

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume II

First Regular Session

May 13, 1999 – June 19, 1999

Second Regular Session

January 5, 2000 – March 22, 2000

ONE HUNDRED AND NINETEENTH LEGISLATURE
FIRST REGULAR SESSION
50th Day Legislative Day
Thursday, May 13, 1999

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

Prayer by Reverend J. John Keggi, St. Mark's Episcopal Church, Augusta.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 826)

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services jointly report out to the Senate a bill establishing a fund to receive and use money received by the State in settlement of or in relation to the lawsuit State of Maine v. Philip Morris, et al., Kennebec County Superior Court, Docket No. CV-97-134.

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

READ.

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

Non-Concurrent Matter

JOINT ORDER - Relative to Requiring Joint Standing Committees on Banking and Insurance and Health and Human Services to report out legislation to the House that delays implementation of changes in health insurance

(H.P. 1571)

READ and **PASSED** in the House on May 4, 1999.

Came from the Senate with the Joint Order **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to include the Income of a Lessee for the Purpose of Determining Eligibility in Farm and Open Space Tax Laws"

(H.P. 1077) (L.D. 1524)

PASSED TO BE ENGROSSED in the House on May 10, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-265)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Establish a Fund to Promote Acadian Cultural Tourism for St. Croix Island"

(H.P. 1029) (L.D. 1451)

Majority (9) **OUGHT TO PASS AS AMENDED REPORT** of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-271)** in the House on May 3, 1999.

Came from the Senate with the Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-272)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Amend the Workers' Compensation Law as It Pertains to Employer-selected Health Care Providers"

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

Majority (7) **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-359)** in the House on May 11, 1999.

Came from the Senate with the Minority (5) **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**.

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

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 the motion to **Recede and Concur**. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 183

YEA - Andrews, Belanger, Berry DP, Bowles, Bruno, Buck, Cameron, Campbell, Chick, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Fuller, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, McKenney, McNeil, Mendros, 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, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

NAY - Ahearn, Bagley, Baker, Berry RL, Bouffard, Brooks, Bryant, Bull, Carr, Chizmar, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Etnier, Fisher, Frechette, Gagne, Gagnon, Gerry, Goodwin, Hatch, Jabar, Jacobs, Kane, Lemoine, Mailhot, Martin, McDonough, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Bolduc, Bragdon, Brennan, Bumps, Clark, Dugay, Duplessie, Green, LaVerdiere, Lemont, Madore, Matthews, McGlocklin, Quint, Skoglund.

Yes, 67; No, 69; Absent, 15; Excused, 0.

67 having voted in the affirmative and 69 voted in the negative, with 15 being absent, the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **ADHERE**.

Non-Concurrent Matter

Bill "An Act to Restore State Funding for Mediation Services Provided by the Maine Labor Relations Board"

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

Majority (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-357) in the House on May 11, 1999.

Came from the Senate with the Minority (3) **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**.

Representative THOMPSON of Naples **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 the motion to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 184

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

NAY - Ahearn, Andrews, Bagley, Baker, Berry RL, Bouffard, Brooks, Bryant, Bull, Cameron, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Hatch, Jabar, Jacobs, Kane, Lemoine, Mailhot, Martin, McAleve, McDonough, McKee, Mitchell, Murphy E, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Bolduc, Bragdon, Brennan, Bumps, Dugay, Duplessie, Green, LaVerdiere, Lemont, Madore, Matthews, McGlocklin, Quint, Skoglund, Weston, Winsor.

Yes, 60; No, 75; Absent, 16; Excused, 0.

60 having voted in the affirmative and 75 voted in the negative, with 16 being absent, the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **ADHERE**.

Non-Concurrent Matter

Bill "An Act to Establish Procedures for the Awarding of Loans and Grants to Municipalities and Other Entities"

(H.P. 885) (L.D. 1242)

Majority (7) **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-374) in the House on May 11, 1999.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL**

GOVERNMENT READ and **ACCEPTED** 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 Protect Municipalities from Property Tax Loss when Land is Acquired by the State"

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

Minority (4) **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-203) in the House on May 10, 1999.

Came from the Senate with the Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

Non-Concurrent Matter

JOINT ORDER - Relative to Establishing the Committee to Address the Recognition of the Tribal Government Representatives of Maine's Native Sovereign Nations in the Legislature

(H.P. 1524)

READ and **REFERRED** to the Committee on **JUDICIARY** in the House on April 8, 1999.

Came from the Senate **READ** and **PASSED AS AMENDED BY SENATE AMENDMENT "A"** (S-271) in **NON-CONCURRENCE**.

On motion of Representative THOMPSON of Naples, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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

COMMUNICATIONS

The Following Communication: (S.C. 245)

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

May 12, 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 Minority Ought Not to Pass Report from the Committee on Agriculture, Conservation and Forestry on Bill "An Act to Ensure Compliance with Disability Access Laws by the Baxter State Park Authority," (H.P. 1189) (L.D. 1699), was accepted.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate
READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 247)
**THE SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

May 12, 1999
The Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, ME 04333

Dear Clerk Mayo:
Please be advised that the Senate has Insisted to its previous action and Joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act to Allow a One-time Double Exemption for Income Tax Filers Who Adopt a Dependent Child," (H.P. 295) (L.D. 403).

The President has appointed as conferees on the part of the Senate the following:

- Senator Beverly C. Daggett of Kennebec
- Senator Richard J. Carey of Kennebec
- Senator S. Peter Mills of Somerset

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

READ and ORDERED PLACED ON FILE.

Reference is made to Bill "An Act to Allow a One-time Double Exemption for Income Tax Filers Who Adopt a Dependent Child" (H.P. 295) (L.D. 403)

In reference to the action of the House on Thursday, April 29, 1999, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

- Representative GAGNON of Waterville
- Representative WILLIAMS of Orono
- Representative MURPHY of Berwick

ORDERS

On motion of Representative MARTIN of Eagle Lake, the following Joint Order: (H.P. 1581) (Presented on behalf of the Joint Standing Committee on Natural Resources pursuant to Joint Rule 353)

WHEREAS, on October 13, 1998, the Governor submitted a request to the United States Environmental Protection Agency to discontinue participation in the federal reformulated gasoline program. This request was a direct result of a groundwater study that raised significant concerns about methyl tertiary-butyl ether, or "MTBE," in groundwater; and

WHEREAS, the Environmental Protection Agency granted this request contingent upon several conditions being met, including the identification of a replacement fuel or strategy that provides volatile organic compound reductions equivalent to reformulated gasoline, or "RFG"; and

WHEREAS, the Board of Environmental Protection recently issued a ruling that requires fuel in southern Maine to have a

Reid Vapor Pressure, or "RVP," of 7.8 as of May 1, 1999. An RVP fuel of 7.2 is projected for the year 2000; and

WHEREAS, a supplier to Maine of 7.2 RVP fuel has not yet been identified; and

WHEREAS, the supply and delivery of alternative fuels have serious implications for the State's economy and the State's compliance with the federal Clean Air Act; now, therefore, be it

ORDERED, the Senate concurring, that the Stakeholders Group to Explore Options and Alternatives to MTBE and RFG is established as follows.

1. Stakeholders group established. The Stakeholders Group to Explore Options and Alternatives to MTBE and RFG, referred to in this joint study order as the "stakeholders group," is established.

2. Membership. The stakeholders group consists of 12 members appointed as follows:

- A. Two members from the Senate who serve on the Joint Standing Committee on Natural Resources appointed by the President of the Senate;
- B. Three members of the House of Representatives who serve on the Joint Standing Committee on Natural Resources appointed by the Speaker of the House of Representatives;
- C. An employee in the Department of Environmental Protection, Bureau of Air Quality, appointed by the President of the Senate;
- D. A representative of the Maine Petroleum Association, recommended by that organization and appointed by the Speaker of the House;
- E. A representative of the Maine Oil Dealers Association, recommended by that organization and appointed by the President of the Senate;
- F. Two representatives of a fuel industry in the State, appointed by the Speaker of the House;
- G. An employee of the Natural Resources Council of Maine, nominated by the executive director of that organization and appointed by the President of the Senate; and
- H. An employee or representative of the American Lung Association of Maine, nominated by the executive director of that organization and appointed by the Speaker of the House.

3. Chairs. The first Senate member named is the Senate chair and the first House member named is the House chair.

4. Appointment; convening stakeholders group. All appointments must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the chairs of the stakeholders group shall call and convene the first meeting of the stakeholders group no later than July 30, 1999.

5. Duties. The stakeholders group shall explore alternatives to the uses of RFG and MTBE. The stakeholders group also shall:

- A. Evaluate fuel handling problems that lead to groundwater contamination and expand public education on fuel handling issues;
- B. Review issues to help to ensure that the transitions to the low RVP fuels occur without undue price and supply disruptions;

- C. Identify opportunities to comply with the state implementation plan; and
- D. Review any other appropriate issues relating to the use of alternative fuels.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the stakeholders group.

7. Compensation. Legislative members of the stakeholders group are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings.

8. Report. The stakeholders group shall submit a report on their findings along with any recommended legislation to the Joint Standing Committee on Natural Resources by December 31, 1999. Following the receipt of this report, the Joint Standing Committee on Natural Resources may introduce legislation to the Second Regular Session of the 119th Legislature. If the stakeholders group requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

9. Budget. The chairs of the stakeholders group, with assistance from the stakeholders group staff, shall administer the stakeholders group budget. Within 10 days after its first meeting, the stakeholders group shall present a work plan and proposed budget to the Legislative Council for its approval. The stakeholders group may not incur expenses that would result in the stakeholders group exceeding its approved budget.

Upon request from the stakeholders group, the Executive Director of the Legislative Council or the executive director's designee shall provide the stakeholders group chairs and staff with a status report on the study budget, expenditures incurred and paid and available funds.

READ.

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

Representative **MARTIN:** Mr. Speaker, Members of the House. This Order is a result of the work that has been done by the Committee on Natural Resources on the question of MTBE and it has the unanimous support of the members of the Committee.

PASSED.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Scott Smith, who risked his life in an attempt to rescue a man whose van plunged into the Kennebec River in Hallowell on April 12, 1999. Mr. Smith, callman on Engine 1 of the Westbrook Fire Department, is also a member of the department's cold-water rescue team. He witnessed the van fly into the river and jumped onto the vehicle despite dangerous currents, outgoing tide and almost freezing water temperatures. He continued to try to gain access to the locked van to assist the unfortunate victim. We gratefully acknowledge Mr. Smith's exceptional bravery and courage and extend our appreciation to him for his attempt to help his fellow man without regard to his own life;

(HLS 394)

Presented by Representative USHER of Westbrook.

Cosponsored by Representative DUPLESSIE of Westbrook, Senator O'GARA of Cumberland.

On **OBJECTION** of Representative USHER of Westbrook, was **REMOVED** from the Special Sentiment Calendar.

READ

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Usher.

Representative **USHER:** Mr. Speaker, Men and Women of the House. It is a great privilege that I have to stand before you and talk about Scott Smith who is in our audience today. Scott is a businessman. He works for an insurance company, therefore his dress attire is similar to ours today. He was on business, he had a meeting in the Augusta area early in the morning, he attended and his second meeting was in the Hallowell area so he was sitting in the parking lot at the time of the incident that the postal truck went down over the hill into the water. Scott dove in the Kennebec River on the outgoing tide and found that the doors were locked and there was nothing he could do right there. He actually went downstream about 60 feet before the truck sank to the bottom. He came to shore and advised some people to call 911 and some other advise because he is a trained fire fighter from the City of Westbrook. He's also on the cold water diving team. He went back into the water and made another attempt. Can you image the condition he was in. This is in April, real cold water. He did an extraordinary deed. It took a lot of courage to do this. After the event was all over, he went to his meeting, after he changed his clothes. Scott is a former hockey player for the University of Maine in Orono and he is also a former professional hockey player for the New York Rangers, so he is in great shape and he still is today. It is very fortunate that we have him here to honor and I know the City of Westbrook and the State of Maine is really proud of him. Thank you.

PASSED and sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Ten Members of the Committee on **CRIMINAL JUSTICE** reporting in Report "A" **Ought Not to Pass** on Bill "An Act to Limit Children's Access to Firearms"

(S.P. 178) (L.D. 532)

Signed:

Senators:

MURRAY of Penobscot

O'GARA of Cumberland

DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth

FRECHETTE of Biddeford

CHIZMAR of Lisbon

McALEVEY of Waterboro

PEAVEY of Woolwich

TOBIN of Dexter

SHERMAN of Hodgdon

Two Members of the same Committee reporting in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (S-208)** on same Bill.

Signed:

Representatives:

MUSE of South Portland

QUINT of Portland

One Member of the same Committee reporting in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-209)** on same Bill.

Signed:

Representative:

O'BRIEN of Augusta

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

READ.

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

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-218)** on Bill "An Act Requiring Doctors Giving 2nd Opinions in Workers' Compensation Cases to be Certified"

(S.P. 350) (L.D. 1054)

Signed:

Senator:

LaFOUNTAIN of York

Representatives:

HATCH of Skowhegan

MUSE of South Portland

GOODWIN of Pembroke

FRECHETTE of Biddeford

MATTHEWS of Winslow

SAMSON of Jay

DAVIS of Falmouth

MACK of Standish

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

Signed:

Representatives:

MacDOUGALL of North Berwick

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 SENATE AMENDMENT "A" (S-275).**

READ.

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

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-242)** on Bill "An Act to Ensure that Displaced Workers Have Access to Appropriate Job Training, Education and Employment Services through a Peer Support Program"

(S.P. 594) (L.D. 1718)

Signed:

Senators:

DOUGLASS of Androscoggin

LaFOUNTAIN of York

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:

Senator:

MILLS of Somerset

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-242).**

READ.

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

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-266)** on Bill "An Act to Improve the State's Democracy by Increasing Access to the Ballot and Other Election Processes"

(S.P. 217) (L.D. 639)

Signed:

Senators:

DAGGETT of Kennebec

CAREY of Kennebec

FERGUSON of Oxford

Representatives:

CHIZMAR of Lisbon

MAYO of Bath

PERKINS of Penobscot

TUTTLE of Sanford

HEIDRICH of Oxford

McKENNEY of Cumberland

GAGNE of Buckfield

FISHER of Brewer

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

Signed:

Representative:

LABRECQUE of Gorham

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-266).**

READ.

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Require Consistency When Interviewing Children in Criminal and Civil Cases"

(H.P. 778) (L.D. 1101)

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

THOMPSON of Naples
BULL of Freeport
LaVERDIERE of Wilton
JACOBS of Turner
MITCHELL of Vassalboro
NORBERT of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-531)** on same Bill.

Signed:

Representatives:

PLOWMAN of Hampden
MADORE of Augusta
WATERHOUSE of Bridgton
SCHNEIDER of Durham

READ.

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Bring Equity into Custodial Agreements"

(H.P. 1056) (L.D. 1487)

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

THOMPSON of Naples
BULL of Freeport
LaVERDIERE of Wilton
MITCHELL of Vassalboro
JACOBS of Turner
NORBERT of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-530)** on same Bill.

Signed:

Representatives:

PLOWMAN of Hampden
MADORE of Augusta
WATERHOUSE of Bridgton

SCHNEIDER of Durham

READ.

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

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-532)** on Bill "An Act to Clarify Referendum Wording"

(H.P. 41) (L.D. 55)

Signed:

Senators:

CAREY of Kennebec
FERGUSON of Oxford

Representatives:

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

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

Signed:

Senator:

DAGGETT of Kennebec

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-532)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, May 14, 1999.

CONSENT CALENDAR

First Day

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

(H.P. 1174) (L.D. 1685) Bill "An Act Governing Privileged Communications between Victims of Crimes and Governmental Victim Witness Advocates" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(H.P. 1411) (L.D. 2018) Bill "An Act to Simplify the Rule of Reasonable Belief in the Maine Criminal Code" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(H.P. 1424) (L.D. 2031) Bill "An Act to Amend the Laws Relating to Issuance of a Warrant in the Name of the District Court" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(H.P. 1491) (L.D. 2129) Bill "An Act to Bring Certain Criminal Code Provisions Addressing Fines Into Conformity with Recently Amended Criminal Code Provisions Addressing Restitution" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(H.P. 139) (L.D. 201) Bill "An Act to Repeal the Maine Criminal Justice Academy Certification Requirements for Sheriffs" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "C"** (H-560)

(H.P. 299) (L.D. 407) Bill "An Act to Reconcile Minor Technical Differences between Forest Practices Laws and Rules" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-551)

(H.P. 625) (L.D. 875) Bill "An Act to Minimize the Harmful Effects of Lead" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-566)

(H.P. 883) (L.D. 1240) Resolve, Regarding Legislative Review of Chapter 20: Forest Regeneration and Clearcutting Standards, a Major Substantive Rule of the Department of Conservation (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-552)

(H.P. 970) (L.D. 1368) Bill "An Act to Ensure a Fair Distribution of Hunting Permits" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-567)

(H.P. 1017) (L.D. 1428) Resolve, to Enhance Fire Protection Services throughout the State Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-557)

(H.P. 1326) (L.D. 1909) Bill "An Act to Provide Continuing Financial Support for the Maine Community Policing Institute at the University of Maine at Augusta" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-559)

(H.P. 1340) (L.D. 1923) Bill "An Act to Facilitate the Establishment of Trail Easements" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-563)

(H.P. 1407) (L.D. 2012) Bill "An Act to More Accurately Describe the Criminal Conduct Committed When a Person Grows or Cultivates Marijuana" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-561)

(H.P. 1478) (L.D. 2118) Resolve, to Establish the Study Commission to Create and Submit a Master Plan for the Future Use of the Existing Land and Buildings at the Maine Youth Center Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-558)

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

**CONSENT CALENDAR
Second Day**

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

(S.P. 378) (L.D. 1079) Bill "An Act to Establish a Framework for Management of Emerging Fisheries" (C. "A" S-264)

(S.P. 503) (L.D. 1504) Bill "An Act to Amend the Lobbyist Registration Fee Provisions" (C. "A" S-263)

(H.P. 527) (L.D. 734) Bill "An Act to Strengthen the Child Care Licensing Laws" (C. "A" H-533)

(H.P. 1092) (L.D. 1539) Bill "An Act to Require More Timely Court-ordered Psychological Evaluations" (C. "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" (C. "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" (C. "A" H-536)

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

BILLS IN THE SECOND READING

Senate

Bill "An Act to Encourage Continuous Improvement in Pollution Prevention in Maine" (S.P. 820) (L.D. 2223)

Senate As Amended

Bill "An Act to Provide Opportunity for an Increase in Wine-tasting Locations for Farm Wineries" (S.P. 222) (L.D. 644) (C. "A" S-246)

Bill "An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers" (S.P. 288) (L.D. 806) (C. "A" S-189)

Bill "An Act to Amend the Workers' Compensation Laws" (S.P. 364) (L.D. 1067) (C. "A" S-241)

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) (C. "A" S-212)

Bill "An Act to Increase Health Insurance Benefits for Retired Educators" (S.P. 607) (L.D. 1730) (C. "A" S-187)

House

Bill "An Act to Amend the Prevailing Wage Laws" (H.P. 728) (L.D. 1018)

House As Amended

Resolve, to Establish the State Office Building Location Task Force (H.P. 226) (L.D. 304) (C. "A" H-292)

Bill "An Act to Provide Computers for Use in the Legislature" (EMERGENCY) (H.P. 666) (L.D. 922) (C. "A" H-320)

Bill "An Act to Prohibit the Employment of Professional Strikebreakers" (H.P. 756) (L.D. 1046) (C. "A" H-484)

Bill "An Act to Allow Cutting of Trees in the Shoreland Zone Under Certain Conditions" (H.P. 1036) (L.D. 1458) (C. "A" H-481)

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

Bill "An Act to Impose Stricter OUI Penalties on Operators of Watercraft, ATVs and Snowmobiles"

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

(C. "A" H-509)

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

On motion of Representative PERKINS of Penobscot, was **SET ASIDE**.

On motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-509)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-574)** to **Committee Amendment "A" (H-509)** which was **READ** by the Clerk.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-574)** to **Committee Amendment "A" (H-509)**.

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 Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. Yesterday, not only did common sense lurk around in the halls, but common sense was made manifest and prevailed in both ends of this great building on a lot of issues. I submit to you that here's a chance to once again vote with great common sense so you can go back home and tell your folks that we did something in the name safety, for public safety, but we recognize the difference between public safety and decisions that should be made by individuals. This amendment, I hope you have a copy of it, would amend the bill that we passed yesterday which increased the penalties for OUI on watercraft, ATVs, and snowmobiles. This amendment speaks to the operation of snowmobiles and ATVs, these are land vehicles. I left watercraft alone because watercrafts are operated on the great ponds, this is all public property and you can make a good argument that OUI violations are severe and they're serious on public property so I didn't touch that one.

This amendment says that if you're operating on a snowmobile or an ATV on your own property and you reside on that property, it's where you live, then it says that these laws do not pertain, these OUI laws do not pertain. This is not to say that we are encouraging people to go out and get drunk on their machinery behind their house, or on their ATV, or even extending that to their riding lawnmower. This doesn't say that at all, all this says is that we recognize the difference. We recognize our responsibility to public safety, but we recognize the difference that adult people should make these decisions for themselves and when you go to a bean supper on Saturday night, or go to your coffee shop in the mornings, you can look people in the eye and say look we did something for public safety, but we listened to you people back home, too and we respect your private property and your individual decision making power. Thank you.

Representative **DUNLAP** of Old Town moved that **House Amendment "A" (H-574)** to **Committee Amendment "A" (H-509)** be **INDEFINITELY POSTPONED**.

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

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

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

Representative **LABRECQUE**: This new amendment, this is how I understand it and if I don't would somebody please correct that. If I have a woodlot that's 20 miles from my residence and I am found, or stopped, to be operating under the influence then I would be subjected to the fines, even though it is my land. Is that correct? Thank you.

The **SPEAKER**: The Representative from Gorham, Representative Labrecque has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. The Representative from Gorham is correct, if you were on a woodlot 20 miles from your house and you own it, and you are found operating one of these vehicles on it, you are subject to a fine. That is current law, and actually that would not change even under this amendment. The amendment would not change it, the amendment only applies to where you reside. The problem I have with it is that if you have one of the ITS trails that ran through your property for say a few hundred yards and if you were intoxicated and going up and down on that part of the trail at night and had a head on collision with somebody and killed them, I don't think you could be prosecuted for that under this amendment. I do hope that common sense will prevail and that we don't have signs going up on private property around the state that say private property, BYOB. Thank you.

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

Representative **CAMERON**: Mr. Speaker, Ladies and Gentlemen of the House. I found this debate the last couple of days to be rather interesting. You may recall yesterday that we emphasized that this issue was an existing law. The bill that I put in did not impact this, but I think that the part of the bill that I put in that did cause the impact is exactly what we are trying to get to. Evidently, nobody cared about this issue in this amendment before I wanted to raise the fines to get people's attention. If this was a big issue, why didn't somebody put a bill in to change this. All of a sudden out of the blue, because I put this bill in to increase the penalties and make people responsible, this is a big issue. Nobody put it in before. It's been existing law for I don't know how long. Nobody ever called me about it. I don't know if anybody ever called you, but I know that nobody put a bill in about it. If this is an issue that's so important, I would suggest that this be put in as a bill and have a public hearing so we can find out if it really is an issue, which I frankly don't buy. I own some private property, there's a snowmobile trail that runs across my property for probably three-quarters of a mile or thereabouts and I think it would be totally irresponsible for me to go out there under the influence of alcohol, or any other drug, and ride up and down my trail and endanger other people that I've said, yea you're welcome to cross my land. If I closed that land off and had it as private

property, that's a little different, but it wouldn't make any difference if I closed it off. We depend on the 12,000 miles of trail that I mentioned to you yesterday as primarily over 80 percent across private land with their permission. It doesn't make any sense to give that person who owns that land and lives there to become all of a sudden totally irresponsible. If it was a gun issue, we wouldn't think it was okay. Again, I emphasize if this is an issue, it deserves a public hearing and it deserves a bill all of its own. It didn't just occur because I put this bill in. Please indefinitely postpone this amendment. Thank you, ladies and gentlemen.

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

Representative PERKINS: Mr. Speaker, Members of the House. This was an issue four or five years ago, it was hotly debated. It's on record, you can get it out of the library. He's right, probably a person should put the bill in this time, but I already had quite a few and got quite a pounding in the press for having so many bills in. This is one of the ones I decided not to put in. As far as these trails going across private property, most of the trails that are public trails, supported by public money are far from anybody's residence. Read this carefully. This is a piece of land that you reside on, go back home and look your people in the eye, that's how you find out if this is an issue. Ask them what they think of the idea that the police can come on maybe with a breathalyzer, or whatever, in your own woodlot behind your house. This would repeal that part, leave it on for watercraft and for snowmobiles and ATVs anywhere except on the piece of land that you reside on.

Representative PERKINS of Penobscot **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-574) to Committee Amendment "A" (H-509)**.

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 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: If a person is in their own backyard sitting on an ATV that happens to be running and they are having a drink with some friends would they be subject to this fine?

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 Old Town, Representative Dunlap.

Representative DUNLAP: Mr. Speaker, Ladies and Gentlemen of the House. The answer to that question is yes. That is current law.

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

Representative COTE: Mr. Speaker, Men and Women of the House. I happen to be on the Inland, Fisheries and Wildlife Committee. I urge you to vote for indefinite postponement on this bill. As we know, we have OUI laws and we have stiffened up the penalties for that. No matter if it's boats, snowmobiles, ATVs or whatever it's still a weapon, a deadly weapon. If you are caught drinking on these vehicles it's just like you are driving down the street in your own vehicle. You're driving heavy

artillery so I urge you to vote with me and my fellow committee member to indefinite postponement on this bill. Thank you.

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

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House. I would suggest that we further amend this bill and put in hot tubs, swimming pools, and any other thing that the public has to do and furthermore I would suggest if the good Representative from Rumford thinks that this was not discussed in our work session and public hearing, it was discussed at length. I believe what we have to do here is somebody put a bill in this coming fall, or whatever and actually go back to prohibition because the state wants to sell the liquor and doesn't want the individual to use their own property for their own enjoyment and I urge you not to indefinitely postpone this bill. Thank you.

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

Representative LINDAHL: Mr. Speaker, Men and Women of the House. If you adopt this amendment, you're adding another element for police officers to prove in order to get a conviction of OUI. You've got to prove that that person is not on his own property. I own a 19 acre woodlot, I'm driving a snowmobile anywheres near that and I get stopped by a warden, I'm drunk, I can say it's on my property, they'll have to go out, research the property, they're going to have to survey it to prove the fact that it is not your property. It's ridiculous. I urge you to vote to indefinitely postpone this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins. 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 PERKINS: Mr. Speaker, Members of the House. I just have to respond to that. I just want to emphasize again that you must be residing on that piece of property to be exempt, if you have 19 acres and you're residing on it, no matter where your house is on that property, you couldn't be hardly more than two stone throws from the border of that property. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-574) to Committee Amendment "A" (H-509). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 185

YEA - Ahearne, Andrews, Bagley, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Bruno, Bull, Cameron, Carr, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Glynn, Goodwin, Gooley, Hatch, Honey, Jabar, Jacobs, Jodrey, Joy, Kane, Kneeland, LaVerdiere, Lemoine, Lindahl, Lovett, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McKee, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Muse, Norbert, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Plowman, Povich, Powers, Quint, Richard, Richardson J, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Sirois, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler GJ, Williams, Mr. Speaker.

NAY - Belanger, Bryant, Buck, Campbell, Cianchette, Duncan, Gillis, Heidrich, Jones, Kasprzak, Labrecque, MacDougall, Mack, Marvin, Mendros, Nass, O'Brien JA, Perkins, Pinkham, Richardson E, Rines, Rosen, Sherman, Shields, Shorey, Snowe-Mello, Tracy, Trahan, Waterhouse, Wheeler EM, Winsor.

ABSENT - Bragdon, Brooks, Bumps, Green, Lemont, McGlocklin, Skoglund.

Yes, 113; No, 31; Absent, 7; Excused, 0.

113 having voted in the affirmative and 31 voted in the negative, with 7 being absent, **House Amendment "A" (H-574) to Committee Amendment "A" (H-509) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (H-509) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-509)** and sent for concurrence.

Bill "An Act to Eliminate the Use of Nongovernmental Entities in Acquiring and Managing Lands"

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

(C. "A" H-491)

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

On motion of Representative PIEH of Bremen, was **SET ASIDE.**

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

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

Representative PIEH: Mr. Speaker, Ladies and Gentlemen of the House. I apologize to you as I don't think I was very clear yesterday in explaining this bill. I could blame it on genetic engineering on the brain, but some people would tell me that that's not genetically possible. This is LD 1737, "An Act to Eliminate the Use of Nongovernmental Entities in Acquiring and Managing Lands." This bill amends the law pertaining to the use of the land for Maine's future fund and the public access to Maine water's fund acquiring and managing significant natural lands in Maine. Current law permits distribution of these funds to private nonprofit organizations and other designated nongovernmental bodies for the purpose of acquiring lands. It also permits these nongovernmental entities to manage these lands. This bill changes the law so that only governmental entities may acquire and manage lands purchased with these funds. Here's the impact if we pass this bill. We'll lose matching funds with almost 90 percent having contributions from nongovernmental entities. We'll be foreclosing contracts and leases we have for nongovernment entities managing lands, which we do not have funding or staff for. We'll eliminate access to 90 nonprofit organizations such as Trust Unlimited, The Nature Conservancy, The Forest Side of Maine, The Rangley Lakes Heritage, SAM, Maine Guides and Ducks Unlimited. Here are a few things that wouldn't happen if we pass this bill in Kennebec County, the Lake George Regional Park Association maintains the park, the snowmobile clubs and trails get grants from conservation for trail maintenance throughout Aroostook County. That would be gone. The Grand Lake Stream, three and a half miles of public access to the top of Salmon River in Washington County, that would be gone. Mount Kneal, the

purchase of mountain camping, picnicking, hunting and public access in Piscataquis County would be gone. I urge you to support indefinite postponement of this bill and its papers.

The same Representative **REQUESTED** a roll call on her motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. Apparently, I owe somebody an apology because the other day in my testimony I indicated that what had happened is that the power had been transferred to the governmental agencies, but it seems that the power of the lobby has been at work and they are flexing their muscles to show you that they still have a lot of authority with members of this body.

Ladies and gentlemen, the transfers of tax dollars to private agencies to buy land and to manage land may seem like a good thing to many people, however, these same organizations that are involved in buying up the land have an agenda to buy privately owned land and at present it appears that they're going to try to keep it there for public use. We must remember that on the national level there is a tremendous movement to buy land and put it into a combination of state and federal ownership. What is that going to do to the tax base of the State of Maine?

Ladies and gentlemen, there was a bill that has been in front Congress many times called the Northern Forest Stewardship Act and that is sponsored and promoted by nongovernmental organizations that now number about 45 or 48 organizations that are behind it. Their aim is to control 26 million acres of land from up state New York all the way through New Hampshire, Vermont and into Maine. Originally in Maine their aim was 10.7 million acres, which make up the unorganized territory. That amount of land has now been increased to 15 million acres, which means that it's not just the unorganized territories they have their eyes on, but much more. Ladies and gentlemen, it would be nice to believe that the intentions of these organizations are admirable, but in the long run they do not spell a pretty future for the people of Maine. The access that we now enjoy to these lands may soon be closed to us if we continue down this particular path. We keep hearing about Maine, the way life should be.

Ladies and gentlemen, Maine is great because it is 95 percent privately owned. Within the area in which I drew up, there have been about 15 different landowners over my lifetime. I have never been denied access to any of those lands no matter how many times that property changed hands. It's remained in private ownership and if you look and really study the situation, you'll find out that private ownership of land gains much more access by the public than public ownership. In Virginia, there is a natural phenomena called the rainbow bridge, it is privately owned and the number of people there that visit there every year is astronomical. It generates a lot of income for private industry that pays taxes into the coffers of Virginia. Ladies and gentlemen, you take this land in Maine and take it out of private ownership, your tax dollars are gone. I urge you to defeat the pending motion and pursue the path that you started yesterday and keep this bill in front of the Legislature. Thank you.

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. I, too, would like an opportunity to try to clarify some of the points I made yesterday. We're not talking about buying all of Maine. We're not talking about creating a great northwoods national park. We're talking about, in great part, the Land for Maine's Future program. A very special program in our state. A program that has purchased 44 small special unique parcels across this state for the benefit of all the citizens of Maine. These are small, very special parcels from Kittery to Caribou, from Rangeley to Machias, very unique places in our state, every single one of which has guaranteed public access forever and ever. I want to point out that the last Legislature, the 118th, set aside \$3 million to purchase more special places in Maine for public access. This \$3 million would have purchased a few parcels on its own, but the program was set up to leverage additional private money. The \$3 million of public funds brought in \$8 million of private funds so we were able indeed to actually purchase over \$11 million of additional special places. This amounted to 14 new purchases, which are on the current list and in negotiations for more permanent public access to the citizens of the State of Maine. If this legislation had been in effect we would have been able to purchase \$3 million of unique and special places, not the \$11 million that every single one of us and our children and our children's children in perpetuity will have access to. I urge you strongly to support the pending motion.

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

Representative **FOSTER**: Mr. Speaker, Ladies and Gentlemen of the House. In my opinion, the danger in nongovernmental organizations getting into the land business in Maine is the way they operate and I mentioned this I believe yesterday. They will buy a piece of land, or agree to buy a piece of land, and then in order to pay for it, they will sell a portion of it, or half of it to pay for the whole piece, but they will sell it to a governmental organization, whether it's the State of Maine, or the federal government or somebody else. What you essentially have, you have a nongovernmental organization, which is making policy, and you're essentially getting a piece of land whether you want it or not. That's the danger in this kind of business and that worries me. I don't think we should have that kind of public policy in Maine. Private land has served us very, very well for many, many years. It's accessible to almost anybody for almost anything they want to do except destroys it. Why we want to disrupt that and curtail it is beyond me. 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 would like somebody to help me with this question, when public money is merged with nongovernment entities for purchasing land, does the state maintain title on that land or do we transfer the money and that title is then retained by the nongovernment agency?

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 Hallowell, Representative Cowger.

Representative **COWGER**: It is my understanding that any land purchased with state money remains in state hands. It's the state title, because a very important aspect is public access. There may be cooperative arrangements with private entities to help manage this land, but it's my understanding the title remains with the state.

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**: Could you tell me if any of this money that has been given to us by the federal government, do they have any ownership, or any portion of the land under their ruling?

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 Bremen, Representative Pieh.

Representative **PIEH**: Thank you, Mr. Speaker, the answer is no.

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

Representative **CARR**: Mr. Speaker, Men and Women of the House. I'll make this very short, because we don't want to prolong it. The previous speaker from Hallowell, Representative Cowger, made mention of special land and I just want to let you know that there is a lot of special land in the State of Maine and I have been on a lot of it. If you travel up north of Millinocket either on the Golden Road or up in that area on the Telos Road, there's very few areas I haven't visited, it's all special area. It's all owned in private hands. I'm 53 years old now and I've been traveling that area for a good part of my life and so far it has all been in private ownership and I haven't been denied. The only areas I have been denied access to are up in Baxter State Park. There are some areas up there that are not accessible now, but I think that we need to keep in mind that there isn't anything wrong with private ownership. We have had access to private lands for well over a 100 years and it's only been in the last few years that everybody seems to think that it's necessary for us to purchase large land tracts in the State of Maine and have state ownership. I just think that we need to think of this before we vote and I know that there are probably many people here who really haven't visited the north part of the state where we actually live. I just hate to see us have one law that covers every part of the state, because we all live in different areas, we're all different and we have different concerns and we represent different constituencies and I would just ask that you respect those of us who represent those constituencies. Thank you.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I'll be brief. Yesterday I heard the discussion or the mention of the Plum Creek Property, and the Scarborough Beach proposal that's before us in the Part II Budget. We're going to be discussing the Part II Budget over the next few days and the next few weeks here. I guess before I sit down, I want to put out the question to anybody that may answer, the message that you're trying to send to us is that we don't want to acquire these properties. I can relate to some property in Livermore, the state manages it, there's really no management there, but the

reason we pushed them to purchase the land, to have the state purchase the land, because the developers were coming in with the dozers and going to start developing. Well that's fine, that's not protecting our access for our future for our children on private land, I think there are some areas that we want to protect. I'm sure you all have areas in your own districts that you would consider special of worth in your community. I guess that's my question to you, do we say that we don't want these properties, we don't want that responsibility. I think after the debate yesterday on harvesting in the shoreland zone, I'd think the Plum Creek property might have a little more value to them now. I think the property at Scarborough Beach, there's a trust that's holding that land for the state to be able to work through the process of buying it. If we don't want it, we can say no. I think it would be a tragic loss to the future citizens of Maine.

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

Representative COLWELL: Mr. Speaker, Men and Women of the House. A lot has been made about this open access to private land throughout the State of Maine and clearly it is a great tradition and I know I have told this story so many times that I'm going to be criticized for it. My family has been in the State of Maine for over 200 years. My great, great grandfather got his commission from George Washington to be postmaster of Machias. Long tradition in Maine and a lot of what we've done is right. If there is anyone in this House that can tell me that the state of the Maine woods is not in a precarious situation, that things aren't changing, that companies from as far away as South Africa, who knows Southeast Asia, we don't know who is going to own our woods. If anyone can tell me that they can guarantee public access to those private lands then maybe they'll sway my strong commitment to the idea of us guaranteeing public access to the children and future generations of the State of Maine just like we did for previous 200 years. One of the previous speakers mentioned that evidently the power of the lobby has been working, well I'm here to tell you that the power of the people of the State of Maine has been working. A poll was released yesterday, a scientific sampling of 400 people throughout the State of Maine, in central western area 81 percent of the people in the central and western area support spending state money to buy public lands. In the southern part of the state 75 percent and yes, even in this northern and downeast area where all this opposition is supposed to be, almost 65 percent of the people in that region support acquisition of public lands. They get it and this is about our future and about our heritage. Just one more brief point, it's true that in the Aroostook County area people can go fishing, I fish all over the State of Maine, I'm addicted to fly fishing. But let me tell you this, you go over in the western mountain area and you can see the future for the rest of the north woods. I was talking to the good Representative from Penobscot yesterday about he wanted to know some places he could take his family fly fishing in the western area. We got talking about Parmachenee and all these other wonderful places and I had to mention the fact that most of that good fishing areas privately owned is gated off, the roads are chained off, the public can't get in there. Try getting in to King and Bartlett sometime, try it, try getting into Spencer Stream sometime, can't do it. Very, very few access, try going to Tim Pond. They are privately owned, they're gated off. The kids can't get there, we can't get there and future generations can't get there. That's what this is about.

Let's do something right here, let's support the Indefinite Postponement of this bill.

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

Representative TRAHAN: Mr. Speaker, Honorable Members of the House. Wouldn't it be nice if what he just said was the absolute truth, but it's not. When you go home tonight, go onto the Internet, visit the US Forest Service web site and scroll down through the lawsuits against public ownership access. All across this nation the policy is against access, look at the lawsuits against snowmobiles, against motorized vehicles. If we could guarantee public access, which none of us can do, because once land becomes publicly owned it susceptible to law suits. Anyone can bring a law suit to justify restricting public access. That's the real concern of some people, purchasing land. We use public access as an excuse to buy it, but we don't have to look to far, the Allagash, Baxter, to see battles going on, on who can use and who can't use the land. If that was absolutely true, there would be more support for public land acquisition.

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

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. It appears to me the meat of the issue is, are nongovernmental entities mismanaging public lands. Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. Can anyone answer this, are nongovernment entities mismanaging public lands?

The SPEAKER: The Representative from Auburn, Representative Shields has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Mr. Speaker, Men and Women of the House. I rise in response to the question on management of the large ownerships. We've heard the debate over the years here, in the papers, there's been much, much, much, whether it's ban clear cutting, or the compact or many, many, many places where you've heard about the management of forestlands in the State of Maine. We don't want to take the time right here, right now, to go into a big dissertation on that, whether it has to do with spruce bud worm, or salvage cutting, or whatever, there's a reason for everything. We're talking about 10 million acres of forest land the large companies, and the ownerships have changed hands and as far as I know in the conversations that I've gotten into and meetings that I have gone to, the new owners are dedicated to the long term management of the forest of this state. As far as I'm concerned the corporations have an open door policy, it's worked well and I think that's going to continue and I'd just like to make reference to LD 1530 which was \$120 million land acquisition, the general bond issue. It makes reference to conservation, outdoor recreation, wildlife habitat protection, farmland preservation, but it makes no reference to forest land management as far as the harvest of forest products go. If we were to make a vast purchase of lands, especially in the northern parts of the state, I'm not sure, I think the special interest groups would probably eventually end up with the land and we'd end up with preserved land, so having said that, I think that the lands are managed very well right now, as far as the large ownerships. We have up north the North

Maine Woods, that is a multimillion-dollar area that has been managed for recreation. It's land that's owned by the corporations and that is a working program. It worked well and it will continue in the future, so I think we are making a few gross exaggerations here.

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. I'd like to clarify a few points and also to throw up a warning flag. I questioned what took place with some of the Plum Creek purchase and as many of you know Flagstaff Lake happens to be included in that. In conferring with the Commissioner of LURC, because that's under LURC's jurisdiction, indicated that the shoreland there was in a class two management zone, which means that if anybody were to put a cottage on that management zone that they would have to have one mile of shore front in order to be able to build a cottage in that area. As I understand, the Plum Creek purchase is to have the same type of restriction, to be a class two management zone. Also, I have no faith in polls, we've had many occasions where polls in the past have been turned over and turned upside down, but what concerns me is the reference to Land for Maine's Future being only interested in small parcels of land and the reference comes to protecting the great north Maine woods. Ladies and gentlemen, that very clearly points out what the true agenda of all this eventual purchase of lands for the public. I urge you to defeat the indefinite postponement and go on to pass this bill.

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

Representative PIEH: Mr. Speaker, Men and Women of the House. I know this has turned into a public lands purchase debate. I want to remind you that if we enact this bill, here's some of the organizations that will not be able to work with the government in managing land anymore, SAM, Trout's Unlimited, Maine Guides, Forest Society of Maine, The Rangeley Lakes Heritage, Duck's Unlimited, The Nature Conservancy, this bill is about that. I know we will have many more public land purchase debates and it's in our hands and we're the ones that make the laws. I encourage you to support indefinite postponement.

On motion of Representative SAXL of Portland, **TABLED** pending the motion of Representative PIEH of Bremen to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from York, Representative Andrews who wishes to address the House on the Record.

Representative ANDREWS: Mr. Speaker, Men and Women of the House. This is National Police Officers Week, very shortly we will be attending a ceremony to honor the men and women of the State of Maine for giving their life in the line of duty. This has great personal significance for me, as my husband's name is on that monument, so later on today as we adjourn, I would ask that we do in memoriam and everlasting tribute to the men and women of this state who gave their life for you and me. Thank you.

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

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

Bill "An Act to Eliminate the Use of Nongovernmental Entities in Acquiring and Managing Lands"

(H.P. 1208) (L.D. 1737)
(C. "A" H-491)

Which was **TABLED** by Representative SAXL of Portland pending the motion of Representative PIEH of Bremen to **INDEFINITELY POSTPONE** the Bill and all accompanying papers. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy. 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 JOY: Mr. Speaker, Men and Women of the House. I would like to point out there is nothing retroactive in this bill. Any organization which is currently in a management situation could continue in that situation. Thank you.

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

ROLL CALL NO. 186

YEA - Ahearne, Bagley, Baker, Berry RL, Bouffard, Bryant, Bull, Chick, Chizmar, Cianchette, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Mailhot, Martin, Matthews, McDonough, McGlocklin, McKee, McNeil, Mitchell, Muse, Nass, Norbert, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl MV, Shiah, Shields, Sirois, Stevens, Sullivan, Thompson, Tobin D, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bruno, Cameron, Campbell, Carr, Clark, Clough, Collins, Desmond, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McKenney, Mendros, Murphy E, Murphy T, Nutting, O'Brien JA, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM.

ABSENT - Bolduc, Bragdon, Brennan, Brooks, Buck, Bumps, Goodwin, McAlevey, Saxl JW, Skoglund, Tessier, Winsor.

Yes, 82; No, 57; Absent, 12; Excused, 0.

82 having voted in the affirmative and 57 voted in the negative, with 12 being absent, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (10) Ought Not to Pass - Minority (3) Ought to Pass as Amended by Committee Amendment "A" (H-494) - Committee on TAXATION on Bill "An Act to Establish Medical Savings Accounts"

(H.P. 937) (L.D. 1314)

TABLED - May 11, 1999 (Till Later Today) by Representative GAGNON of Waterville.

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

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I hope you all vote against the pending motion.

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

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

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. If you read the summary of the bill, I will read it for you. This bill allows residents of the state to establish medical savings accounts for payments of eligible medical expenses, including the payment of health insurance premiums, and deductibles. Contributions to, interest earned on, and qualified withdrawals from medical savings accounts are exempt from Maine income tax. Of all the things we do up here, we keep trying to tinker with the health care industry in trying to make health care more affordable for the citizens of the State of Maine. Medical savings accounts are sweeping across the nation. They are popular at the federal level, across party lines. Basically what happens is people have a chance to put money in a savings account to pay for their medical expenses and get a catastrophic health insurance policy with a high deductible to take care of those medical costs that are very expensive and require hospitalization so forth and so on. When they put their money into the savings account it is tax free and they can withdraw that to pay the deductible, whereas I said before in the summary, for the health care premiums. Medical savings accounts hold down costs and is a boom to the lower income employees, single working mothers, as well as the lower and middle-income employees all across America. That is a quote from Senator Robert Torchelli, Democrat from New Jersey.

Medical savings accounts are for single parents, self-employed people, small businesses, and the previously uninsured. Medical savings account legislation has gained bipartisan support. In three states medical savings account legislation passed at least one of the legislative chambers unanimously. In five states medical savings account legislation passed both chambers unanimously. In the remaining states, the legislation passed by an overwhelming majority. As I said before it's a bipartisan effort. If we're looking for a way to make

health insurance coverage affordable for people who can't afford high premiums, this is the way to go.

I'll give you a few more quotes. Today even commonly required small dollar deductibles create a hardship for the financially stressed individual of families seeking regular preventive care services. With medical savings accounts, however, that same individual, or family, would have this critical money in their account to pay for the needed services. That quote was from Senator Tom Dashal. One more quote, it's very popular, a lot of people like that option and I think it will be in the final bill, I think it's a great option, U.S. Representative, Dick Gephart.

Now somebody in the committee when I quoted some of these quotes from people from Congress said, is it only Democrats that support this, because I didn't mention any Republicans. Republicans have been on board with medical savings accounts for quite awhile and have debated this issue and their colleagues on the other side of the aisle agreed with them. This should not be a partisan issue. This should be an issue providing an option for people to have their own medical saving account to pay for high deductibles and be able to afford a premium they can afford. The employer can contribute to the employees medical savings account. As I said, or I may not have said, the legislation at the state level, in this bill here would exempt the medical savings accounts from the state income tax. It would create a market for selling of catastrophic health insurance with medical savings account plans. That option would be open. This bill at the state level would expand the availability of medical savings accounts beyond what the federal medical savings accounts do now. They have a cap on how many medical savings accounts can be offered and they are somewhat more restrictive. A lot of other states go beyond this legislation and allow the medical savings account money to be used for other things including retirement expenses. This is a moderate proposal. This plan would allow a self directed by employees, or anyone, self directed this medical savings account and as I said before it allows the use of the money to pay for the premiums which the federal medical savings accounts don't allow. Fifteen states have passed this, and almost 30 states are considering it. I think it is a great option. Most people do and ladies and gentlemen, I hope you do too. Thank you.

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

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. The idea of medical savings accounts is a good one and I would agree with the good Representative that it is not a partisan issue. It is a good idea and in fact, setting aside money for medical expenses that is tax sheltered is such a good idea that Congress created the medical savings accounts. My point in telling you about the federal MSA is to highlight one of the beauties of Maine's tax code. Now I know I and many others have criticized Maine's tax code with the inconsistencies, and volatility and at times inequities and for the sake of my committee members I have to go through my regular hand gestures for their appreciation with volatility and inequities and things. But Mr. Speaker there is a very positive aspect of Maine's tax code specifically as part of the administration income tax code that is actually brilliant. It's that the Maine income tax, specifically the forms, piggy back on the federal taxes. This saves us the need of a huge state bureaucracy that would be the state's equivalent to the IRS. Think about doing your income taxes. You wrestle through the federal return with all of the

schedules, exclusions, getting those receipts together and so forth and you eventually come to the AGI in your federal return, the adjusted gross income. That's the amount of your income that taxes will be applied to. Now if you have been contributing to a medical savings account, that amount would be deducted before reaching the AGI, in other words if you make \$40,000 gross in a year, but contributed \$2,000 to a federal MSA, you are taxed on \$38,000, not \$40,000, because of the MSA shelter. Now here's where the beauty of Maine's tax code shines through. We leave all of the administration of MSA's compliance, portability, penalties, adjudication, everything to the fed's and simply adopt the benefits of the MSA by using the federal AGI. In my previous example, for example, we honor the \$2,000 set aside for the federal exclusion. Maine doesn't require you to pay taxes on federally approved and administered MSAs. You won't pay state income tax on the \$40,000 but the \$38,000, because you sheltered \$2,000 and we carry that over to the state return.

Now Maine doesn't honor all the exclusions that the fed's do and we've added a few that they never thought of. In fact, as one of the first things you have to review when completing your state return, schedule one of the state return is entitled income modifications, where you have to add back to your federal AGIs that the state can tax it, or deduct items the feds allow. An example of an item that we do deduct, that's not permitted by the feds is on line 2D of this schedule, interest from Maine municipal bonds. The federal government taxes the interest you earn on Maine municipal bonds, we do not, so we take that off the AGI. An example of what we add back is ironically Maine State Retirement contributions. Contributions made by state employees to their own retirement are exempted from the federal tax, but we actually add it back and tax it at the state level. We're working on that right now. That's one of those inequities that I talked about, we're trying to work on it.

The good news in all this is that medical savings accounts, we honor them as an exemption. We do not make you add them back. LD 1314 would create a different and non-conforming MSA that would have to be administered by the state creating a new large bureaucracy adding confusion to an already difficult array of federal and state tax laws. In a memo to our committee the executive director of Maine Revenue Services wrote, the bill adds significant complexity to the Maine Income Tax law. The requirements for a federal MSA are more stringent than the requirements in this bill. If this bill is enacted as written there will be two MSA programs available with different requirements resulting in confusion for the taxpayer, potential account administrators, and Maine Revenue Service. LD 1314 also would create a double dip for the same sheltered income and it comes with a high price tag. The fiscal note on this bill, for example, hovers about \$5 million a year. Now Mr. Speaker, I usually don't speak this long, but I knew I would be debating the good Representative from Bridgton, so I've gone on a little longer than I usually do. Let me summarize here. Mr. Speaker, we don't need to create a new state bureaucracy. We don't need to start a pattern that would eventually throw our state income tax out of sink with the federal return by reinventing the wheel. We don't need to exclude medical savings account income, because we already do. Please vote green with me today, and the majority of the members of the Taxation Committee. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lemont.

Representative **LEMONT**: Mr. Speaker, Ladies and Gentlemen of the House. I am one of the three on the Minority Report, Ought to Pass on LD 1314. I really like this piece of legislation because it's superior to other ways of financing health care because of the following. It reduces health care costs by providing individuals real incentives for cost control. It gives individuals freedom of choice to see any doctor. They are fully portable allowing individuals to pay for medical costs if they lose or switch jobs. They cut bureaucracy and eliminate administrative costs as fewer claims are filed and they create wealth since funds not spent can grow tax free into sizable pool of money. My greatest concern is we in the State of Maine have 182,000 people adults and children that lack health insurance. That's 69,000 more than 8 years ago. We spoke several times on this floor that if this legislation helps one individual, it's worth passing. I would like to pass this legislation and see if it does help one individual. I appreciate the good Representative, the chair of the Taxation Committee telling us all about schedule one, two and three of the State of Maine tax form. None of those really pertain to this bill before us. I, too, would like to quote from an interdepartmental memorandum the more recent one, that took another look at this legislation after it was amended by the good sponsor of the bill and a few of the committee members. There is no increase to the cost impact detail, or revenue impact detail as originally calculated. This bill now is much better that is before you. It does what the sponsor intended it to do and I hope we can go on to pass it.

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

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. I appreciate the good chair of the Taxation Committee effort to be brief and I apologize that I have to get up for a second time, but I have to respond to some of the comments. It's very interesting and people who have been up here for a little while will notice that when the bureau has a problem with a bill, they come up with a huge fiscal note or say they need more staff to do something, which really amazes me on this piece of legislation here. It just boggles my mind that we're going to create a huge new bureaucracy to set up a medical savings account and give somebody a tax deduction for putting money in the bank tax free to pay for their health care. Again, I want to stress the difference between the federal medical savings account. This is actually gives people more choices with that money they put in there. I'm for more choices for people with their money. In fact I would have liked to have been a lot more liberal with this piece of legislation, but as with new ideas you have to do things incrementally. It's self-directed. It lets the employee take charge of that savings account if he so desires. It allows him to pay premium payments with this money. The federal MSAs do not. It has no limit on the deposit. It doesn't limit the amount of money you can put in the bank to pay for your medical expenses to \$2,000. I established no limit in this bill. It's a good idea, like I said before, 15 other states have adopted it. Don't let the thought of a new bureaucracy or some governmental monster being created, this is not going to happen. Thank you.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I do want to try to address this. The fact is, the good chair of Taxation, Representative Gagnon of Waterville, is correct. The federal government currently does provide this and

we pass it through in our own Maine State Income Tax system. I'd just like to address one piece of it and I, too, think there is value in this. I think having it as a federal exemption is a great idea, but the notion that this is the solution to provide health care coverage for low income people, I really very seriously have to take issue with. The simple fact is that the average out of pocket costs in the State of Maine for just your day to day health care coverage, not buying insurance, just buying prescriptions, going to the doctor visits, those kinds of things run about \$2,000 a year. Now the premise of this program is that you buy a high deductible health insurance policy and then that saves you money by buying the high deductible policy, but you still have to buy the policy in order for this to work right to cover you for significant health care costs, major illnesses, catastrophic events, broken arms, visits to the emergency room and all that. Well to buy one of those policies is going to run you a couple of thousand dollars a year and then you have this medical savings account to use for the day-to-day medical expenses. You're going to spend a couple thousand dollars a year on that. To suggest that even the per capita average income in Maine, around \$23,000, that that \$4,000 a year is just going to be suddenly an easy financial burden for these folks to meet, I would suggest is not realistic and indeed for the low income person who is making \$10,000 to \$12,000 a year. To suggest that one-third of their income be expended is going to solve their health care problems is simply not true. It's a fantasy. The quotes from Richard Gephart and Senator Torchelli, I'm sure are very real quotes, I appreciate that. I do think however that the key phrase that probably was left out, no it wasn't left out, it was there, they would consider it and they should be part of the package. Well, the package that was on the table and being discussed that Representative Gephart and Senator Dashal were interested in also included allowing for buy in on the part of our working poor, buy in to the Medicare system. So I guess if you look at it in that context, MSAs would probably work if we allowed people to buy into that.

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

ROLL CALL NO. 187

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

NAY - Andrews, Belanger, Berry DP, Bowles, Bruno, Cameron, Campbell, Carr, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McKenney, McNeil, Mendros, 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, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Wheeler GJ.

ABSENT - Bragdon, Buck, Bumps, Jabar, Richardson J, Skoglund, Thompson, Winsor.

Yes, 75; No, 68; Absent, 8; Excused, 0.

75 having voted in the affirmative and 68 voted in the negative, with 8 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

Resolve, Authorizing the Knox County Commissioners to Borrow Not More than \$1,000,000 for Construction or Renovation of a District Court and Office Areas in Knox County (EMERGENCY) (MANDATE)

(H.P. 703) (L.D. 970)
(C. "A" H-407)

TABLED - May 11, 1999 (Till Later Today) by Representative AHEARNE of Madawaska.

PENDING - **FINAL PASSAGE**.

On motion of Representative McNEIL of Rockland, 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-407)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-569)** to **Committee Amendment "A" (H-407)** which was **READ** by the Clerk

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

Representative **MCNEIL**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment eliminates the provision requiring the Judicial Department to reimburse Knox County for the debt service costs, eliminating the undetermined net impact on the Judicial Department's net cost associated with the Knox County Court House, removing the provision requiring the Judicial Department to reimburse Knox County.

House Amendment "A" was **ADOPTED**.

Committee Amendment "A" (H-407) as Amended by **House Amendment "A" (H-569)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-407)** as Amended by **House Amendment "A" (H-569)** thereto in **NON-CONCURRENCE** and sent for concurrence.

Resolve, Regarding the Conveyance of a Right-of-way Across the Elizabeth Levinson Center in Bangor

(S.P. 620) (L.D. 1785)
(C. "A" S-160)

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

PENDING - FINAL PASSAGE.

On motion of Representative AHEARNE of Madawaska, 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-160)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-556)** to **Committee Amendment "A" (S-160)** which was **READ** by the Clerk.

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

Representative AHEARNE: Mr. Speaker, Ladies and Gentlemen of the House. This is just a technical change to the amendment, it does not change the bill in any major substantive way.

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

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

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

Representative CAMPBELL: If I might ask the good chair of State and Local, what does this amendment do?

The **SPEAKER**: The Representative from Holden, Representative Campbell has posed a question through the Chair to the Representative from Madawaska, Representative Ahearne. The Chair recognizes that Representative.

Representative AHEARNE: Mr. Speaker, Men and Women of the House. To answer my good friend's question, this amendment clarifies the intent of the committee amendment, which is to repeal the Resolve in the event that the parties fail to reach an agreement by October 1st, 2000.

House Amendment "A" was **ADOPTED**.

Committee Amendment "A" (S-160) as Amended by **House Amendment "A" (H-556)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-160)** as Amended by **House Amendment "A" (H-556)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-251) - Committee on INLAND FISHERIES AND WILDLIFE on Bill "An Act to Clarify the Powers of Game Wardens When Stopping Motor Vehicles"

(S.P. 241) (L.D. 663)

TABLED - May 12, 1999 (Till Later Today) by Representative **DUNLAP** of Old Town.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-251)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, May 14, 1999.

An Act Concerning the Review of State Solid Waste Management Policies (EMERGENCY)

(S.P. 391) (L.D. 1170)

(C. "A" S-185)

TABLED - May 12, 1999 (Till Later Today) by Representative **SHIAH** of Bowdoinham.

PENDING - PASSAGE TO BE ENACTED.

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-550)** 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 another technical change. It makes no change to the existing law.

House Amendment "A" was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-185)** and **House Amendment "A" (H-550)** in **NON-CONCURRENCE** and sent for concurrence.

An Act to Amend the Local Highway Laws

(S.P. 418) (L.D. 1207)

(C. "A" S-169)

TABLED - May 12, 1999 (Till Later Today) by Representative **SAXL** of Portland.

PENDING - PASSAGE TO BE ENACTED.

On motion of Representative **JABAR** of Waterville, 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-573)** which was **READ** by the Clerk.

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

Representative JABAR: Mr. Speaker, Ladies and Gentlemen of the House. This amendment is a technical change. The language which was changed in the bill was put in the wrong location and this is simply a matter of places the language where it belongs. Thank you.

House Amendment "A" was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-169)** and **House Amendment "A" (H-573)** in **NON-CONCURRENCE** and sent for concurrence.

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

BILLS HELD

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)

(H. "A" H-516 to C. "A" H-413)

- In House, **PASSED TO BE ENGROSSED.**

HELD at the Request of Representative GAGNON of Waterville.

On motion of Representative GAGNON of Waterville, the House **RECONSIDERED** its action whereby the Resolve was

PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-413) as Amended by House Amendment "A" (H-516) thereto.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-413) as Amended by House Amendment "A" (H-516) thereto and later today assigned.

On motion of Representative ANDREWS of York, the House adjourned at 12:52 p.m., until 9:00 a.m., Friday, May 14, 1999 in honor of Maine men and women in law enforcement who gave their lives in the line of duty.