers that can produce a product to fulfill the ultimate needs because those customers are the ones who pay the salaries and the bills and so forth and so on. Someone mentioned something about interest groups. I submit to you the most important interest group in this debate is the customer. The federal law and the balance that that permits allows Maine businesses to fulfill their moral obligations to their customers. Quality and quantity have to be maintained. If this law were to pass, a law that has been indicated, overturned in other states, every time it has been tried, I think it would send an incredibility bad message to customers. That is not good for the working families of Maine. Thank you.

Representative **MATTHEWS** of Winslow **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **CLARK** of Millinocket **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. 173**

YEA - Ahearn, Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Cameron, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green,

Hatch, Honey, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Madore, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

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

ABSENT - Lemont, Perry.

Yes, 89; No, 60; Absent, 2; Excused, 0.

89 having voted in the affirmative and 60 voted in the negative, with 2 being absent, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "**A**" (**H-484**) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 13, 1999.

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

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**HOUSE DIVIDED REPORT - Majority (11) Ought to Pass as Amended by Committee Amendment "A" (H-487) - Minority (2) Ought Not to Pass - Committee on LEGAL AND VETERANS AFFAIRS on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Signatures from All Counties on Direct Initiative Petitions**

(H.P. 1020) (L.D. 1431)

**TABLED - May 10, 1999 (Till Later Today)** by Representative **TUTTLE** of Sanford.

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

Representative **WATERHOUSE** of Bridgton **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.

On motion of Representative **LEMOINE** of Old Orchard Beach, **TABLED** pending the motion of Representative **TUTTLE** of Sanford to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

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**HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-481) - Minority (4) Ought Not to Pass - Committee on NATURAL RESOURCES on Bill "An Act to Allow Cutting of Trees in the Shoreland Zone Under Certain Conditions"**

(H.P. 1036) (L.D. 1458)

TABLED - May 10, 1999 (Till Later Today) by Representative McKEE of Wayne.

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

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I urge you to support the Minority Ought Not to Pass Report of LD 1458 as amended. This bill was brought forward by the good Representative from Gray, Representative Foster. It represents a major change in the shoreland zoning law and it deserves your careful consideration before you vote. It would allow timber harvesting in the first 75 feet of the designated resource protection zone where for the past more than 25 years, not harvesting has been allowed to take place except for safety reasons. It is my view that this shoreland zoning law has served our state extremely well having been shaped by citizen planning boards, local officials and legislators. Today, our law is recognized as a national model for responsible environmental legislation. It protects water quality, our fisheries and our economy. The Congress of Lakes Associations across the state and in all of your districts, urges you to opposed passage of LD 1458 and accept the Minority Ought Not to Pass. The law should not be changed.

Just in quick review, shoreland zones include all land within 250 feet of the high water line of any pond over 10 acres, great ponds, or any river that drains at least 25 square miles and all title water and salt water marshes and 75 feet of certain streams. Towns can carve out of that certain smaller zones for various reasons, development, marine activities, commercial uses and resource protection. These resource protection zones are special. Your town has identified particular areas which need extra protection. Examples are: sustained slopes of greater than 20 percent, areas adjacent to certain high value wetlands and certain forested wetlands. The name of the zone, resource protection zone, signals that these areas are not ordinary. A different approach here is necessary.

The argument here, in my opinion, boils down to this, which approach, cutting or no cutting in these fragile areas will best protect water quality and fisheries and at the same time protect a \$1.2 billion lake economy. I would suggest that in these fragile areas, the law should continue to prohibit cutting, except for safety reasons. Let me pause here to say to our committee's credit, a careful approach to the good Representative's proposal was taken. Those who want to allow harvesting now in this resource protection zone made certain that cutting would be only done in the winter on frozen ground. No heavy equipment would be used. Trees would be above six inches in diameter, contrary to the four feet diameter in the shoreland zone. A licensed forester would indeed mark the trees. That shows our committees serious consideration of the bill. Those are all commendable efforts.

However, despite those requirements, a timber harvest in a resource protection zone, is an inappropriate activity. Let me explain why. First, we don't need to be told again, lakes don't live forever. All across the state our lakes are under constant pressure from development in various forms of pollution related to that development. Because of a strong shoreland zoning law, we are prolonging the lives of those lakes as best we can. Those communities like mine and yours where our local economies depend on those lakes, water quality is everything. In one of the communities that I represent, seven lakes carry our

school budget. We have no stores. We have no businesses. We have lakes with good water quality. They support our school in that town. Ask a local realtor where the highest priced properties are. The answer will include a reference to excellent water quality. As long as the water quality remains high in your lakes, the properties on the lakes remain a valuable investment. As long as those investments remain valuable, our local economy and tax base remain healthy. Just as business folks will say it is all about location, well, I say that too. Location, location, location, where the best water quality is, we have a health investment.

Our own Inland Fisheries and Wildlife commissioner, Lee Perry, just stated this week, "Maine can become the premier outdoor destination in the east, but first fishing, outdoor recreation and hunting must be recognized as growth industries vital to the state's economic well being and then must be supported by the state's marketing efforts." I totally agree. Thanks to our strong shoreland zoning law, which has had a dramatic affect in preserving the water quality across the state. Commissioner Perry's hopes can be realized. This is a good point to bring up. The argument regarding the wisdom of a prohibition of cutting in a fragile area. I highly respect the good Representative from Gray and the other members of the forestry community in this body. I have served with them on two committees. We are joined by our common love for the outdoors and our respect for the woods and the forest. I know how much it bothers some of my forester colleagues to see trees grow to maturity and to go unmanaged and uncut. The timber represents an economic resource. Not to cut or not to harvest means lost revenue. It is, in their eyes, mismanaged. I would suggest that in fragile areas of the resource protection zone, the first 75 feet around a pond, water quality could be compromised by this change in law.

What about the tree which eventually falls? Doesn't the soil it upturns end up as silt in the water. Consider what Baxter State superintendent Buzz Caverly said to me this morning. He disputes the argument that fallen uprooted trees cause a danger to water quality because of silt being washed away. "We don't see any impact from trees falling down. We have had discussions on this for the past 10 years. If you will remember, in part of the park there is no cutting, but in the wonderful northwest corner there is a resource management area of some 25,000 acres, in which trees are cut and parcels are managed along streams." They abide by that 75 foot buffer. They have worked with this law and they have studied it and he can say that there is no impact from the trees falling down in the park where they do not cut or in that area in the resource management area where they do not cut. He added, "It is perfectly good management for the water, the wildlife and good for aesthetics too. There can be in those areas where Governor Baxter said nature can live, flourish and die in nature's endless cycles."

Don't get me wrong. I am not a proponent of a great big national park. Anybody that knows me knows that I am opposed to that. I believe that we don't do anywhere nearly enough to create respect for land in our own backyard in attracting wildlife to our own areas. I am not proposing no cutting. Listen to what Rich Baker who oversees the shoreland zone said to our committee. "The current timber harvesting prohibition provides an extra measure of protection against water quality problems in certain shoreland areas. Especially where adjacent shorelines are steep and erosion can result in sedimentation to the waters. The prohibition may also help in maintaining a continued

contribution of large wooded debris to the lake eco-system. Debris such as large branches and fallen trees provide important habitat to fish and other aquatic species."

In another report that Rich Baker provided for our committee on non-point source pollution. He made the statement that if there are problems other than safety or something needs to be done variances can be sought and are given. In fact, we have a large number of variances from people who come before their local boards regarding shoreland zoning. We must not sacrifice long-term water quality for short-term material gain.

Finally, I will stop here. It has taken us more than 25 years to educate the public about the shoreland zoning law. I served on the Governor's advisory committee for this law back in 1971. I now know how difficult it was and what a new approach it was and how many years it took for people to understand the law and to begin to abide by it, but to appreciate it. Folks everywhere now take considerable pride in conforming to a law they believe in. They then try to educate others about this law, especially newcomers who move here from other states who don't have such protections. The law is working and is supported by you and my lake associations across the state. They work hard in your community and mine. They support our economy to the tune of over \$1 billion a year. Think about water quality, our fisheries, our economy, your lakes, your citizens and our future when you vote today. I urge you to support the Minority Report to keep our law in place, which has served us so well for the past 28 years. Join me and lake associations across the state. Don't take chances. Vote for the Minority Ought Not to Pass. Madam Speaker, when the vote is taken, I request a roll call. Thank you.

Representative McKEE of Wayne **REQUESTED** a roll call on the motion to **ACCEPT** the Minority Ought Not to Pass Report.

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

Representative MARTIN of Eagle Lake **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 Eagle Lake, Representative Martin.

Representative **MARTIN**: Mr. Speaker, Men and Women of the House. Let me begin with perhaps a little history. I happen to be the original sponsor of shoreland zoning legislation in Maine. I think I know a little bit about the subject matter that we are presently discussing. The amendment that we are dealing with today is actually a change that was made after the individual enactment of the law. The natural zones that have been discussed here, the so-called 75 feet, was a later addition to the original law.

Secondly, you need to know that the Department of Conservation, through the Bureau of Forestry, supported the change. The Department of Environmental Protection, with the change that we made, supported the change. I will just read the last comments of the person who spoke for the department. "We have discussed the concerns of Representative Foster and have suggested amended language to the bill. It is our understanding that Representative Foster is prepared to introduce that amendment. If the amendment is introduced and the committee includes the language making it clear that heavy equipment, such as skidders are prohibited from operating in that setback, the department supports the changes."

Let me describe to you what this is all about. What we are talking about here is the 75 feet from the lake itself. What we are basically talking about is allowing within that 75 feet, under certain conditions, that there be allowed operation of removing some of the trees. I don't know where Buzz Caverly is coming from. He ought to go back and check his chemistry because, in fact, there are chemicals in trees as they die in the water. As a matter a fact, there are a couple of water companies and water districts in Maine who like to remove trees with leaves before the leaves get into the water so it has lesser of an impact on the water system that they use to supply the community with. They prefer that evergreens be what is left there along the shores where they take the water. I know that because I also happen to be a trustee of a water district. That is always one of our concerns in the fall.

Now, what are we talking about here? We are being able to take some of the trees, those that are going to be six inches and still leaving the floral area without any problem at all within that 75 feet. That tree can be removed only one of two ways. That would be by using skidder cables, that is cabling into the 75 feet to remove the tree. The second would be to use a horse to remove that tree. This would have to be done on frozen ground so that there would be no problem with any of what takes place during that 75 feet.

I am a firm believer on another factor. I happen not to own land along the shoreline. I can assure you that if I did and if the state said I can't cut a tree there, I would tell the state to buy my land, if I can't taken anything at all that I produced there. They have an option. Take an easement, buy my land or let me cut some of the trees so I can pay the taxes. You know where the highest taxes are going to be. They are along the shoreline of any lake or major river in this state. That is really all the bill does. It doesn't do anymore than that. I am amazed, frankly, that this is a divided report. It is our first one from the Committee on Natural Resources. I hope it is our last. It started off as a unanimous report, but we sort of lost track of it after a while. We now have a 9 to 4 report. I am firmly convinced that what we did was correct. I have absolutely no problem with amending the very law that I sponsored. I believe in the long run it is the right thing to do. I urge you to vote against the pending motion so that we can adopt the Ought to Pass Report.

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

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

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

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. It is my understanding that under present state law the state mandated shoreline zoning is required by all municipalities to be adopted if they do not. Some municipalities, including my town, is a lot stricter than the state. Would this bill preempt the municipalities from having stricter shoreline zoning.

The **SPEAKER**: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Mr. Speaker, Men and Women of the House. It would not. The municipality would have the ability to enact this provision if they wanted to or to go to a stricter provision if they so wanted to. It allows local control in its

entirety. If you have a community, as a Representative who just spoke earlier about the seven lakes in that community, that community could decide that they do not want to do this. They would have the option of not doing it and not allowing cutting at all within the 75 feet.

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

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. This appears to me to be a very, very sensible bill. I am very pleased to see this. We talked some yesterday on another issue about local control and which items are appropriate. This is, in my opinion, definitely one that is appropriate for local control. If you read the bill, this doesn't allow an individual to do it until the municipality adopts the change. We have a few acres on saltwater. Everybody has been talking about the ponds. I assume it would apply to saltwater too. Part of our area is quite steep. Some of the trees are leaning way up over and indeed uprooting. It has been a bit frustrating to lose the tree and the piece of land it is turning up as it goes. It would be much better to be able to harvest the tree and use it and keep the soil where it is.

I want to share this with you and get on record one thing that has galled me for a long time about shoreland zoning. The law is quite often, the anti-cutting people that don't want anybody to cut anything in the shoreland, quite often, they are the people that got there earlier and already have cleared to the shore. They are the ones that own lawns right down to the edge. They mow their lawns clear to the edge. It always seems funny to me if cutting down near the shore is so harmful, why don't we just ask them to let their trees grow back. You might say they are grandfathered. The implication with grandfathering is hardship and so forth. It has been already established practices, like playing croquet or something there. It seems to me that that would be a reasonable thing. They wouldn't have to plant trees. You would just have to quit mowing and you would get trees in Maine. That has always kind of galled me. Anyway, I think this is a good bill. I think we ought to vote against the Ought Not to Pass. Thank you.

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

Representative **COWGER**: Mr. Speaker, Colleagues of the House. I am honored to join my fellow two-term member of the nation Resources Committee, the good Representative from Wayne, on this important issue.

We are blessed in Maine to have a large number of outstanding lakes whose water quality is still excellent, especially when compared to those in many other states. The single largest action taken by this body to protect our lakes was the adoption of shoreland zoning in the early 1970s. I believe it is universally accepted that the shoreland zoning has been very effective in protecting the water quality of the state, especially when dealing with fragile lakes and ponds.

My response to this bill is that if it ain't broke, don't fix it. The current law prohibits timber harvesting in the 75 foot strip that is also abutting a great pond and that is also zoned for resource protection, and these are critical areas for maintaining intact buffers to protect these lakes and ponds from the effect of non-point source pollution. Current law does provide, however, for timber harvesting in these same areas to remove safety hazards. Current law also allows timber harvesting beyond the first 75 feet of the zone around great ponds, and in other shoreland zones including ocean sides and river frontages.

The Ought to Pass as Amended version of this bill weakens the existing shoreland zoning standards by allowing, for the first time in over 25 years, timber harvesting in the first 75 feet of the shoreland zone around great ponds. It is important that this buffer remain intact around great ponds as an important element in the long-term production of our state's water quality.

I urge you to join me in voting for the pending motion and accept the Ought Not to Pass Report. Thank you Mr. Speaker.

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

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. I, too, urge you to support the Majority Report and oppose the pending motion. This is an extremely conservative Majority Report on this bill. It is extremely conservative otherwise I wouldn't be on it. I suppose a number of people view me as a tree hugger. That is all well and good, but when it comes time to hug trees, I try not to hug them so hard that I either hurt the tree or myself. I think that is where it came down on this. Let me just reiterate several of the things that show up on the Majority Report. The ground has to be frozen. There can be no result in soil disturbance. The removal of the trees is only accomplished with a boom or cable. There is no entry of tract or wheeled vehicles within the 75 foot strip. You can't cut anything less than six inches and you can't cut more than 30 percent of the trees in any 10 year period. As I mentioned previously, a licensed professional forester has to mark all the trees prior to the cutting. Folks, that is pretty conservative. It is going to be extremely difficult for anyone to cut given those circumstances. That is in the Majority Report. One thing I don't believe has been mentioned in the final version of the Majority Report is that we also increase the penalties for violations of the shoreland zoning cutting laws to \$5,000. I can't find it in my notes what the previous penalty was. I think it was \$2,000. We didn't feel in the majority that was sufficient. We did raise it to \$5,000. We heard a good deal of testimony that trees, if you do not do any cutting in the shoreland zones, 75 feet as is current, there was a problem with trees falling over into the adjacent great pond bringing in large amounts of earth and roots and causing considerable erosion because the trees just grow to their maturity and die in windstorms or because of disease. The resulted erosion is far worse than had you gone in and responsibly cut as is proposed in the Majority Report. With all due respect to those in the minority and to the motion that is before you now, I urge you to oppose the pending motion and go with the Majority Report. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. I am so encouraged to hear the debate today. The Representative from Eagle Lake, Representative Foster and others. In the past tree harvesting it was implied was a bad thing. To harvest trees we would somehow damage our ecosystem. Today I hear some very positive testimony about good forest and land stewardship. Harvesting trees, if done correctly, can be a very positive thing for the forest. If we have a section of land that we allow the trees to grow untouched for an indefinite period of time, that land, eventually, becomes a wasteland because trees are a living thing and eventually they die. Old trees carry disease. They are vulnerable because they are old. If you have a forest that is old, it makes the forest around it vulnerable. Trees die. They get struck by lightning. They burn. Positive land stewardship is knowing when to cut the

trees. This is a positive step in that direction. Sometimes death means life. When we take a tree down others replace it. If we do it responsibly as I see they are trying to do in this bill, it is positive for the environment. Thank you.

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

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. Just a couple other things. Not all the streams in Maine have a resource protection zone. It has been my experience to do partial cutting right down to the shore's edge. I can take you to many of those places and show you a stand of trees that is in much better shape than one that has never been thinned at all. One of the reasons for this particular piece of legislation was, in fact, to keep the trees in that zone in good healthy condition. You can do that by some judicial periodic thinning. Normally you would do that in this zone. When you were doing some cutting, perhaps next to it. It is not designed to go in there and do a harvest every 10 years. That is not the case. Also, when it comes to trees getting large, particularly on the bank of a stream or a lake, it eventually gets to the point where it can pull over tons of material with it. The erosion doesn't stop there because if there is a stream nearby the erosion can go on for some time. You must understand that occasionally nature does things that aren't too satisfactory. In this case we can do something about it and we should. I urge you defeat this motion and pass the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Tobin.

Representative TOBIN: Mr. Speaker, Ladies and Gentlemen of the House. I will be brief as always. This is a local issue. As somebody who has written local ordinances for the Town of Windham for over 15 years, when we wrote the shoreland zoning ordinance, if we had been able to, this provision would have been included. The state said we couldn't do it, so it wasn't in there. I couldn't wait to get something up here to get something like this through. For the health of trees and shoreland zoning, some selective cutting and thinning is required. A town can pass an ordinance that is stricter than the state's ordinance, but they cannot pass an ordinance that is not as strict. That limits what a town can pass in shoreland zoning. You have to remember that before any cutting is to take place under this new law, a forester has to go in and select the trees. The cutter has to get a local timber harvesting license. I encourage you to pass the majority.

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

**ROLL CALL NO. 174**

YEA - Baker, Brooks, Bryant, Bull, Colwell, Cowger, Dudley, Duplessie, Gerry, Green, McKee, Mitchell, Norbert, O'Brien LL, O'Neil, Povich, Powers, Quint, Samson, Saxl JW, Saxl MV, Shiah, Stevens, Tessier, Tracy, Twomey, Volenik, Watson, Williams.

NAY - Ahearne, Andrews, Bagley, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Bragdon, Brennan, Bruno, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Cote, Daigle, Davidson, Davis, Desmond, Dugay, Duncan, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gillis, Glynn, Goodwin, Gooley, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Lovett, MacDougall,

Mack, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKenney, McNeil, Mendros, Murphy E, Murphy T, Muse, Nass, Nutting, O'Brien JA, O'Neal, Peavey, Perkins, Pieh, Pinkham, Plowman, Richard, Richardson E, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Schneider, Sherman, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Thompson, Tobin D, Tobin J, Townsend, Trahan, Treadwell, Tripp, True, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

ABSENT - Bolduc, Buck, Cross, Dunlap, Lemont, Perry.

Yes, 29; No, 116; Absent, 6; Excused, 0.

29 having voted in the affirmative and 116 voted in the negative, with 6 being absent, the **Minority Ought Not to Pass Report was NOT ACCEPTED.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-481) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, May 13, 1999.

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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:

**SENATE PAPERS**

Bill "An Act to Expand Membership on the Maine Tourism Commission"

(S.P. 824) (L.D. 2227)

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.

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Bill "An Act to Provide for Alternative Treatment of Biomedical Waste" (EMERGENCY)

(S.P. 825) (L.D. 2228)

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

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

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**REPORTS OF COMMITTEE  
Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Create a Senior Lobster and Crab Fishing License"

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

has had the same under consideration, and asks leave to report:

That they are **UNABLE TO AGREE.**

Signed:

Representatives:

ETNIER of Harpswell

VOLENIK of Brooklin

McNEIL of Rockland

Senators:

PENDLETON of Cumberland

MacKINNON of York

The Report was **READ** and **ACCEPTED** and sent for concurrence

### CONSENT CALENDAR

#### First Day

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

(S.P. 378) (L.D. 1079) Bill "An Act to Establish a Framework for Management of Emerging Fisheries" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-264)**

(S.P. 503) (L.D. 1504) Bill "An Act to Amend the Lobbyist Registration Fee Provisions" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-263)**

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

### PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, to Extend the Hours for the Sale of Liquor on January 1, 2000

(H.P. 1580) (L.D. 2229)

Presented by Representative MENDROS of Lewiston.

Cosponsored by Senator PINGREE of Knox and Representatives: BRAGDON of Bangor, BROOKS of Winterport, CAMPBELL of Holden, CHIZMAR of Lisbon, JOY of Crystal, QUINT of Portland, Senators: ABROMSON of Cumberland, FERGUSON of Oxford.

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

Committee on **LEGAL AND VETERANS AFFAIRS** suggested.

Representative MARTIN of Eagle Lake moved that the Resolve and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House. Most of the session thus far has been trying to extend the penalties on OUIs. Now we are going to allow the sale of liquor until 4:00 in the morning because it happens to be the millennium. I can't believe we are doing that. I believe tonight we have two options. One, to kill this tonight and make it clear that we don't want to extend it or if my motion to Indefinitely Postpone should not prevail, I will then move to substitute the bill for the report. It is late in the session. We all know what it does. It seems to me we might as well get rid of it tonight. It asks you to vote at this point for Indefinite Postponement of the resolve and ask for the yeas and nays.

Representative MARTIN of Eagle Lake **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers.

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

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. I understand the concerns of the good gentleman from Eagle Lake. Speaking as a person who is a chairman of a committee, a committee of jurisdiction and having been one for a number of years, he may be correct. The bill may have a difficult time in passage. I do think we have due process or procedure in this institution. Historically, it has been done that way. I think it common courtesy to any sponsor regardless of anything. I think it deserves the process to go through, at least allowing the committee to have a hearing. The bill has been let in through the Legislative Council. In my opinion, having been a member of this institution for a number of years, I think we have to allow the process to go forward. It is unfortunate, but I would oppose the motion to Indefinitely Postpone.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. I rise in support of the pending motion. Having worked in this trade for many years, food service, bartending and having been a bar manager, I think this is probably the single most irresponsible piece of legislation I have seen come before this body. I would encourage you to vote to Indefinitely Postpone.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. I agree with my friend from Sanford. This bill ought to have its hearing. We ought to find out the merits or the demerits. I think another factor in support of sending this off to the hearing is unlike other pieces of legislation, it can't be brought to the second session.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House. Let me just make a couple of points. I don't think there is anyone in this body that doesn't know what this resolve is going to do if we pass it. Whether we have a hearing today, tomorrow, next week or the week after, we can bring all the people of Maine to the public hearing, we know what the bill is going to do. What the bill simply does, if we were to pass it, is to allow people to purchase until 4:00 in the morning and then they would be able to drink until 4:15 and then you would take their glasses away. Can you imagine what condition people would be in at that time? I don't see the need for a public hearing. It is late in the session. I understand. I am one of those who has always supported public hearings, but I don't think there is a need for one on this one tonight.

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 against the pending motion. Let this go to committee. There are lots of ways this can be worked within the committee. I want you to also realize we do have a precedent in this state on New Year's Eve. Places stay open until 2:00. This is the millennium. This is a big deal. Also, I don't know if you know the numbers, we have heard the numbers, drinking and driving is down in this state. People go to bars and they dance and they do other things that you do. A lot of these places, lounges, clubs, they don't drink. They leave afterwards. They celebrate. They don't necessarily drink. Many

of them can drive afterwards. There is also one thing that was proposed. Maybe they have to pay a certain fee and only establishments that pay for a van to drive their people home afterwards will be allowed to stay open. That is something that could be discussed in committee. That way no one will be driving because there will be a free van that is paid for by the establishments to bring the people home. These are all different ideas that could come up in committee. I am asking you. The process has been here to send bills to committee. Let this go to committee and be discussed. If it doesn't have merit, it can be killed there. Thank you.

On motion of Representative TUTTLE of Sanford, **TABLED** pending the motion of Representative MARTIN of Eagle Lake to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers and later today assigned. (Roll Call ordered)

**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-489)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Create a State House Citizen Participation and Lobby Center"

(H.P. 1447) (L.D. 2068)

**TABLED** - May 10, 1999 (Till Later Today) by Representative AHEARNE of Madawaska.

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

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

Bill "An Act to Provide Equity in Prescription Insurance for Contraceptive Coverage"

(S.P. 389) (L.D. 1168)

(C. "A" S-200)

**TABLED** - May 10, 1999 (Till Later Today) by Representative AHEARNE of Madawaska.

**PENDING - PASSAGE TO BE ENGROSSED.**

On motion of Representative SAXL of Bangor, **TABLED** pending **PASSAGE TO BE ENGROSSED** and later today assigned.

Bill "An Act to Allow Beverage Sales from Mobile Service Vehicles on Golf Courses"

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

(C. "A" H-467)

**TABLED** - May 10, 1999 (Till Later Today) by Representative TUTTLE of Sanford.

**PENDING** - Motion of Representative GAGNE of Buckfield to **INDEFINITELY POSTPONE** Bill and all accompanying papers. (Roll Call Ordered)

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I would hope that you would not support the motion

of Indefinite Postponement. This is a 12 to 1 report of the committee on Legal and Veterans Affairs. The bill, in my opinion, will permit the Bureau of Liquor Enforcement to license golf courses to serve alcohol on the course from a mobile service bar. This bill will afford courses more control over drinking on the fairways. Golfers will be less likely to bring their own beverages onto the course. Providing this service will help the industry and, in my opinion and the opinion of a majority of the committee, we should help Maine courses be competitive with other New England states. Other states with this provision have had no problems. Golf courses give a lot to the state. This is a way for the state to support the industry. I think it is a way in which enforcement can be improved. We have worked very hard and diligent on this bill.

If you look at the amended version of the bill, it puts in many safeguards that were required at the public hearing. It codifies what may be served from the cart. It adds requirements that liquor may be served only to those engaged in a round of golf. Another important aspect is it explains what a mobile golf cart or similar vehicle staffed by an employee of the golf course and outfitted for storage, cooling, refrigeration and sale. Under the license sections of the law, it says that all individuals selling, serving and dispensing from a mobile service bar must be employees of the licensee. It says that liquor from the mobile service cart is purchased and consumed only by those engaged in a round of golf. All liquor possessed and consumed on the golf course is sold by the licensee. A significant number of employees would have to be deployed for adequate control and insured adherence to the law, which is a very important aspect of the law that we have had communications with the Department of Liquor Enforcement. It said the patrons do not leave the golf course with liquor, only one standard serving is served to an individual. If a golf course crosses a public way, patrons do not transport open containers.

That is another important aspect. The mobile service contains signage that contains that it is illegal to serve liquor to persons under 21 years of age. Like I said before, we worked very hard on this law. This is not a new issue to this Legislature. I think it is very important that we have the enforcement aspects to this particular industry. I think it will add to more enforcement and better control of the problems going on. I would ask that you support the 12 to 1 report and defeat the pending motion.

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

Representative **GAGNE**: Mr. Speaker, Ladies and Gentlemen of the House. If you think enforcement is going to be easier, you are just opening it up. Right now we have it so you can't have liquor on golf courses. If you pass this bill, then it is going to be all over the place. I think that all of you realize that enforcement is going to be the big problem. There is no way when you expand the territory to watch and pay attention to that you are going to do a better job of enforcing. Golfers will figure out what kind of beer they are serving and they will just pick the right brand. Something that came to my attention since the last time I spoke about this, is one of the golf course managers who is near my area told me he has a lot of junior high and high school kids. That is something that is growing now, expanding their golfing, and getting more people to play golf by getting the young ones involved. If that is the case and you have the golf carts going about or you try to keep them off the greens when the kids are there or they have tournaments sometimes at these golf places as well, it doesn't serve as a good example. I would

encourage you to continue to remember some of those things and to think about safety. This morning we were talking about OUIs for ATVs and snowmobiles. I don't want to see golf carts next year on that bill.

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. As a cosponsor of this legislation, I just wanted to add a few comments. This would make golf courses actually licensed premises. As a licensed premises you would not be allowed to bring your own liquor onto those premises. It is my understanding that many people who go golfing on a hot day might bring their own six pack of cold beer along. That would not be allowed. In fact, this bill might actually provide an additional level of control. It would be the licensee's responsibility over what liquor is consumed on the golf course. I urge you to vote against the pending motion. Thank you.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. I hope you indefinitely Postpone this bill. We have increased the penalties for OUI on four wheelers and snowmobiles. We have no limits for golf carts. It is going to be great on the golf course if you are attempting to golf, but the golf cart is going around with people having drunk all day. Keep in mind that at the present time the way this is structured, there is nothing that prevents that. I don't really think in the long run that we want to be known as a place where you can simply get drunk on the golf course and run around and then get in your car and go home. We are sending double messages here to the citizens. I would hope that you would kill the bill.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. Briefly Mr. Speaker, let's get serious. People drink on golf courses. If you travel around any course in Maine, you will see empty beer cans and garbage containers around the course. Grown men and women sneak beer and wine coolers on the golf courses presently. It has happened for years. I think it is probably one of the reasons why the bill was offered to have some control on that area. Golf courses don't condone this behavior. In fact, golfers are often disciplined when caught with alcohol on the course. However, I submit that this bill will afford a golf course more control for drinking on a fairway. If beverage carts are allowed to operate on a golf course, golfers would be less likely to bring their own beverages onto the course. In addition, the beverage cart will give the golf course more eyes out on the course. Beverage carts will round the course once an hour giving the golf course a better opportunity to monitor the beverage consumption by golfers. Ladies and gentlemen of the House, it is important to remember that beverage carts will not be serving just alcohol. They will also carry non-alcoholic beverages, snacks and a great relief to the thirsty hungry golfers quite a distance from the golf course.

In closing, we have to remember that the golf industry is exploding in the State of Maine. We have 145 golf courses and in the next two years another 15 will be built around the state. I think that we must do all that we can to make Maine golf courses competitive with other New England states. New Hampshire, Massachusetts and Vermont already have beverage carts on their golf courses. In my opinion, we cannot afford to put limitations on our golf facilities that give these states any form or

competitive advantage. For that reason, I would ask that you would defeat the pending motion.

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

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I was up debating the OUI penalty increase on ATVs, snowmobiles and boats this morning. The only reason I disagreed with that was because of private property rights. What we are saying here, ladies and gentlemen, Representative Tracy, even though I don't drink, doesn't have the right to sit on his own whatever on his own land and have a few brews. Now we are going to allow the public to go on a public golf course and do the same thing that you are denying me my constitutional right. I would think not. Thank you.

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

Representative **SULLIVAN**: Mr. Speaker, Ladies and Gentlemen of the House. I know I have said it before. I spent in my other life an awful lot of time trying to influence our young citizens. We taught over and over again, especially before prom time, homecoming and graduation parties the importance of being able to go somewhere in a social gathering and not needing drugs and alcohol to have a good time. Now, we have decided that we can't go golfing for two or three hours without having a beer. It sets a bad example. If we have young men and women, sons and daughters out with dad, dad has to stop and get that beer. He may buy a soda for his children, but he has to have that beer. What are we setting for an example. We are here making laws that sets an example as responsible adults. We raised that penalty on OUI and right we should. We need to look at the message we send. Are we just a place where every place you go, we need to have drinking.

I also want to bring up another small problem. I don't mean to be facetious about it. I assume we are going to put a lot of portable potties on all these golf courses too as people drink. I knew it might make people laugh, but if you live along the Saco River, you know we are having a serious problem with the amount of drinking and canoeing along that river. You may be presenting another problem further down.

I would like you to really consider this before we take that vote. I support the Indefinite Postponement. Thank you.

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. A couple of things that I would like to point out with regards to this piece of legislation. Right now if you drink on the golf course, it is up to the Liquor Enforcement Bureau to find you and arrest you. If a golf course chooses to buy the special license that this bill is offering, it will then become the licensee's responsibility to see that the liquor laws are followed. I have had a number of calls on this particular piece of legislation. I just wanted to explain that I am going to do something that I very seldom, if ever, do. I am going to be on the Ought Not to Pass. Thank you.

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

Representative **CAMPBELL**: Mr. Speaker, Men and Women of the House. This is a bill that I offered on behalf of the golf courses. They were concerned about drinking on the courses. People come to the course with bags and coolers of beer. What is occurring is they are drinking on their own and as it was mentioned before, it is up to the liquor enforcement to get out on



the courses and stop that. In this case, the courses will buy an additional license and be responsible for serving and enforcing the liquor laws on the course. It has been mentioned before. This is additional enforcement. It is an extension of the arm of the department. It is a control issue. The golf courses licenses will be pulled if their clients are found to be inebriated.

The committee worked very hard on this. One of the very last items that was put on this bill was signage for those carts. I was concerned that minors would be in contact with that. The signs on the carts are specific to laws concerning ages for drinking. Now, the golf course is responsible for enforcement. I would encourage you to defeat the pending motion and go on to accept this bill. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative CARR: Mr. Speaker, Men and Women of the House. I have heard quite a lot of discussion as to the fact that there are many people already carrying liquor onto the fairways. Are the people running the golf courses able now to make rules prohibiting alcohol on the greens?

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. In answer to the question, I think that is one of the reasons why the part of the legislation on the enforcement was put in to clearly define what is able to be done on the golf courses. That is why it is my opinion that if we pass this bill, the enforcement aspects would be an awful lot better.

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

Representative MARTIN: Mr. Speaker, Members of the House. To further answer the question, it is possible at the present time for the golf course to indicate that liquor is not allowed as part of the rules to which you become a member. That is entirely proper to what many of them do now. You are not allowed to have any. While I am on my feet, I would also mention one other thing, how many employees are going to be controlling this little cart running around the place? You have an 18 hole golf course. By the time the cart has gone, what happens to that 17, 18 or 19 year old that is with a 21 year old who purchased legally. You are now in the back 10. Can you imagine who is going to be patrolling that and whether or not you ask yourself whether or not that person is going to be drinking?

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

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

The SPEAKER: The Representative may pose his question.

Representative MATTHEWS: Mr. Speaker, Men and Women of the House. For anyone who wishes to answer, I have golfed only a little bit in my life over the years. I am trying to figure out now if we expand this opportunity for drinking on the golf course with all the attendant problems with our young people probably taking part in this drinking. Would liquor enforcement be chasing these vehicles with their own golf carts?

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

**ROLL CALL NO. 175**

YEA - Ahearne, Andrews, Bagley, Baker, Berry DP, Berry RL, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bryant, Bull, Bumps, Cameron, Carr, Chick, Clark, Clough, Cote, Cross, Daigle, Desmond, Dudley, Duplessie, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gooley, Green, Hatch, Jabar, Jacobs, Jodrey, Joy, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Lovett, MacDougall, Madore, Martin, Matthews, McAlevey, McDonough, McKee, Murphy E, O'Brien JA, O'Neal, Peavey, Pinkham, Powers, Quint, Richard, Rosen, Samson, Savage C, Saxl JW, Sherman, Shields, Sirois, Skoglund, Snowe-Mello, Stanley, Stedman, Sullivan, Tessier, Tobin D, Tobin J, Tracy, Tripp, Twomey, Usher, Volenik, Watson.

NAY - Belanger, Bruno, Campbell, Chizmar, Cianchette, Collins, Colwell, Cowger, Davidson, Davis, Dugay, Duncan, Dunlap, Etnier, Fisher, Gillis, Glynn, Goodwin, Heidrich, Honey, Jones, Kasprzak, Mack, Mailhot, Marvin, Mayo, McGlocklin, McKenney, McNeil, Mendros, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien LL, O'Neil, Perkins, Pieh, Plowman, Povich, Richardson E, Richardson J, Rines, Sanborn, Savage W, Saxl MV, Schneider, Shiah, Shorey, Stanwood, Stevens, Townsend, Trahan, Treadwell, True, Tuttle, Waterhouse, Weston, Wheeler GJ, Williams, Winsor, Mr. Speaker.

ABSENT - Bolduc, Buck, Lemont, Perry, Thompson, Wheeler EM.

Yes, 81; No, 64; Absent, 6; Excused, 0.

81 having voted in the affirmative and 64 voted in the negative, with 6 being absent, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

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**HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-292) - Minority (4) Ought Not to Pass - Committee on STATE AND LOCAL GOVERNMENT on Resolve, to Establish the State Office Building Location Task Force**

(H.P. 226) (L.D. 304)

TABLED - May 10, 1999 (Till Later Today) by Representative AHEARNE of Madawaska.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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

Representative KASPRZAK: Mr. Speaker, Men and Women of the House. I am on the opposing side of this issue. The reasons are, in testimony we heard that there has already been a report, a study, a task force that has reported on this subject. The present administrative department that testified said there is no reason that they can't accomplish this task in the department. My question would be, why spend the additional funds?

Further, the language of the task that they will be assigned is rather vague. I will read that to you. "Assess the role of state office buildings in the continued viability of downtown service centers within the state, analyze recent trends and relocating state and federal agency offices from downtown service centers to commercial strips and from service centers to suburban communities. Assess how other states have responded to these trends and recommend appropriate legislation to ensure that state offices continue to enhance the historic role of downtown service centers within the state's community service centers. Be it further that the task force shall submit its report with any necessary implementing legislation to the Second Regular Session of the 119<sup>th</sup> Legislature no later than February 15, 2000."

My next problem with it is what is wrong with sprawl anyway. I have never understood what is wrong with people locating where they choose to locate. I think this is expensive. I think it is unnecessary and I don't understand the problem they are attempting to address to begin with. I would urge you to vote Ought Not to Pass on this. Thank you.

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

Representative **AHEARNE**: Mr. Speaker, Men and Women of the House. I will try to give a quick background of what we are trying to address here. Traditionally local and federal public agencies have traditionally located their offices in what is called service center communities. What we are seeing now is a tendency for these public agencies to locate their offices and to make other growth related capital investments away from these downtown areas. This is having a serious impact for those downtown areas. These areas have always been designated by the municipalities for growth and redevelopment. These actions by relocating or redirecting other state investments always have an impact on the downtown areas. The report that my good friend from Newport is referring to came back with recommendations. One of the recommendations was trying to address this whole issue of location of these state agencies or the federal government offices from the downtown areas. It has a serious impact. This is just an extension of that report. It is a report that deserves to be looked into. I ask for your support. I ask for the clerk to read the Committee Report.

Representative **AHEARNE** of Madawaska **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 China, Representative Bumps.

Representative **BUMPS**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to accept the pending motion. Over the last three years I have spent more hours than I care to think about dealing with what I consider to be the lack of a comprehensive plan on the part of the administration with regards to location of state office buildings, whether it be in this city or any other city in Maine. With all due respect to the Representative from St. George, Representative Skoglund, I think that the debate that we have had about the location of the State Prison in Thomaston or in Warren and the infrastructure that supports that State Prison in and of itself gives credence to the establishment of a task force to look into the location of state office buildings, not only, again, in Augusta, but throughout the state. The administration, believe it or not, conducting an inventory right now on what space we occupy, what space the state occupies for buildings across the state. We don't know

exactly where our offices are. We are conducting an inventory. I just ask you to think carefully about whether or not a task force is necessary, whether or not we ought to have a more comprehensive plan for locating our buildings, our employees and the infrastructure that is necessary to support them. I urge your support of the pending motion.

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

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. Some of the questions that were posed by the good Representative from Newport concerning sprawl. There has been a serious problem with what has generically been referred to as sprawl. In fact, we have had some discussion here in the House about those issues. The fact that municipal buildings or state buildings are being built in areas that are not being accustomed to having these buildings being built outside of service center communities and the problem that is generated in those small communities. Clearly I sense at times there is this friction between the rural areas and the more urban areas of the state, even between small towns and larger towns. I don't think that friction is necessary. I think that people that live in the cities would like their cities to be cities. They would like those service centers to continue to provide services to the surrounding areas. At the same time, I think the rural areas outside of the cities want to remain rural. What is happening is it is starting to blur as the growth is expanding.

It is costing those smaller communities a great deal in terms of their tax base. Also, in terms of the types of services they have to provide. Consider, for example, a small community that has no police department or just a volunteer fire department. Suddenly there might be a large state office building placed here with a number of state employees requiring additional police protection, additional fire protection and possibly hazard mat services or something like that. Those are services that that community might never have conceived as being necessary. All the while, this is a facility that is tax exempt. It is not paying taxes to that municipality because it is a state facility. I applaud the committee for their work on this bill because they have allowed this task force to create subgroups to look at various issues related to service centers in these rural areas.

I would encourage this body to accept the Majority Ought to Pass Report. Thank you Mr. Speaker.

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

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

Representative **KASPRZAK**: Mr. Speaker, Ladies and Gentlemen of the House. I would remind you that we have a task force to study state building plans. It is called, get this, the State Planning Office. Thank you.

The SPEAKER: A division 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.

A vote of the House was taken. 88 voted in favor of the same and 47 against, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-292)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 13, 1999.

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

Bill "An Act to Provide Equity in Prescription Insurance for Contraceptive Coverage"

(S.P. 389) (L.D. 1168)  
(C. "A" S-200)

Which was **TABLED** by Representative SAXL of Bangor pending **PASSAGE TO BE ENGROSSED**.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I want to remind you about this bill. This bill has to do with providing insurance for contraceptives. We, in the committee, understand and respectfully acknowledge religious differences on the issue of contraceptives. Because of that understanding, the committee has searched for the best way to balance bona fide religious beliefs with public health and equity issues. The Committee Amendment is a reasonable compromise and advocates for an exemption for those who have bona fide religious beliefs. The committee did not create new language when it defined a church. We used the definition of church found in the IRS code, which reads that church means a church, a convention or a association of churches or an elementary or secondary school, which is controlled, operated or principally supported by a church or by a convention or association of churches. Please notice the church run schools are also included even though they may employ people of many different faiths.

The primary mission, for example, in hospitals, is not religious teaching as hospitals primary mission is to provide health care to all patients regardless of their belief. It is not included within this definition. The definition is carefully crafted so that it is one that has been used over the years in the IRS definition. Everyone reading it then understands exactly what it is that means. I ask you to support this requirement to provide insurance. I think it will be an enormous benefit to those who use contraceptives. Thank you.

On motion of Representative GLYNN of South Portland, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-200)** was **ADOPTED**.

The same Representative presented **House Amendment "B" (H-520)** to **Committee Amendment "A" (S-200)** which was **READ** by the Clerk.

Representative SAXL of Bangor moved that **House Amendment "B" (H-520)** to **Committee Amendment "A" (S-200)** be **INDEFINITELY POSTPONED**.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House for your attention on this very important issue to many that have contacted me in religious sects and also in my district. The amendment before you House Amendment (H-520) is a very simple, simple amendment. What it does is it addresses the issue regarding exclusion for religious employers. As outlined by the good Representative from Bangor, Representative Saxl, the committee put forth a very narrow definition of religious employer as an exemption within the wording of the amendment for this state mandate. What this bill is all about is the mandating, the requirement, against, with or

without anyone's will, of having a covered insurance of contraceptives in a very controversial procedure with the morning after pill. It has mandated benefits in all health insurance plans in Maine that fall under those parameters. There are a number of religious sects in the State of Maine, if this body does choose to adopt this, which will not have the ability to be in any way exempted from this requirement.

One would be the Sisters of Mercy, who is a corporation of nuns. They will be required to have contraceptive coverage in their health insurance plan. Another, the Brothers of Christian Instruction. Another, the Brothers of Sacred Heart. Other holdings of Catholic organizations and other religious organizations include nursing homes, Catholic Charities of Maine and, of course, hospitals like Mercy Hospital. We as legislators may believe that mandates of contraceptive coverage is, in fact, a good thing. I can tell you that there are a number of religious employers and employees of these religious groups, like the Sisters of Mercy, who have no need for the government to come in to a religious order and start dictating to them the morals of their company. I, for one, don't want to be in a position where I am dictating the morals to a religious sect.

While I have always chosen not to read to the body, I have a one sentence statement in the Constitution of Maine that I would like to read to you. Article 1, Declaration of Rights, Religious Freedoms. "All individuals have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no person shall be hurt, molested or restrained in that person's liberty or estate for worshipping God in the manner and season most agreeable to the dictates of that person's own conscience." For us to sit here within our chambers and to dictate to nuns that they have to be provided contraceptive coverage among other things, is redundant. They don't need contraceptive coverage. They don't need the State of Maine telling them they need contraceptive coverage. Religious organizations which don't have even the money to do the good works of bringing and extending the arms to the poor as they do in providing the valuable social services and spreading the messages of their faith in Christianity. They absolutely do not need the expense of unneeded benefits. I ask your very strong consideration and thoughtful consideration of this important amendment. Mr. Speaker, when this amendment is taken, I would request the calling of the yeas and nays. Thank you.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-520)** 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 Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. For many years women have fought for equality. They have fought for the right to vote. They have fought to get themselves educated. They have fought to go after their chosen profession. It seems now that women are counting on us in this House to fight for them when it comes to contraceptive coverage. The committee, just a short month ago, passed a strong bipartisan amendment to give women the right to contraception. Contraception right now is something that is not offered to women in the workforce. It discriminates against women because 68 percent of the women right now aren't

receiving contraceptive coverage. The United States has the highest rate of unattended pregnancies. It is 49 percent and 49 percent of our insurance companies do not cover contraception. Here is a fact that we all can agree on. Not all of us share the same view on abortion. This bill prevents unwanted pregnancies and abortions. Too many, contraception is not a luxury. It is the keystone for preventing unintended pregnancies and abortions. I ask this body how you would vote on such a bill if an employer whose religion prohibited blood transfusions and refused to cover that procedure for an employee needing one. The analogy holds true in this particular case.

If we accept this amendment we will have women who will be prohibited from having birth control pills. We will have carved out an exception for some women because they happen to work for a certain organization. That is just plain wrong. Opponents to this Committee Amendment have offered House Amendment "B," which is now before you. The amendment is, frankly, over broad. In respect to the religious organization definition. Because it is over broad, it would certainly be a dangerous step down the road to gender inequity and ultimately free choice, which we all cherish. The Committee Amendment contains a religious exemption for all churches and primary and secondary schools. Attempts at broadening this exemption to hospitals, nursing homes and social services is ill conceived. These institutions do not have as their primary mission teaching of religious values. They accept public funds and they employ others of different faiths.

House Amendment "B" eliminates the choice of contraceptives for all but those who are involved in a rape or incest situation. What we will be doing if we pass this is we will be setting people up to have to claim rape or incest simply to get a contraceptive pill because they have made a mistake. If you think I am kidding about that, let's go back to the days when we had fault divorce. Let's go back to the days when people had to make false claims in order to get divorced. You will see what I mean. As far as a woman's right to contraception for medical reasons, not simply for sexual activity, but if you go to your obstetrician and for medical reasons have to be on the pill to stop bleeding or for some other medical reason, you will not be permitted to do this if you work for one of these organizations.

It fails to define, as I mentioned, what is a religious organization? It makes it so overly broad that just about anybody could qualify. In this chamber we talk much about the free exercise of property rights. I know there are many people here when we infringe on those property rights who see red. I am asking you today to see red when we talk about limiting the rights of these women to make that free choice to choose or not to choose. Thank you Mr. Speaker.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. I am not sure where to begin tonight. I am a member of this committee. It was a 12 to 1 report. There have been many things said. We worked with this. It came up even though half of the Catholic Diocese did not show up to the public hearing. They did not show up. Fourteen people testified in favor of this and 14 people or organization two neither for nor against. No one opposed. By the time I got home, I had a letter in my mailbox from the Catholic Diocese. I also had a press release from the *Portland Press Herald* saying that the Catholic Church was not going to take a stand on this issue. Two days later when we did the work session, the Catholic Church was

there. We did meet some of their demands. We did use the IRS, the federal government decision for what is standard for what is a religious organization. We also used that standard in not going any further. The prime interest of hospitals and nursing homes is to provide health care, not to teach a religion.

I have also heard that if we mandate insurance companies, then we will be asking employees to pay for something because they have asked for something called an exclusion on conscience. The insurance companies have stated that they simply will take it out of their policy, but there is no reduction in price of premium. There is no reduction in price.

I have listened to the Constitution be raised here several times in the short time that I have been in this chamber. There is also another part of the Constitution, the separation of church and state. This is health care policy. In the Banking and Insurance Committee, we are charged with coming up with good public health policy. I am very strong in my personal relationship with my God. I would not ask any of you to feel the way I do. The best thing to show my choice is if something is in a policy that goes against my religious beliefs, I simply don't take and use that part. I truly witness my religion. I do not want to make that same choice for everybody else. I ask you to vote to Indefinitely Postpone this amendment and to do what is right for good public health care for the women of this state. Thank you.

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

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. We hear a lot about the employer's choice here. I want to ask about the employee's choice. The committee bill will not force anybody to use contraceptives. It will merely give employees the choice to use contraceptives if they want to. We have heard about certain hospitals and nursing homes and I am not in the habit of taking on any religious people who don't want to offer their employees that choice. Having been a supporter all my life for the working people of the state, I am concerned about that certified nurse assistant who happens to work in an institution that doesn't offer this or the kitchen assistant who works very hard for minimum wage and that is the only job they can get. Should they be denied the choice of using contraceptives? I don't think so. I would ask that you would Indefinitely Postpone this amendment. I thank you for your time.

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

Representative MATTHEWS: Mr. Speaker, Men and Women of the House. I hope that you will not Indefinitely Postpone this amendment. With all due respect to the good people on the other side of this issue, I really believe that this issue oversteps that sacred contract, that social contract, that we have with members of all religious faiths that do good work. My faith in my God talked about good works in our society. The Catholic Church and Catholic Charities does a lot of good things that all of us, Democrats and Republicans, support. Outreach to the poor, food banks, education and the kinds of things historically in this country before the government got involved and I am proud to say they did. Churches did it all themselves. They did it on their own because no one else did. I think what this bill will do, ladies and gentlemen of the House, is break that bond that working commitment that we have with not just the Catholic charities, but with all faiths. I have thought a lot about this legislation here today. I understand what the other side is trying to do.

I happen to, personally and morally, be opposed to abortion. I am a Catholic. I am very proud to say I am a Catholic. This runs against my teachings of my faith, but also, ladies and gentlemen, there are many other Christian faiths that do good works also in our communities. We have had and I know all of you have listened to the debates on the other issues dealing with abortion. I respect differences of opinion on that issue. I hope you will respect mine on that issue. I can think of an example of Christians of all different Christian faiths and try to provide counseling for young women that find themselves carrying a child and trying to deal with the issues of raising a child. There are a lot of good works being done in helping that young woman get her life straightened out and get child care and get the kinds of services she will need such as education. Are we going to tell that religiously based good works organization that now you have to do something which you fundamentally and intrinsically are opposed to. This country is founded on separation of church and state. I agree with that and I thank our forefathers for doing that. Historically, men and women have paid a price to protect that. This, ladies and gentlemen, in my estimation, goes against separation of church and state. We know today with the problems that we have in our state and our country as examples, anytime you want to read your newspapers, go on and turn on the news. The pressures on working men and women, child care, educational concerns and all the good things that churches and their organizations do to fill that gap. We love to talk about, as legislators and elected officials, that government can't do it all. I have heard that for 10 years plus since I have been fortunate to represent the people of my area. The government can't do it alone. The churches have stepped up to the plate. Catholic Churches, charities, Protestant faiths and Christian faiths of all different backgrounds have stepped in to fill that gap. I think this really is an affront to them.

I understand how the process works down here. I have been down here before. I understand that committees sometimes have to take another hard look given the concerns of citizens of the state that the legislation doesn't quite cut the mustard. I would respectfully ask the committee to take another look at this issue. The people that I have talked to, those of my faith and others that are concerned where we are headed with this. They are really concerned. This is the wrong path. Pilgrims process, one way goes to the good lord, the other one heads down the sloughs of despond. I think we are headed into that bog with this one. I would ask all of you, respectfully, promoting this legislation to take another hard look. Let's not break the good social contract with our churches that are doing good works. Thank you men and women of the House.

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 one of the 12 on the 12 to 1. I must say as a dutiful Catholic I sat there when the chancellor of the Diocese came in and expressed his concerns. I listened intently and I made every effort to accommodate and I think the committee did too. I don't want to talk about Catholics, religions or birth control. I want to talk about insurance. The principle that you are trying to accomplish with this, and it is very effective, in insurance terms is broadening the base, broadening the risk pool. Every time you carve something out, whether it is a group, medicine or procedure, you narrow the risk pool and actually hurt the consumer. We made the exclusion that you see in the committee report and decided that if we left the door open, it

would just leave the door open for more and more exclusions and a narrowing of the risk pool. That is detrimental to the consumer. That is all I have to say about the insurance principle of it.

In response to the very good Representative from South Portland's assertion that nuns don't need contraceptive coverage. The holy mother knows that I was practically brought up by the nuns. They are women too. I am sure they have cramps. They ovulate and from time to time perhaps even a doctor might prescribe estrogen for them for medicinal purposes. Those nuns don't take home great salaries. I am sure that if they were faced with the need for that service, they would be grateful that it was covered. We shouldn't forget them either. Thank you Mr. Speaker.

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

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. The last speaker hit the nail on the head when he talked about risk pools. I will give you an example of how insurance works. I am sure that most of you know that you have your risk pools. Many people pay in and the ones that need it benefit from it. What we are asking is nuns who are fundamentally opposed to contraceptives and the morning after pill, which many of them view as abortion, maybe we don't view it that way, maybe the definition isn't that way, but it is their view and their beliefs and they have a right to it. We are asking these people to pay for this item, whether they use it or not. It was explained to you, the risk pool. They pay money into the risk pool. That money is going to abortions and contraception, which they do not believe in. This amendment, all it does is eliminate nuns and those groups that strongly oppose this from having to pay that money. This is a slap in the face. To indefinitely Postpone this amendment is a slap in the face to every religion and church out there. Just because you don't believe what they believe. It is worse than a slap in the face, it is spit in the face of them. Our morality is more important than yours. We think contraceptive items are important items. I do, but they don't. Why force them to pay for contraception just because we think it is important? It is right at the core of their beliefs. I ask you to please think about what you are doing. It is a very small amendment to not make nuns pay for abortions. In their mind, that is what you will be doing. Thank you.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House. I urge you to vote against the pending motion and to consider the amendment as proposed. The church feels very strongly about this. How strongly? I am not sure. If you worry about persons being insured and the church has to choose between offering a policy with a benefit that is totally against their beliefs, traditions or no insurance at all. The CNA who might have regular health insurance coverage could have no health insurance coverage. I believe that the church has gone to the wall on contraception. It comes directly from the Pope and all the way down through. It is not something that people like to hear, but it is true. I was raised in the Catholic church. I had 12 years of schooling with brothers and nuns. I do believe that this is pushing it to the wall. It is a simple amendment. The services are there in other aspects for people who choose to have contraception that is not allowed. As far as I can tell, this bill will take a huge burden off family planning services and family planning associates in the State of Maine.

Some of the people you are talking about can't afford insurance in the first place. You have to really think hard about whether they are going to offer something that to them is not just wrong, it is abhorrent. It is unholy. It will carve out one exemption in order to preserve all of the insurance and to recognize the strong safe conviction of the people who work in these places. It is not too much to ask. It really isn't. Thank you.

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

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. I ask you to vote against the pending motion. This amendment offered by the good Representative from South Portland is just another attempt to offer a compromise. A compromise, I think, is more reasonable than the last. I have a great difficulty with this. It is just a steadfast opposition to this amendment. The way I handled it through my committee is that we are more willing to listen to those who have opposition or who have concerns. We do almost anything to accommodate those concerns. We will alter legislation to consider those concerns of groups or any members of this body or the other. For some reason, I cannot believe that there is so much opposition for one exemption, a simple exemption, it just boggles my mind.

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

Representative **MCNEIL**: Mr. Speaker, Ladies and Gentlemen of the House. I find myself in a very difficult position here tonight. I believe in birth control for women. I do not believe that the morning after pill is an abortion. I also believe that we are taking away a lot of religious rights from people. I don't understand why and perhaps somebody here in this body could answer this question. Why do the Sisters of Mercy or the brothers would be required to purchase birth control pills on their policies when they are clearly not needed?

My other understanding is that Catholic Charities and Mercy Hospital also take public funds. I would believe that if you take public funds, you, therefore, then expose yourself to the will of the public. I can understand why that maybe shouldn't be in this amendment. I can't understand why anyone here would ask the sisters or the brothers to do something that clearly goes against their religious beliefs when everybody that has worked on these amendments has clearly told you that they would support contraception for women if you would just exclude that religious group.

I don't believe this has to be the end. Of our pieces of paper here tonight. I don't think it is an all or nothing that we have to be forced into making decisions like this when we could come up with a compromise that would please every single person in this room and get all of the green lights to come on. Thank you.

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. I will be supporting the motion. One reason, to answer the Representative's question is that this amendment is so broad that it will now apply to the employees of hospitals, social services organizations and nursing homes. As you have heard earlier in the debate, those large organizations employ people of other faiths as they must do under Maine law. Perhaps those employees would like to purchase contraceptive coverage. I would hope that contraceptive coverage could be something that we could agree whether we are male or female,

pro-life or pro-choice, Democrat or Republican. It prevents unintended pregnancies. Unintended pregnancies are expensive. They are inherently dangerous and they are a cost to our society, whether they result in abortion or they result in an unwanted child. An unwanted child will be a cost to society. We pick up those expenses repeatedly through the state budget. The committee's bill makes sense. It is a compromise position. It offers options for all employees whatever their faith. It does not require anyone to use contraceptives. It makes available contraceptives for those who wish to use them. I hope that you will join me in voting to Indefinitely Postpone.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. There's a child care center in my district which is run by a prominent religious non-profit organization. It's important to note that not all the staff at the center subscribe to the religious beliefs of their employer. Under the proposed amendment, prescription contraceptive coverage could be denied these employees, and others like them across the state, while requiring it for every other person insured in health plans subject to state law.

Proponents of this amendment are fond of citing the preservation of religious freedoms as a reason justifying its adoption. But, if we're going to have a conversation about religious freedoms as they concern this bill, we ought to have a full accounting. Concerns about religious freedoms are more complex than they may seem at first; these freedoms extend beyond merely those of the employer.

In this country and in this state, freedom of religion also means freedom from religious coercion. I direct you to Article 1, Section 3 of the Constitution of the State of Maine, "no person shall be hurt, molested or restrained in the person's liberty or estate for worshipping God in the manner and season most agreeable to the dictates of that person's own conscience." Despite this declaration of our values, the amendment before you forsakes the freedom of individual employees to worship according "to the dictates of his or her own conscience". It allows employers to dictate religious doctrine to employees whose religious beliefs may differ. These employees become complicit in the exercise of a religion that is not their own.

The Maine Constitution also directs that religious freedoms do not extend to those whose exercise of religion obstructs others in their religious worship. But the amendment before you suggests otherwise. It suggests that religious employers may obstruct an individual's freedom of exercise of religion or that individual's freedom to practice no religion at all. In denying the requirement for prescription contraceptives to the employees of all religious organizations, this amendment denies the religious freedoms of one group in favor of another, employers over employees.

The Banking and Insurance Committee, of which I am a member, made a profound concession when a majority of 12 voted in favor of a narrow exemption to the provisions of this bill for religious employers. To support this amendment because of its promise to protect religious freedoms is to support that freedom for one group over another, which isn't freedom at all.

Please join me in supporting the motion to Indefinitely Postpone.

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

**Representative MAYO:** Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in support of the current motion to Indefinitely Postpone Amendment "B." I am a member of the Committee on Banking and Insurance and one of the 12 who voted to bring before you the bill that we are currently discussing. I share the concerns of the previous speaker on some of the organizations, which are run by one of the religious groups that we have been talking about tonight. I have wanted my community that deals with dental health that is administered. Its books are kept. Its billing is done, but that is its only relationship. If a reading of the amendment before us would indicate that that particular organization would be exempt. It raises some real technical questions because it is funded by local tax dollars from the communities in the mid-coast area, state funds and federal funds.

The amendment that we have before us, I feel, is too broad and leaves too many questions unanswered. There is nothing in the current amendment dealing with notice to the employees. There are many employees who might feel differently than what we are hearing tonight with regard to Amendment "B." It has been mentioned, and I will repeat, that the amendment does not mention non-contraceptive reasons for the use of these drugs. There are a number of non-contraceptive uses. They are prescribed for such use.

Lastly, in this amendment are the words "unprotected sex." Currently in statute there is no definition of that term and yet it appears. Ladies and gentlemen of the House, I would sincerely urge you to support the motion. The committee wrestled with this. It made changes in an attempt to accommodate everyone. I think we should move forward with a vote to Indefinitely Postpone and then to adopt the motion as was presented to you by the committee. Thank you.

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

**Representative O'BRIEN:** Mr. Speaker, Ladies and Gentlemen of the House. This has been a very articulate debate, very deliberative debate and very eloquent debate. I feel none of those tonight. I do not feel eloquent and I do not feel articulate and I am not even going to attempt to be so. I am just going to say that I am a cosponsor of this bill. I had to think long and hard about being a cosponsor of this bill. I had to be assured. I had to research and I had to be assured that the morning after pill was not an abortion. I am now assured of that. I feel comfortable in continuing to be a cosponsor of this.

I think that Representative Dudley put it very, very well. I agree with him and I want to go on record as saying that he said what I wish I could say tonight. I urge you to Indefinitely Postpone this amendment.

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

**Representative MENDROS:** Mr. Speaker, Ladies and Gentlemen of the House. I rise to make two quick points. First, we heard about religion and how you have the right to practice your religion as long as you don't fringe upon the rights of another religion or lack thereof. I say to each of you that there is no religion I know of that requires you to take contraceptives. If there were, I would say how about an exemption for them, so that they can practice their religious rights of having contraception. It is something people choose to do. The Constitution, as I heard it, about religious freedom, says that your religious freedoms do not allow you to infringe upon another person's religious freedoms or lack thereof. Either way if it is

religious freedom or lack thereof, neither religion or no religion, requires you to use contraception.

My other point is there is no law in the State of Maine that requires insurance to be offered. We are telling these groups that if we don't pass this amendment that the only way that you can be true to your religion is to drop your insurance and not cover your employees at all or go against your religious beliefs. Then you are truly damming those people to life without insurance because those organizations do not wish to pay for others to have contraception, which is against their religious beliefs.

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

**Representative RICHARDSON:** Mr. Speaker, Men and Women of the House. One last point that I think was made by the good Representative from Lewiston and also the good Representative from the back aisle. He talked about going down the road of contraceptive coverage forcing churches or other institutions to cover such medication. We are down that road, Mr. Speaker, men and women of the House. Mercy Hospital, through its HMO, covers contraceptive care. I want to ask you to think about that. Think about how strong the whole notion is on the faces that Mercy Hospital, a Catholic institution, covers contraceptive coverage. Thank you.

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

**Representative GLYNN:** Mr. Speaker, Ladies and Gentlemen of the House. There are only a few brief points I would like to make. The first is regarding the amendment that is before you. Currently, in the State of Maine, under current existing law, there is no requirement that anyone offer contraceptive coverage. Yet, a number of us have it in our health plans. It is a negotiated benefit. You do not have in the State of Maine a requirement, a law, that you have to have insurance. There is no law requirement that you have to have a dental plan. However, we are putting in a mandate which requires certain coverages, controversial coverages, coverages that go against people's faith in religion through a mandate on health insurance plans, putting employers in a position where they could either offer a health plan that they do not agree with or, in fact, offer no health insurance at all. Is this the message we want to send to the State of Maine?

The so-called compromise that was done in the committee, I can tell you from going through that process, I do not feel that it was much of a compromise. I felt that the only ones that were compromised were the religious sects and the religious orders that testify in writing and before our committee. They have compromise. There is no question about it. Right now people have the option in their health care plans. Under this amendment that is before you it says, "A religious organization may request a waiver."

Why would they? Well, in some of their religious organizations, an example, the Sisters of Mercy, an organization of nuns, a corporation of nuns in the State of Maine. Does it make sense that they have in their health care plans contraceptive coverage? No. Do they want it as a benefit? No. Does it go against their religious beliefs? Yes. An exemption would be warranted. Other organizations, as we just heard testified by the good Representative from Brunswick, points out that religious organizations, yes, in fact, ladies and gentlemen, can be trusted to do the right thing. Mercy Hospital currently offers that as a benefit in their health care plan. Do you believe that if we adopt

an amendment that allows religious orders the same freedoms that they enjoy today, that they are suddenly going to turn on their employees? It is a negotiated benefit, just like your salary is a negotiated benefit, your dentist plan is a negotiated benefit. Until the Maine State Legislature gets done with them and then it is a mandate. It is a costly mandate. Thank you.

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. We talk often in this body about discrimination and tolerance, rights. Earlier today we even voted to maintain a convicted so-called right to vote while he is in prison. Now will we vote against a God fearing, law abiding citizen who chooses not to add this coverage to their plan? How can members of this body stand here, straight faced, and argue against their rights? There is more than one religion in this United States. There is more than humanism.

I have a couple of questions on this bill. If this bill passes to provide contraceptive coverage to everyone, does that mean that the Legislature will then deappropriate the funds that they intended to give to family planning, which in their words provide contraceptive coverage for anyone in need? Second of all, what types of contraception are not covered under this bill? This doesn't say that it won't cover things that will be accepted by the FDA later on to come. This doesn't say that RU486 and other such types of abortion will not be covered. People have a right to stand against something they feel very strongly about, the death of an unborn child. Will you stand against their right to say that? Thank you.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I have listened to some outrageous things being said on the floor of this House tonight. I would like to set the record straight. This bill requires that every health insurance have coverage for contraception. It provides a religious exemption. The religious exemption has to do with religious organizations. It would not require the Sisters of Mercy to offer contraceptive health insurance. That would seem to me as a deliberate outrageous statement. It says specifically within the bill that there is nothing that would cause an abortion is within that bill. That includes RU486. That is excluded from this bill. It was also suggested that the hospitals early in the debate, that the religious Catholic hospitals would have to provide this. That is correct. As a matter of fact, they already do provide for contraceptive insurance for their employees. This is contraceptive insurance we are talking about. We are not forcing anyone to do anything, which is against their religious beliefs. You can either avail yourself of these contraceptives or you cannot avail yourself of them. For any religious organization that includes churches, synagogues and other religious organizations and the religious educational organizations when they have bona fide religious exemption. Let me point out to you that the Jehovah's Witnesses, for example, do not believe in transfusions. Yet, the organizations for which they work often provide health insurance. In that health insurance there is benefit of transfusions. Likewise, this is very similar to that kind of thing where you do not have to avail yourself of abuse of the benefits. It will be there if you wish to use it. I would ask you to postpone this amendment. This amendment that has been proposed is a very broad amendment, whereas the one that was drafted by the committee was a very carefully studied and

balanced one. It uses and employs the definitions found in the IRS code, which are understood by attorneys and others who will be using the law. I would ask you to use that carefully crafted version of this bill and Indefinitely Postpone the looser, larger one, which is open to misinterpretation. Thank you for your patience and for listening to the debate. Please join me in voting for Indefinite Postponement.

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

Representative **MCNEIL**: Mr. Speaker, May I pose a question through the Chair to Representative Saxl of Bangor?

The SPEAKER: The Representative may pose her question.

Representative **MCNEIL**: Mr. Speaker, Ladies and Gentlemen of the House. Are you telling us, I just need to be guaranteed of this, that the Sisters of Mercy, the brothers, they do not need to purchase this health portion of the benefit. They don't have to pay for that. It won't be on their policy at all.

The SPEAKER: The Representative from Rockland, Representative McNeil has posed a question through the Chair to the Representative from Bangor, Representative Saxl. The Chair recognizes that Representative.

Representative **SAXL**: Mr. Speaker, Men and Women of the House. As I understand it, the Sisters of Mercy and the brothers are part of the church. Therefore, they would not be required to offer this insurance.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Glynn. 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 **GLYNN**: Mr. Speaker, Men and Women of the House. Thank you for the indulgence of the House. In fact, the Sisters of Mercy, the Brothers of the Christian Instruction and the Brothers of Sacred Heart are, in fact, not covered by the current pending language. They do need the amendment to become effective. The current language in Committee Amendment (S-200) states that a religious employer is only a church, a convention, an association of churches or an elementary or secondary school that is controlled, then it goes on talking about schools in relationship to that carving our portion of religious organizations from the federal code. By example, the Sisters of Mercy is a main corporation. It is a separate corporation. It is not a church. It is not a school. It is not covered. I am sure of this. I contacted Maine Catholic Diocese and they contacted their legal counsel, Attorney Bob Robinson, Esq., according to his legal opinion, absolutely, they will be covered without this amendment. They will be required to cover contraceptive coverage. That is why this amendment is before us for organizations and sects like this. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative **TOWNSEND**: Mr. Speaker, Ladies and Gentlemen of the House. I apologize for prolonging the debate. What is not clear to me from what I just heard is whether the Sisters of Charity operate a non-profit hospital, nursing home or a social service organization. Do they, in fact, employ a large number of other people who may not subscribe to their beliefs?



The SPEAKER: The Representative from Portland, Representative Townsend has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. Responding to the Representative's question, the Sisters of Mercy, the Brothers of Christian Instruction and the Brothers of Sacred Heart are all separate corporations and they employ those people who carry out their mission. They are not a church. They are a corporation for the purposes or incorporations. They, in fact, would not be covered under the Committee Amendment. They need wider protection. The House Amendment that is before us, all it does is it mirrors essentially the full text of the federal exemption. It states fairly simply that a religious employer, as meaning somebody that has filed their federal tax return as a non-profit religious organization. That is what in mind is a religious employer. It will take into account these entities. This is the complexity that the Banking and Insurance Committee unfortunately didn't deal with. It doesn't take into affect that there are these other organizations and corporations in need of this protection that are, in fact, churches or schools. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "B" (H-520) to Committee Amendment "A" (S-200). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 176

YEA - Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Collins, Colwell, Cote, Cowger, Daigle, Davidson, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Heidrich, Jabar, Jacobs, Kane, Labrecque, LaVerdiere, Lemoine, Lindahl, Mailhot, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Murphy T, Muse, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Pieh, Povich, Powers, Quint, Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shorey, Skoglund, Stanley, Stevens, Sullivan, Tessier, Townsend, Tracy, Tripp, True, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Ahearn, Andrews, Belanger, Berry DP, Bowles, Bragdon, Bumps, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Cross, Davis, Desmond, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lovett, MacDougall, Mack, Madore, Martin, Matthews, McKenney, McNeil, Mendros, Murphy E, Nass, O'Neal, Perkins, Pinkham, Plowman, Richard, Richardson E, Savage C, Sherman, Shields, Sirois, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Tuttle, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Bolduc, Buck, Lemont, Perry, Thompson.

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

84 having voted in the affirmative and 62 voted in the negative, with 5 being absent, **House Amendment "B" (H-520) to Committee Amendment "A" (S-200) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (S-200) was ADOPTED.**

Representative MATTHEWS of Winslow moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **BANKING AND INSURANCE.**

Representative SAXL of Portland **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **BANKING AND INSURANCE.**

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 Standish, Representative Mack.

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. I urge you to support the pending motion. The debate on the last amendment, there is still much doubt on whether or not these religious organizations would be able to get these exemptions or not. I don't think anyone here wants to force religious organizations to have to purchase contraceptive coverage. I think the committee needs to work a little more to see if these organizations do have contraceptive coverage.

Also, the whole idea of mandates on policies troubles me. I heard that the idea for this bill first came up because a lot of insurance companies and insurance plans were covering Viagra. Viagra is the pill mostly used for men. Viagra is not mandated on any insurance plans and neither should contraceptives. It is not just the contraceptives. It is the whole concept of mandates. Mandating something for some raises the cost for everybody. Health care is very expensive. We would make it even more so and make it even harder for Maine's uninsured to afford any health insurance. Besides, many plans now cover contraceptive coverage. If someone wants contraceptive coverage, then they should choose a plan. Many plans now cover contraceptives. If someone wants contraceptive coverage, then they should choose a plan that provides contraceptives. They have the ability to shop around now. Besides forcing religious organizations to pay for abortion pills and contraceptive coverage, this bill raises the cost of health insurance for everybody and makes health insurance even further out of the reach for Maine's uninsured. I urge you to vote in favor of the pending motion.

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

Representative MENDROS: Mr. Speaker, Men and Women of the House. I am not going to give a long speech. We heard in the last debate some flaws in the amendment. No proper definition, different little technical flaws. I believe there is a way to get some of these groups covered. I ask you to please vote for the pending motion and let this go back to the committee. If the committee can't fix it, then to get a couple more exemptions in there, to exempt out nuns. I am not a religious fanatic. I am not even Catholic. I ask you to please vote for this motion. Give it a chance to cut some of these groups out. It is not a big thing we are asking for here. Don't force our views on these groups. Please give it a chance.

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

Representative GLYNN: Mr. Speaker, Men and Women of the House. I wish to briefly rise in support of the pending motion to recommit this back to the Banking and Insurance Committee. I wish to state to the members of the House that if you do vote to send it back, I will vigorously work very hard for a compromise position in this important matter. I can tell you that I believe that a number of the errors that have occurred, which have caused this great debate have been because the discussion was not long enough at the committee and not all of the parties were at the table at the beginning. Primarily there is a state mandation,

which is in place in the state statutes on the Banking and Insurance Committee. It says that when we enact a mandate, any kind of insurance mandate, we are required to do a mandate study, a full cost analysis of this. In fact, this was before the committee because this issue was on the fast track. It is the only one I know of that we did this year. We voted to waive the mandate study. Had that analysis been done, I don't believe we would be where we are today. I thank you.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. As chair of the Banking and Insurance Committee, I want to remind this body that this was before the committee. Everyone had an ample opportunity to appear at public hearings. There were a number of work sessions. The resulting vote out of committee was 12 to 1. I think we have had an ample airing of these issues. Thank you.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. There have been many, many issues this session which have been recommitted back to the committee with all due respect to the good chair. I understand the hard work of the Banking and Insurance Committee and all of us here. There are times, ladies and gentlemen, when issues such as the many issues on both sides, the kind of cloudiness around this issue that could be clarified and honed together and maybe a compromise worked out for those that have some religiously based concerns. I believe very much in this process, ladies and gentlemen, each and every one of us that is elected here, I hope that when we take our oath that we don't take an oath primarily, first and foremost, to go home soon. We take an oath to do the people's business, deliberate openly and together and work out our differences as much as possible and to do the right thing. I believe that that can happen. I believe that those of us that have some concerns and organizations out there will participate and we will come out with a better bill. If not, we will shake hands and differ. That is the American way. Ladies and gentlemen of the House, I hope you will give this ample opportunity for more discussion. I can think of a lot of other bills this session, with all due respect to this body and those committees that in my estimation are not as important as this issue. Thank you.

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

Representative **GERRY**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this motion to send it back to committee and for them to look at some points that were brought up tonight. I very rarely stand and speak on these issues. Probably I should stand up more. I am afraid that we are setting bad precedence here sending out this piece of legislation with so many problems, when there are so many legislators who think there are so many problems with this. I am afraid if we send it out now we will come up with some more problems like what we had with the confidentiality bill where we thought everything was fine and got home and then all of a sudden we found out it wasn't. I ask this body to please support the motion to Recommit. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is that the Bill and all accompanying papers be Committed to the Committee on Banking and Insurance. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 177

YEA - Ahearne, Andrews, Belanger, Berry DP, Bowles, Bragdon, Bumps, Carr, Chick, Chizmar, Clark, Clough, Cross, Davis, Desmond, Duncan, Foster, Gerry, Gillis, Glynn, Goodwin, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lovett, MacDougall, Mack, Madore, Matthews, McKenney, McNeil, Mendros, Murphy E, Nass, O'Neal, Perkins, Pinkham, Plowman, Richard, Richardson E, Rosen, Savage C, Sherman, Shields, Shorey, Sirois, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

NAY - Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Cianchette, Collins, Colwell, Cote, Cowger, Daigle, Davidson, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gooley, Green, Hatch, Jabar, Jacobs, Kane, Labrecque, LaVerdiere, Lemoine, Lindahl, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Murphy T, Muse, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Pieh, Povich, Powers, Quint, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Skoglund, Stanley, Stevens, Sullivan, Tessier, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Bolduc, Buck, Campbell, Lemont, Perry, Thompson.

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

62 having voted in the affirmative and 83 voted in the negative, with 6 being absent, the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **BANKING AND INSURANCE FAILED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-200)** in concurrence.

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

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#### 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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Promote Historic and Scenic Preservation

(S.P. 429) (L.D. 1266)

(C. "A" S-96)

TABLED - May 10, 1999 (Till Later Today) by Representative SHIAH of Bowdoinham.

PENDING - **FINAL PASSAGE**.

On motion of Representative GAGNON of Waterville, **TABLED pending FINAL PASSAGE** and later today assigned.

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HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-280)** - Minority (2) **Ought to Pass as Amended by Committee Amendment "B" (H-281)** - Committee on **HEALTH AND HUMAN SERVICES**

on Bill "An Act to Amend the Law Governing the Confidentiality of Health Care Information"

(H.P. 1156) (L.D. 1653)

TABLED - May 10, 1999 (Till Later Today) by Representative KANE of Saco.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

On motion of Representative KANE of Saco, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

An Act to Increase Penalties for Standing or Walking on Railroad Tracks

(H.P. 56) (L.D. 70)  
(C. "A" H-199)

TABLED - May 10, 1999 (Till Later Today) by Representative TRACY of Rome.

PENDING - Motion of Representative MENDROS of Lewiston to **INDEFINITELY POSTPONE** Bill and accompanying papers.

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

Representative **JABAR**: Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, let me explain to you what this bill is. This was a unanimous report from the committee. What was presented to us was a bill called the Railroad Trespass Prevention Act. The committee rejected a lot of what was in there primarily because it called for a jail sentence for walking on the tracks. Right now, the present law, it is against the law to walk on the tracks. It is not a crime. It is an infraction, subject to a fine of \$5 and no more than \$20. If you drive on the tracks, it is a Class E crime. That is what it is now. What happened is there was a meeting of the people who were for and against this made up of DOT, Guilford Transportation, Guilford Rail Systems Railroad police, the Department of Conservation, the Maine Snowmobile Association, the Sportsmen Alliance of Maine and Operation Lifesaver. These groups got together to discuss this problem.

One of the problems is several people have been killed on tracks. They need to do something about it. They didn't know quite what to do. The law that was presented to us went a little bit too far. This group got together and came back with a consensus and really all it did is what is in front of you. That is to upgrade the fines to make it a little more serious than a fine of \$5 to \$20. This goes back to probably the 1950s. The thought was to upgrade it to modern day standards. The fines now are \$5 to \$100 for a first offense. The second offense it is \$100 to \$500. For third and subsequent offenses it is \$500 up to \$1000. Keep in mind that even if it is your third offense the judge can still suspend any amount of the sentence. The judge, in effect, can give you any fine from \$5 to \$1,000 if you are a repeat offender. There is no jail provision in here. It is not a crime. The only change is the upgrading of the fines. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **STEDMAN**: Mr. Speaker, Men and Women of the House. To anyone who can answer, if a person is hunting in the woods and he crosses a railroad track while he is hunting, is he creating a violation under this law?

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

Representative **JABAR**: Mr. Speaker, Men and Women of the House. In an attempt to answer the question, let me read the law. "A person who without right stands or walks on a railroad track or bridge or passes over such a bridge, except by railroad conveyance, commits a civil violation" That is the law now. It remains the same. The law that was presented to us indicated that you couldn't even cross the tracks unless it was an authorized crossing. Literally, if you read this, you could say it is a technical violation just for crossing it. I believe the intent is to prevent people from walking on it or standing on 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. I would remind you that the fine goes from \$20 to \$1,000 fine for the third offense or more, even \$500 at minimum just for walking on railroad tracks. We want to do this as a deterrent. As I said before, 40,000 tons of steel coming at you. If that is not a deterrent, no fine is going to be. It is dangerous. It is more dangerous to cross the street, than it is to cross a railroad track. Jaywalking, as I understand it, is only a \$25 fine. It is right in line with this. Private property rights is another argument I have heard. The railroads own that property. We all own property or know people that do. Does the government come in and fine somebody \$1,000 for coming on our property? The railroads shouldn't be getting special privileges. I urge you to vote for the pending motion. The fine is there. If there are kids that are around these places that might get hurt, let the police go and tell them to get off and give them a fine and bring them home. I will tell you that if I was a kid and playing on the railroad track, standing there and a police officer brought me home and gave my mother a fine and said your son is playing on a railroad track, I don't think I would be sitting down for a while. I wouldn't be going near a railroad track again. Let's have some common sense. A \$1,000 fine is excessive. I don't know if you have ever spent time sitting in a court and seeing what is going on. I have seen poor people who can't afford to pay these fines and I have seen the judge say, why don't you work it off at \$20 a day in jail. When I spoke to someone in the Maine Civil Liberties Union about this, they said it is an attack on the homeless that hang out near the tracks. They get this fine and they have to spend 25 days in jail. It is a great way to round the homeless off the streets and stick them in jail by paying this off at \$20 a day. Let's think about what we are doing here.

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

Representative **LINDAHL**: Mr. Speaker, Men and Women of the House. That is really stretching it an awful lot. A lot of this come about because of problems in Lewiston and Auburn from kids hanging on the tracks crossing the railroad trestle. The police have said that 99.9 percent of the time they may get away with it. It is that one-tenth of 1 percent of the time that they would have problems. They have one particular bridge where kids hang out there. Just a short time ago, in October, a young teenager fell off that trestle. They go down there and tell the kids not to go on it. It is a \$5 fine. They can't prosecute it. Down to Sagadahoc County the Sheriff gets called about kids swimming off a train trestle. They go down and tell the kids to please stay

off the train trestle. They are not going out and looking for kids on the tracks. It is when they get complaints they go down there. They can't take action. The DA will not do anything because it is a \$5 fine. This doesn't change the law at all. It just raises the fine up to the regular misdemeanor sentencing. There is a problem. A young kid lost a hand and foot up in Waterville from being on the tracks and getting hit by a train. These trains can't swerve around the kids when they are on the tracks.

In the committee we saw pictures of a snowmobile down in Auburn that was on the tracks. Where two tracks come together, he wedged his ski in there. There were about three or four people there and I think they had a wrecker that finally had to hook onto that snowmobile and pull it off the tracks and un wedge it. If a train had come then, there would have been problems. This just gives the police an opportunity to enforce the law. It hasn't changed the law an awful lot. If somebody gets a \$1,000 fine, that means they have done it a third time. Good lord, what do they have to do, get hit between the eyes with a train. Thank you.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. It is exactly true what my friend Representative Lindahl says. I think Lewiston takes the trophy for having the most people killed by being on a railroad track or crossing that trestle bridge. As a matter a fact, it is one of the places where a child fell of the trestle bridge, the child didn't die, but the policeman that went into the river to try to rescue him, he drown. That makes it an even greater tragedy. When you can't enforce a law because a fine is not commensurate to the violation, it doesn't deter anybody from using that bridge. I don't care how many signs they post up there, if the sign is \$20, nobody is going to pay attention to it nowadays. This at least gives a tool whereby enforcement can be more severe than what it has been at present. I would urge you, not to deter anything from my good friend, Representative Mendros, I don't feel that one person's life is not worth fighting over this bill. It is already a law. All we have done is make it more enforceable by increasing the fines. I urge you not to Indefinitely Postpone this and vote for this bill. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I can't believe what I just heard that our District Attorneys are unwilling to prosecute this and our police officers are unwilling to write a ticket because it is only \$5 to \$20. They are supposed to be enforcing this law to save the kids lives, not to raise revenue, not it is not worth it unless they can get \$1,000. If they get that kid off the track for \$5, it is going to solve the problem. They bring them home and they tell their parents their kid was playing on the railroad track. Making it a bigger fine just so they can raise revenue, that is insane. Our police officers and our District Attorneys are the Executive Branch of Government. It is their job to enforce the laws that we pass, not to make money, but to save lives. We already have a law that will save lives. For us to say it is not worth it because we are not going to make enough money off it. It blows my mind. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative **RINES**: Mr. Speaker, Men and Women of the House. I have to say that I was actually quite surprised when

I saw this bill. I didn't even realize it was illegal to walk on the tracks. I am sure Wiscasset is like a lot of towns in the State of Maine where the train tracks dissect from one end of the town or the other. In Wiscasset the tracks follow the Sheepscot River to Edgecomb, which is on the other side. It is almost a right of passage to walk the railroad bed out through the river, across the trestle, through the ledges and to the black iron bridge on the other side. Although I don't really want to encourage anyone to break the law, I personally don't see anything wrong with walking on the tracks. We have done it for years in Wiscasset. The worm diggers use the railroad tracks to get to the flats to dig the worms. You basically have to use the tracks to get from one end of town to the other. On the fourth of July there are thousands of people walking on the tracks all day long. Hundreds of thousands of people have walked the tracks to take pictures of the old boats in the town, the Yacht Club to Whites' Island. You need the tracks. I would encourage everyone to vote for the pending motion. Thank you.

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

Representative **SIROIS**: Mr. Speaker, Ladies and Gentlemen of the House. I worked 40 years on the railroad. I think is the most foolish rule that I have ever seen in my life. We got the bell on the engine. We got the whistle. We got the lights. The engineer when he goes into a place where he knows there is a lot of kids or something like that, he will take the precaution that needs to be done. Kids are kids and I can't see this rule at all. I am going to vote against it.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

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

Representative **CAMERON** of Rumford **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 Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I rise tonight to explain how I felt in committee. I was opposed to this bill, but after working with the committee and after hearing all of the speeches tonight, I can definitely see there is a problem with people walking on the tracks. I urge you to vote with the committee.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. We have a problem in York County. All that is running are freight trains. They are fairly slow and they don't come through often. In the last three to four years we have had deaths and serious injuries in Biddeford and Saco. The passenger trains are coming to Maine. There is going to more trains on the tracks. They are being designed for faster trains. If we are losing youngsters now to injuries and death, those injuries and deaths are going to continue.

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

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. I just hope we are not passing another state law

because there are problems in certain parts of Maine. It sounds like Lewiston and York County has a problem and it seems to me we could have been a little more creative and dealt with those instead of passing a law that is almost pointing out the two Maine syndrome. Thank you.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Shorey.

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

The SPEAKER: The Representative may pose his question.

Representative **SHOREY**: Mr. Speaker, Men and Women of the House. Would this apply to railroad tracks that are currently not in use?

The SPEAKER: The Representative from Calais, Representative Shorey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative **LINDAHL**: Mr. Speaker, Men and Women of the House. This question came up when we had that committee talk. The railroad security force has assured us that they are not going to be patrolling non-used railroad tracks. There are only two officers in the entire state. They have enough trouble taking care of where the trains are currently running frequently. As far as the problem being statewide, the only place we have a problem is where there aren't active railroad tracks and people.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I know the hour is late and, again, I didn't intend to speak on this. I just want to bring up an issue. Why I guess I voted the last time for the motion to Indefinitely Postpone. The railroad runs down the downtown Livermore Falls area. The Livermore Falls High School, Intermediate Learning Center and the Middle School are all on the hill. The rec fields are down by the river, across the tracks. The students have for a number of years have crossed the tracks in an area. The school went to the area saying we would like to improve that and make it a little nicer down through there. The railroad said you can't cross there. You are going to have to bus those kids around the town and bring them in through the road. The school and the town have been fighting with the railroad to get them to allow them to make it a safer crossing and improve it. They have been very uncooperative. The tracks run through the center of town. People go down the tracks. I understand the safety issues and I agree with the trestle issue. I think that is a serious issue.

The other humorous point I guess I will make is when I play golf down to Springbrook, we had a golf cart bill here. My ball doesn't always stay on the course. A couple of times I have had to go out on the tracks to retrieve that ball. If I had to do that three or four times, I would be in big trouble. I wouldn't be able to afford the game of golf anymore. Thank you.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. This is in response to the question from the Representative from Penobscot, there was a young man killed on the tracks between Brewer and Ellsworth a few years ago. I believe a couple who died up in Aroostook County back in the '70s or '80s. I don't have as much time on the railroad as the good Representative, but I worked for the Chesapeake and Ohio

before I worked in Maine. You want to see big eyes, you want to see the eyes of an engineer when there is a kid on the tracks or a car on the tracks that is not supposed to be there. You cannot stop those things. It is a frightening experience. Railroads have real deep pockets. If there is an accident of that nature, they are going to be gone at. If you want to protect business, one way is to keep people off those tracks. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. I wish to answer the question of the Representative from Calais. As I read the law, the way it is written, this makes it illegal to walk on tracks that are not used anymore. This law makes it illegal to walk on any tracks. They said they won't enforce it. They are supposed to be enforcing the law that we have on the books right now and they are not.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. It is getting late and I can see a few of us are getting a little hot under the collar because of statements being made. For those of us who sat in the public hearing and those of you who weren't in the public hearing, I will give you the facts. The fact is that this law is for active tracks. This law is not for non-active tracks. I think common sense would tell us that. Thank you.

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

#### ROLL CALL NO. 178

YEA - Ahearne, Bagley, Belanger, Berry RL, Carr, Clark, Clough, Colwell, Daigle, Desmond, Dugay, Gerry, Gillis, Glynn, Goodwin, Green, Jacobs, Kasprzak, Mack, Martin, McKenney, Mendros, Mitchell, Norbert, O'Brien LL, O'Neal, Perkins, Pinkham, Powers, Richardson E, Rines, Samson, Savage W, Saxl JW, Sherman, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Tobin J, Tracy, Trahan, Twomey, Usher, Volenik, Waterhouse, Watson, Winsor.

NAY - Andrews, Baker, Berry DP, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Chick, Chizmar, Cianchette, Collins, Cote, Cowger, Cross, Davidson, Davis, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gooley, Hatch, Heidrich, Honey, Jabar, Jodrey, Jones, Joy, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Lovett, MacDougall, Madore, Mailhot, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Murphy E, Murphy T, Muse, Nass, Nutting, O'Brien JA, O'Neil, Peavey, Pieh, Plowman, Povich, Quint, Richard, Richardson J, Rosen, Sanborn, Savage C, Saxl MV, Schneider, Shiah, Stanwood, Stedman, Stevens, Sullivan, Tessier, Tobin D, Townsend, Treadwell, Tripp, True, Tuttle, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Bolduc, Buck, Lemont, Perry, Thompson.

Yes, 50; No, 96; Absent, 5; Excused, 0.

50 having voted in the affirmative and 96 voted in the negative, with 5 being absent, the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

HOUSE DIVIDED REPORT - Report "A" (7) **Ought to Pass as Amended by Committee Amendment "A" (H-354)** - Report "B" (4) **Ought to Pass as Amended by Committee Amendment "B" (H-355)** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "C" (H-356)** - Report "D" (1) **Ought Not to Pass** - Committee on LABOR on Bill "An Act to Treat All Employees Equitably with Respect to Leaves of Absence for Legislative Service"

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

TABLED - May 10, 1999 (Till Later Today) by Representative HATCH of Skowhegan.

PENDING - Motion of same Representative to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-354)**.

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

HOUSE DIVIDED REPORT - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-347)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Permit Wine to be Ordered through the Mail"

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

TABLED - May 10, 1999 (Till Later Today) by Representative TUTTLE of Sanford.

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

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

Representative **STEVENS**: Mr. Speaker, Men and Women of the House. This bill, despite the unpositive committee report, I think it is a good bill because the idea behind the bill came from someone who lived in my town that has a mother-in-law who lives in Sonoma Valley, California. When he and his wife go to visit her family, her parents, they visit wineries. This is an anecdotal story, I know, but I am just using it to prove the point that he, as a consumer, as a connoisseur of these esoteric rare wine, tries to order them through the mail here in Maine. Presently, you cannot order wine through the mail in Maine. As you know, until last year in Maine you could not order contact lenses through the mail. Thanks to the change that this Legislature made to that statute last year, consumers in Maine can now order contact lenses through the mail. I use that analogy to highlight the fact that there are some sort of traditional old blue laws. Some pertaining to alcohol and some not, which prohibit consumers in Maine from the free access that they enjoy elsewhere. I do support the idea, the proposal, that this man suggested. Consumers should be allowed to order wine through the mail under regulated circumstances. The greatest alarm in the committee during the hearing on this bill was that Maine wine distributors might lose business and minors might be able to get wine through the mail.

As you know, there are many restrictions imposed upon minors who try to get wine or alcohol from anywhere. There are certain exemptions in the law that allow consumers to get special

wines and alcohols in other ways. It is rather unfortunate that we are doing so many alcohol bills this week because they really are unrelated. This is a consumer bill. I do stand behind it despite a 12 to 1 Majority Report. I would remind the body that in the past we had a system in place where consumers could get a sort of certificate or registration and thereby order wine through the mail under the regulation of the state. It would not be unusual for important or even serious matters to be handled through the mail. As you know, many items, products and merchandise are available over the Internet and through the mail. We also have shipping in place which can control the delivery of controlled substances. I will remind you that the mail is not something people take lightly. You can even order guns and ammunition through the mail. Children have not been able to get those things lightly.

I do hope that you would consider voting against the Majority Ought Not to Pass Report and allow the chance for Maine consumer to order these rare esoteric wines from these small vineyards that are not available here in Maine. An argument to the old system was that no one ordered wine through the mail when they were able to. I would offer to the body that that is the perfect counter argument to the claim that this might hurt the distributors in Maine. This won't hurt the distributors in Maine because when they had the chance to, no one ordered wine through the mail. This is for the very few people who would like to. I do hope you will vote with the Minority Ought to Pass Report. Thank you.

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

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

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. The hour is late. A wise legislator once told me that anything done after 9:00 is probably not good. I hope that you would support the Ought Not to Pass.

In all honesty, I passed out an article that was given to the committee about teens who turn to the web for alcohol. I hope all of you have a chance to read it. Essentially Maine, like most other states, establishes and maintains the legal system designed to regulate the importation and sale of beer and wine. The state has vested interest in monitoring the amount of beer and wine entering the state. As many of us are aware, Maine distributors and retailers must pay an annual license fee to the state in order to sell these products. All these Maine businesses must collect and remit to the state the proper excise taxes, alcohol premium taxes and sales taxes on these products. Finally, these businesses must comply with the numerous laws and regulations governing the importation, distribution and retailing of beer and wine in the state.

This issue is not unique to Maine. Direct shipments of alcohol are illegal in most states. Legislation has been introduced in the United States House of Representatives and the US Senate to provide state officials with access to federal courts to help enforce state laws against illegal shipments. States are losing over, from my records, \$200 million in taxes each year because of these illegal alcohol shipments. A particular concern to me and Congress is the growing access by minors to the Internet sales of alcohol. We had much testimony at the hearing. We had a parent of a student who was involved.

A gentleman had very much concern about this bill. The Internet has made the fake ID obsolete giving our teenagers easy access to beer, wine and liquor delivered directly to their mailboxes without any legal safeguards.

At a Congressional hearing on March 9, 1999, in a report from the *Washington Time*, allowing a home, apartment or dorm room deliver of alcohol to those under 21 is turning Federal Express or UPS drivers into bartenders. An 18 year old who was quoted and a national board member from Mothers Against Drunk Drivers in the *Washington Times* and on January 5, 1999 on Channel 8 in Lewiston. It was a report called *Cyber Spirits*. It specifically addressed the concern about underage access to alcohol over the Internet. As many of us are aware on the committee, I hope this Legislature is aware that Maine just spent more than a year with the formation of the Maine Communities Face Alcohol Committee, the Community Based Alcohol Study Circle and the Joint Task Force on Substance Abuse addressing various concerns regarding alcohol abuse and underage consumption. There are more than 5,000 wine labels registered in Maine now. If a consumer can't find a wine that they like within more than 5,000 wine selections, a local retailer on behalf of a consumer can work within the legal system to get desired wines for a local broker. It is for that reason, Mr. Speaker, that I would encourage you to support the 12 to 1 Ought Not to Pass Report from the committee. Thank you.

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

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

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. There is a very good reason this is a 12 to 1 report from the Legal and Veterans Affairs Committee. This is a bad bill. You don't have to be on that committee anymore than five minutes to know that Maine is a controlled state. Unless we are willing to change that entire system, everything we do with alcohol, every time we tinker with it, we upset the balance. This would upset the balance of the supply and distribution system. It is not warranted in that regard. Not to mention the fact that we would probably put our UPS drivers and our Fedex Drivers at risk. They are going to have to ask for IDs when they deliver alcohol through the mail. As you have heard from the committee chair, there are plenty of wine labels available in the state. If you happen to find an obscure label that is not available, the broker in Lewiston, I forget his name, will order it for you. It is obtainable. I urge you to accept the Majority Report on this.

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

Representative **MCNEIL**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise to support the Representative from Orono, Representative Stevens bill. I don't believe this is a bad bill. I do believe that it needs perhaps some fine tuning to answer all the questions and concerns that people have. There are many people out there that are responsible citizens that only want to enjoy those fine grapes from certain vineyards. They can only get them from certain places in small quantities. There is an amendment that will follow if you allow us to get it onto the floor that will allow the responsible citizens of

the State of Maine to get this wine delivered to the door. There are 12 states right now that allow reciprocal conditions with us. UPS is already equipped to get signatures at the door. I ask you please to allow us to bring the amendment to the floor and vote no on the Ought Not to Pass. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lisbon, Representative Chizmar.

Representative **CHIZMAR**: Mr. Speaker, Men and Women of the House. I rise in support of the Ought Not to Pass motion. I offer a point of clarification. Current Maine law allows Maine consumers to transport malt liquor or wine into the state in a quantity greater than three gallons for malt liquor and four quarts for wine. This statute already allows sufficient flexibility to Maine consumers for such purchases.

I would also like to share with you one concern that I have. It deals with enforcement issues regarding minors. Who would be liable for the delivery to a minor? Number two, what penalty would be imposed on UPS for such a delivery?

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

**ROLL CALL NO. 179**

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Bragdon, Brennan, Bruno, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Colwell, Cote, Cowger, Cross, Daigle, Davis, Desmond, Dugay, Fisher, Foster, Frechette, Gagne, Gagnon, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, Lemoine, Lindahl, Lovett, MacDougall, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, Pinkham, Povich, Powers, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl MV, Sherman, Shiah, Shields, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tripp, Tuttle, Twomey, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Brooks, Bryant, Bull, Collins, Davidson, Dudley, Dunlap, Duplessie, Etnier, Fuller, Green, Hatch, Jabar, LaVerdiere, Mack, Marvin, McNeil, O'Neal, O'Neil, Peavey, Perkins, Pieh, Plowman, Quint, Saxl JW, Schneider, Shorey, Stevens, Townsend, True, Watson, Williams.

ABSENT - Bolduc, Buck, Duncan, Goodwin, Lemont, Perry, Thompson, Winsor.

Yes, 111; No, 32; Absent, 8; Excused, 0.

111 having voted in the affirmative and 32 voted in the negative, with 8 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-320)** - Minority (2) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Provide Computers for Use in the Legislature" (EMERGENCY)

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

TABLED - May 10, 1999 (Till Later Today) by Representative AHEARNE of Madawaska.

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

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

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JOINT ORDER - Relative to Establishing The Task Force to Redesign the Governance System of the Governor Baxter School for the Deaf

(H.P. 1183)

**TABLED** - May 10, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-367)**.

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

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JOINT ORDER - Relative to the Joint Standing Committee on Health and Human Services Reporting Out Legislation Regarding Mental Health Services

(H.P. 1569)

- In House, **READ** and **PASSED** on April 29, 1999.

- In Senate, **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

**TABLED** - May 10, 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.

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

(H.P. 1212) (L.D. 1741)

(C. "A" H-291)

**TABLED** - May 10, 1999 (Till Later Today) by Representative TRACY of Rome.

PENDING - **PASSAGE TO BE ENACTED**.

On motion of Representative GERRY of Auburn, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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An Act to Provide Equity for Eviction Notification

(H.P. 1237) (L.D. 1766)

(C. "A" H-311)

**TABLED** - May 10, 1999 (Till Later Today) by Representative MARTIN of Eagle Lake.

PENDING - **PASSAGE TO BE ENACTED**.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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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)

**TABLED** - May 10, 1999 (Till Later Today) by Representative GERRY of Auburn.

PENDING - Motion of same Representative to **RECONSIDER PASSAGE TO BE ENGROSSED**.

On motion of Representative SHIAH of Bowdoinham, **TABLED** pending the motion of Representative GERRY of Auburn to **RECONSIDER PASSAGE TO BE ENGROSSED** and later today assigned.

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HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-477)** - Committee on **LABOR** on Bill "An Act to Enhance the Payment Options for Certain Employers"

(H.P. 214) (L.D. 292)

**TABLED** - May 10, 1999 by Representative HATCH of Skowhegan.

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

On motion of Representative SHIAH of Bowdoinham, **TABLED** pending the motion of Representative HATCH of Skowhegan to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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Resolve, to Study Standardized Periods of Military Service and Other Matters Related to the Award of State of Maine Veterans' Benefits (EMERGENCY)

(H.P. 76) (L.D. 89)

(C. "A" H-312)

**TABLED** - May 10, 1999 by Representative SAXL of Portland.

PENDING - **FINAL PASSAGE**.

On motion of Representative TUTTLE of Sanford, **TABLED** pending **FINAL PASSAGE** and later today assigned.

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Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1999-00" (EMERGENCY)

(H.P. 1311) (L.D. 1872)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386)** on May 6, 1999.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386) AS AMENDED BY SENATE AMENDMENT "A" (S-255)** thereto in **NON-CONCURRENCE**.

**TABLED** - May 11, 1999 (Till Later Today) by Representative GAGNON of Waterville.

PENDING - **FURTHER CONSIDERATION**.

On motion of Representative GAGNON of Waterville, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "A" (H-545)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Waterville, Representative Gagne.

Representative **GAGNE**: Mr. Speaker, Men and Women of the House. This is a technical amendment to the municipal cost component for the unorganized territories for this coming fiscal year.

**House Amendment "A" (H-545) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-386) as Amended by**



**Senate Amendment "A" (S-255)** thereto and **House Amendment "A" (H-545)** in **NON-CONCURRENCE** and sent for concurrence.

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SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-217)** - Minority (5) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act to Amend Maine's Family and Medical Leave Law"

(S.P. 511) (L.D. 1512)

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

**TABLED** - May 11, 1999 (Till Later Today) by Representative **HATCH** of Skowhegan.

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

Representative **MACK** of Standish **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.

On motion of Representative **HATCH** of Skowhegan, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

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SENATE DIVIDED REPORT - Majority (8) **Ought to Pass** - Minority (5) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Improve the Maine Clean Election Act"

(S.P. 300) (L.D. 872)

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

**TABLED** - May 11, 1999 (Till Later Today) by Representative **TUTTLE** of Sanford.

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

On motion of Representative **TUTTLE** of Sanford, **TABLED** pending his motion to **ACCEPT** the Minority **Ought Not to Pass** Report and later today assigned.

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SENATE DIVIDED REPORT - Report "A" (6) **Ought Not to Pass** - Report "B" (4) **Ought to Pass as Amended by Committee Amendment "A" (S-233)** - Report "C" (2) **Ought to Pass as Amended by Committee Amendment "B" (S-234)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Apportion State Lottery Funds to Pay for Quality Early Care and Education"

(S.P. 347) (L.D. 1051)

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

**TABLED** - May 11, 1999 (Till Later Today) by Representative **TUTTLE** of Sanford.

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

On motion of Representative **TUTTLE** of Sanford, **TABLED** pending his motion to **ACCEPT** Report "A" **Ought Not to Pass** and later today assigned.

HOUSE DIVIDED REPORT - Report "A" (6) **Ought to Pass** - Report "B" (5) **Ought Not to Pass** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "A" (H-500)** - Committee on **LABOR** on Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 as it Relates to Compensation for Amputation of a Body Part"

(H.P. 163) (L.D. 225)

**TABLED** - May 11, 1999 (Till Later Today) by Representative **HATCH** of Skowhegan.

**PENDING** - Motion of same Representative to **ACCEPT** Report "A" **OUGHT TO PASS**.

On motion of Representative **HATCH** of Skowhegan, **TABLED** pending her motion to **ACCEPT** Report "A" **Ought to Pass** and later today assigned.

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HOUSE DIVIDED REPORT - Report "A" (9) **Ought Not to Pass** - Report "B" (2) **Ought to Pass** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "A" (H-497)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Eliminate Voter Registration on Election Day"

(H.P. 376) (L.D. 501)

**TABLED** - May 11, 1999 (Till Later Today) by Representative **TUTTLE** of Sanford.

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

On motion of Representative **TUTTLE** of Sanford, **TABLED** pending his motion to **ACCEPT** Report "A" **Ought Not to Pass** and later today assigned.

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

An Act to Establish the Birth Defects Program

(H.P. 1322) (L.D. 1905)

(C. "A" H-268)

**TABLED** - May 11, 1999 (Till Later Today) by Representative **SAXL** of Portland.

**PENDING** - **PASSAGE TO BE ENACTED**.

On motion of Representative **KANE** of Saco, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED** House Amendment "A" (H-544) which was **READ** by the Clerk.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. This amendment creates an exception to the provisions regarding the reporting and entry into the central register of information regarding birth defects for a child whose parents or legal guardians object on the basis of sincerely held religious beliefs. It also adds a modest fiscal note to the bill. This is a program administered by the Bureau of Health. Thank you Mr. Speaker.

House Amendment "A" (H-544) was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-268) and House Amendment "A" (H-544) in **NON-CONCURRENCE** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-320)** - Minority (2) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Provide Computers for Use in the Legislature" (EMERGENCY)

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

Which was **TABLED** by Representative AHEARNE of Madawaska pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-320)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 13, 1999.

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

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

(H.P. 1212) (L.D. 1741)

(C. "A" H-291)

Which was **TABLED** by Representative GERRY of Auburn pending **PASSAGE TO BE ENACTED**.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

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)

Which was **TABLED** by Representative SHIAH of Bowdoinham pending the motion of Representative GERRY of Auburn to **RECONSIDER PASSAGE TO BE ENGROSSED**.

Subsequently, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED**.

On motion of Representative GERRY of Auburn, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-413)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-516)** to **Committee Amendment "A" (H-413)** which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (H-413)** as Amended by **House Amendment "A" (H-516)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-413)** as Amended by **House Amendment "A" (H-516)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

Resolve, to Study Standardized Periods of Military Service and Other Matters Related to the Award of State of Maine Veterans' Benefits (EMERGENCY)

(H.P. 76) (L.D. 89)

(C. "A" H-312)

Which was **TABLED** by Representative TUTTLE of Sanford pending **FINAL PASSAGE**.

On motion of Representative TRIPP of Topsham, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-312)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-518)** to **Committee Amendment "A" (H-312)** which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Topsham, Representative Tripp.

Representative **TRIPP**: Mr. Speaker, Men and Women of the House. I passed out a flyer earlier on goldenrod paper, which is very simple. It adds to the Committee Amendment. A representative of the American Legion, representative of Foreign Wars, a representative of disabled American Veterans, representative from AMVETS and a representative of the Military Order of the Purple Heart to this committee. The reason I did that is the intent of the original bill, as I read it is to study standardized periods of military service for the award of State of Maine veteran's benefits and included some veterans groups. The Committee Amendment when it came out of committee included only legislators. I feel that the experience of these people from these groups would add to this process. Thank you very much.

Representative **TUTTLE** of Sanford moved that **House Amendment "A" (H-518)** to **Committee Amendment "A" (H-312)** be **INDEFINITELY POSTPONED**.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I, along with Representative Tripp, did have some initial concerns that were expressed in reference to this issue, but the way the committee is set up now, we have 13 members on the committee, by adopting the amendment there will be 18 members. I don't know if any of you have ever been on committees of this nature, but I think 18 is just too big of a number. The groups in question, I can tell you they will be very active in this study committee, they always have and they always will be, but it was the majority wishes of the committee that we limit the scope to 13 members. I wish we could include everybody, but as many of you know in setting up these things that you just can't do that. For that reason, I would encourage you to support the Majority Ought to Pass unanimous report of the committee. It is a committee that Representative McAlevy has worked very hard on. I would just hope that we would stay the course and allow these 13 members to exist as written. I

would encourage you to support the motion to Indefinitely Postpone this amendment.

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

Representative **GAGNE**: Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, Ladies and Gentlemen of the House. I support Representative Tuttle's Indefinite Postponement of this bill. We spent quite a bit of time getting ready as to exactly who would be on the task force. We had Representatives from veterans there and they were pleased to know that we were holding them in the five different locations around the state where we do have veterans homes. They would be open for them to come and present different problems that they have. This had worked well last summer when the Governor's task force was involved. That worked out well at the same time. Also, none of these would be excluded. I don't know if you are aware of it or not, but there are a lot more than five veterans organizations in the state. We felt if we were going to be fair, we can't exclude some of them. There are still Vietnam vets, MIA groups vets and several other groups besides the five mentioned. It will go way beyond 20 and beyond that. We shouldn't be able to try to decide all of the different ones to be excluded and the ones to be included. We also have veterans on our committee. A couple of them were even on the Governor's task force last time. I think we have a pretty good committee. It is wide open. The group will be able to attend those meetings. I think we will be able to get their questions answered and their concerns written down. Support the Indefinite Postponement please.

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

Representative **HEIDRICH**: Mr. Speaker, Ladies and Gentlemen of the House. We spent a long time on this particular bill. I would like you to follow the light of our chair, the Representative from Sanford. We are going to all the veterans' nursing homes. We are notifying all the veterans' groups. They will certainly be represented. We have many veterans on this particular committee. I think we should go the way we were. Please follow Representative Tuttle's light.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-518) to Committee Amendment "A" (H-312)**.

Representative **AHEARNE** of Madawaska **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-518) to Committee Amendment "A" (H-312)**.

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 to Indefinitely Postpone House Amendment "A" (H-518) to Committee Amendment "A" (H-312). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 180

YEA - Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bouffard, Brennan, Brooks, Bryant, Cameron, Campbell, Chick, Chizmar, Cianchette, Clough, Collins, Cote, Davis, Desmond, Dudley, Duncan, Duplessie, Frechette, Fuller, Gagne, Gagnon, Gooley, Hatch, Heidrich, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Lovett, Madore, Mailhot, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney,

McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Neil, Peavey, Perkins, Pinkham, Plowman, Povich, Powers, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Sherman, Shields, Skoglund, Stanley, Stanwood, Stedman, Sullivan, Tessier, Tobin D, Townsend, Treadwell, Tuttle, Twomey, Usher, Volenik, Weston, Wheeler GJ, Mr. Speaker.

NAY - Ahearne, Bowles, Bragdon, Bruno, Bull, Bumps, Carr, Clark, Colwell, Cowger, Daigle, Davidson, Dunlap, Etnier, Fisher, Foster, Gerry, Gillis, Glynn, Green, Honey, MacDougall, Mack, Martin, Mendros, O'Brien LL, O'Neal, Quint, Richard, Schneider, Shiah, Sirois, Snowe-Mello, Stevens, Tobin J, Tracy, Trahan, Tripp, Waterhouse, Watson, Wheeler EM, Williams, Winsor.

ABSENT - Bolduc, Buck, Cross, Dugay, Goodwin, Lemont, Perry, Pieh, Shorey, Thompson, True.

Yes, 97; No, 43; Absent, 11; Excused, 0.

97 having voted in the affirmative and 43 voted in the negative, with 11 being absent, **House Amendment "A" (H-518) to Committee Amendment "A" (H-312) was INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (H-312) was ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-312)** in concurrence.

Representative **MENDROS** of Lewiston **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Final Passage. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 181

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

NAY - Marvin.

ABSENT - Bolduc, Buck, Cross, Dugay, Goodwin, Lemont, O'Brien JA, Perry, Pieh, Shorey, Thompson, True.

Yes, 138; No, 1; Absent, 12; Excused, 0.

138 having voted in the affirmative and 1 voted in the negative, with 12 being absent, the Resolve was **FINALLY**

**PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

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

**ENACTORS**

**Emergency Measure**

An Act Concerning Licensure of Chiropractors

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

(S. "A" S-205)

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

Representative MacDOUGALL of North Berwick **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

**ROLL CALL NO. 182**

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

Schneider, Sherman, Shiah, Sirois, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Shields.

ABSENT - Bolduc, Buck, Cross, Dugay, Goodwin, Lemont, O'Brien JA, Perry, Pieh, Shorey, Skoglund, Thompson, True.

Yes, 137; No, 1; Absent, 13; Excused, 0.

137 having voted in the affirmative and 1 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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**BILL HELD**

An Act Regarding Continuing Education for Professional Land Surveyors (EMERGENCY)

(H.P. 917) (L.D. 1295)

(C. "A" H-232)

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

**HELD** at the Request of Representative SAXL of Portland.

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

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

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

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On motion of Representative CLARK of Millinocket, the House adjourned at 10:25 p.m., until 9:00 a.m., Thursday, May 13, 1999.