

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
56th Legislative Day
Friday, May 21, 1999

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

Prayer by Reverend Scott Benner, State Street Baptist Church, Presque Isle.

National Anthem by Koinonia Quartet, Presque Isle.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act to Designate December 3rd as Kate James Day"

(S.P. 834) (L.D. 2234)

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

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

On motion of Representative AHEARNE of Madawaska, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Non-Concurrent Matter

Bill "An Act to Eliminate the Minimum Quota Requirement for a Store to Have a Lottery Machine"

(H.P. 78) (L.D. 91)

Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-578)** in the House on May 19, 1999.

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

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

Non-Concurrent Matter

An Act to Amend the Laws Relating to Notaries Public

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

(C. "A" H-411)

PASSED TO BE ENACTED in the House on May 14, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-411) AND SENATE AMENDMENT "A" (S-314)** in **NON-CONCURRENCE**.

On motion of Representative AHEARNE of Madawaska, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act to Improve Alcohol Server Education Courses"

(S.P. 320) (L.D. 954)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-228) AS AMENDED BY

HOUSE AMENDMENT "A" (H-605) thereto in the House on May 19, 1999.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-228)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

(H.P. 875) (L.D. 1232)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-502) in the House on May 12, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-502) AS AMENDED BY SENATE AMENDMENT "A" (S-319)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke Voting Rights of Convicted Felons While they are in Prison

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

Bill and all accompanying papers **INDEFINITELY POSTPONED** in the House on May 12, 1999.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-172)** and **ASKED FOR A COMMITTEE OF CONFERENCE** in **NON-CONCURRENCE**.

Representative ANDREWS of York moved that the House **RECEDE AND CONCUR**.

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

COMMUNICATIONS

The Following Communication: (S.C. 273)

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

May 20, 1999

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised the Senate today Adhered to its previous action whereby the Majority Ought Not To Pass Report from the Committee on Judiciary on Bill "An Act to Require Testing for HIV and Blood-borne Pathogens of All Prisoners in the Maine Correctional System" (H.P. 658) (L.D. 914), was accepted.

Sincerely,

S/Joy J. O'Brien
 Secretary of the Senate
READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative TWOMEY of Biddeford, the following Joint Resolution: (H.P. 1591) (Cosponsored by Senator GOLDTHWAIT of Hancock and Representatives: DUPLESSIE of Westbrook, ETNIER of Harpswell, McNEIL of Rockland, NORBERT of Portland, PINKHAM of Lamoine, SKOGLUND of St. George, VOLENIK of Brooklin, Senator: RAND of Cumberland)

JOINT RESOLUTION SUPPORTING THE EFFORTS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION IN PROTECTING THE PEOPLE AND RESOURCES OF MAINE FROM OIL SPILLS

WHEREAS, the State of Maine is known throughout the world for its scenic beauty and natural resources, particularly for its coastline and seafood industry; and

WHEREAS, the State has been in the forefront of the nation's efforts to protect the coastal environment from oil spills and has wisely and judiciously asserted its authority to do so for the past 25 years; and

WHEREAS, the Department of Environmental Protection, in cooperation with state and federal agencies, the oil industry and other stakeholders, has developed and refined the State's oil tanker safety and oil spill prevention rules. Those rules include requirements for tankers to have a full crew to protect against "tired tanker" incidents, and require onboard safety and spill containment equipment to be kept in operating condition; and

WHEREAS, the State's oil tanker and oil spill prevention safety rules are necessary to protect the State's coastal resources against unsafe oil tankers and lax operating procedures of the oil tanker industry, which is largely owned and operated by foreign corporations; and

WHEREAS, the oil tanker industry is actively seeking to terminate Maine's and other coastal states' oil tanker safety rules; and

WHEREAS, as demonstrated by the Department of Environmental Protection's recently proposed reauthorization of its oil tanker safety rules, the State retains a compelling interest in protecting its coastal and marine natural resources; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the First Regular Session, take this occasion to affirm and support the efforts of the Department of Environmental Protection in protecting the people and resources of Maine from unsafe oil tanker operations and oil spills; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Angus S. King, Jr., Governor of Maine, the Commissioner of Environmental Protection and the Attorney General of the United States.

READ.

On motion of Representative TWOMEY of Biddeford, the Joint Resolution was **REFERRED** to the Committee on **NATURAL RESOURCES** and sent for concurrence.

On motion of Representative McKEE of Wayne, the following Joint Resolution: (H.P. 1441) (Cosponsored by Senator KILKELLY of Lincoln and Representatives: BAKER of Bangor, BULL of Freeport, FULLER of Manchester, GAGNON of Waterville, LORING of the Penobscot Nation, QUINT of Portland, SOCTOMAH of the Passamaquoddy Tribe, Senator: RAND of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING CONGRESS TO SECURE A NUCLEAR WEAPONS ABOLITION TREATY

WHEREAS, We, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress, as follows:

WHEREAS, nuclear weapons pose a continuing threat to civilization and to life itself; and

WHEREAS, maintaining, operating and supplying the nuclear arsenal costs United States taxpayers \$250 per household each year for a total of \$25,000,000,000 per year; and

WHEREAS, the spread of nuclear weapons, possibly even to terrorists, is nearly inevitable unless nuclear weapons are abolished everywhere; and

WHEREAS, the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and nonproliferation in all its aspects; and

WHEREAS, an end to all such nuclear explosions will thus constitute a meaningful step in the realization of a systematic process to achieve nuclear disarmament; now, therefore, be it

RESOLVED: That the Legislature of the State of Maine hereby calls upon the governments of all nuclear weapons states to secure a nuclear weapons abolition treaty that sets a timetable for the worldwide elimination of nuclear weapons in the near future; and be it further

RESOLVED: That We, your Memorialists, request the President of the United States and the United States Congress to secure a nuclear weapons abolition treaty; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; the Secretary-General of the United Nations; each Member of the Maine Congressional Delegation; and any other officials as determined appropriate.

READ.

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

On motion of Representative SIROIS of Caribou, the following House Order: (H.O. 27)

ORDERED, that Representative Randall L. Bumps of China be excused May 13th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Kenneth F. Lemont of Kittery be excused May 17th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Christine R. Savage of Union be excused May 18th and May 19th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joanne T. Twomey of Biddeford be excused April 7th for health reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Audrey Helen Young, who was awarded the title of Administrative Assistant Emerita by the Faculty Senate of the University of Maine for her many years of dedication, energy, intelligence and humor in her work with the Maine Council of Colleges and, more recently, the Faculty Senate. Faculty, students and administrators admired, loved and depended on her sage advice, timely reminders and day-old donuts and fresh cider. Although she retired in July 1998, the organization she served continues to benefit from traditions that she established and people whose lives she touched. We send our congratulations and best wishes to her on this occasion;

(HLS 432)

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

On **OBJECTION** of Representative BROOKS of Winterport, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

In Memory of:

Harold E. Young, Ph.D., of Orono, who was a faculty member of the Forestry Department at the University of Maine for 34 years until his retirement. He also founded and directed the Complete Tree Institute, which was nationally recognized. His work was published in more than 50 scientific publications and he was a member of numerous professional and academic organizations, as well as being a former Fulbright Research Scholar. Dr. Young was also a highly decorated veteran of the United States Army during World War II and was awarded a Bronze Star twice, a Purple Heart and unit citations. We acknowledge his dedicated service to his profession, to his state and to his nation. He will be greatly missed by his family, colleagues and many friends;

(HLS 433)

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

On **OBJECTION** of Representative BROOKS of Winterport, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

REPORTS OF COMMITTEE
Ought to Pass Pursuant to Public Law

Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to License Interpreters for the Deaf and Hard-of-Hearing"

(S.P. 833) (L.D. 2233)

Reporting **Ought to Pass** pursuant to Public Law 1997, chapter 749, section 4.

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

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

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

Ought to Pass Pursuant to Joint Order (H.P. 1585)

Representative DUNLAP from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Implement the Recommendations of the Department of Inland Fisheries and Wildlife Regarding Surface Use on Great Ponds" (EMERGENCY)

(H.P. 1590) (L.D. 2235)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1585).

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

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

Nine Members of the Committee on **STATE AND LOCAL GOVERNMENT** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-300)** on Bill "An Act to Provide Access to Information Services in All Communities of the State"

(S.P. 665) (L.D. 1887)

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
McDONOUGH of Portland
TWOMEY of Biddeford
BUMPS of China
JODREY of Bethel

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

Signed:

Representatives:

RINES of Wiscasset
KASPRZAK of Newport
RICHARDSON of Greenville

One Member of the same Committee reports in Report "C" **Ought to Pass as amended by Committee Amendment "B" (S-301)** on same Bill.

Signed:

Representative:

GERRY of Auburn

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-300) AS AMENDED BY SENATE AMENDMENT "A" (S-321)** thereto.

READ.

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

Representative KASPRZAK of Newport **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended.**

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

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

Representative **GERRY:** Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the concept of the bill, but not the committee report. What we are intending to do is set up another bureaucracy. Right now we have something called INFORME, which is set up to put information on the web from our state agencies and the Legislature. The original concept was to take information from towns and put it on the web as well at no charge. What we are doing is setting up two different agencies. For INFORME we have a board set up and running. The proposed Committee Amendment "A" is directing the Secretary of State to collect this money, grants and loans to get our towns the equipment and tools they need to hook onto the web. If you read the two committee reports, you will see that in the Majority Report it deletes the reference to expansion of the statewide computer network. What it is going to do is if we put it in the Secretary of State's hands and not the INFORME, we are going to deny our towns the access to the web at this stage in the game. We are also adding more work for the Secretary of State because he is not set up to take the money and run it to search the grants and loans. I feel that the INFORME should have this money and be able to set it up.

If you look in Report "A," it talks about fees and stuff. In other words, our towns are going to be charged fees to hook to the web. That is why I am against this. That is why I would rather see it go into the INFORME system where it won't cost our towns the fees to put the information on the web and by putting it on the web through the INFORME it will be better for our towns to spread the information across the state, not just what is happening, but in one part of the state, but all the towns. I feel that it would be good for our schools to know what is happening across the state. It will be good for the businesses in our different cities and also would be good for our tourist industry to have this stuff on the web. I encourage you to please vote down this report so we can go on.

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

Representative **BERRY:** Mr. Speaker, Men and Women of the House. I had expressed in our caucus this morning concerns about some of this bill. In discussion with the Secretary of State, I would just like to say that this does have my support and to let my members of my caucus know that I do support this amended version.

The **SPEAKER:** The Chair recognizes the Representative from China, Representative Bumps.

Representative **BUMPS:** Mr. Speaker, Men and Women of the House. To respond just a bit to some of the concerns expressed by the Representative from Auburn, Representative Gerry, I want to assure you and the other members of the Legislature that the INFORME structure that was created in the 118th Legislature was designed to do an entirely separate function. INFORME was meant to be the arm of state government and would provide direct access to citizens over the

Internet. It would allow for the purchase of premium services, things like bill tracking and other sorts of premium services that members of the public can purchase for a fee from the private vendor that will manage the INFORME system.

The bill before you today would create a structure for an entirely different purpose. This bill would create a structure that would allow municipalities access to state agencies with which they conduct routine municipal business. Representative Gerry suggested that the Secretary of State's Office doesn't have the resources to manage the system. This is the Secretary of State's bill. The Secretary of State's Office is the agency that brought this bill forward and it is asking for its passage. I won't go into a great deal of detail or discussion about the merits of the bill. I will allow you to read the amended version. The original bill carried a \$5 million price tag. We have removed all of the funding and created the entity. There are non-governmental agencies like the Maine Municipal Bond Bank and then some governmental agencies like Inland Fisheries and Wildlife that have suggested an interest in this legislation. They may be willing to contribute funds to support its use. This is a good bill. I would encourage your support for Report "A."

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

Representative **GERRY:** Mr. Speaker, Men and Women of the House. I agree with part of what the good Representative from China says. A lot of the INFORME information was supposedly for free. If people wanted customized a service, that is where the fees were going to be added on. I don't understand why we will have two different systems, one for our towns and cities and one for our state government and agencies. To me, it would be more cost effective or people effective if we merged the two into one. That is why I have opted for a different version. I ask you to please look at the amendments and the committee reports and see which one you would choose and vote whichever. Thank you.

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

ROLL CALL NO. 265

YEA - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Collins, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Glynn, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Richard, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Tobin D, Tobin J, Townsend, Tracy, Tripp, True, Twomey, Usher, Volenik, Waterhouse, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Andrews, Bruno, Bryant, Gerry, Gillis, Heidrich, Jones, Joy, Kasprzak, MacDougall, Mack, Mendros, Richardson E, Rines, Rosen, Snowe-Mello, Treadwell, Weston.

ABSENT - Bolduc, Buck, Clark, Colwell, Cote, Dudley, Madore, Plowman, Quint, Richardson J, Thompson, Trahan, Tuttle, Watson.

Yes, 119; No, 18; Absent, 14; Excused, 0.

119 having voted in the affirmative and 18 voted in the negative, with 14 being absent, Report "A" Ought to Pass as Amended was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (S-300) was **READ** by the Clerk.

Senate Amendment "A" (S-321) to Committee Amendment "A" (S-300) which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-300) as Amended by Senate Amendment "A" (S-321) thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (S-300) as Amended by Senate Amendment "A" (S-321) thereto in concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 307) (L.D. 909) Bill "An Act to Amend the Laws Governing the Land Application of Municipal Wastewater Treatment Plant Sludge" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-317)**

(S.P. 716) (L.D. 2038) Bill "An Act to Amend the Water Quality Laws to Establish a New Standard for Mercury Discharges" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-316)**

(H.P. 932) (L.D. 1309) Bill "An Act to Make Technical Changes and Improvements to the Employment Tax Increment Financing Program" Committee on **TAXATION** reporting **Ought to Pass**

(H.P. 143) (L.D. 205) Bill "An Act to Require Electronic Recording of Closed Sessions of Public Bodies" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-635)**

(H.P. 271) (L.D. 379) Bill "An Act to Provide Tax-exempt Status to Organizations That Teach Reading" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-647)**

(H.P. 371) (L.D. 496) Bill "An Act to Abrogate the Rule Against Perpetuities" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-636)**

(H.P. 1076) (L.D. 1523) Bill "An Act to Amend Criminal Law Procedures Regarding Defendants Found Incompetent to Stand Trial" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-637)**

(H.P. 1150) (L.D. 1647) Bill "An Act to Reimburse Collectors of Sales and Use Taxes" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-646)**

(H.P. 1279) (L.D. 1840) Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-645)**

(H.P. 1518) (L.D. 2166) Bill "An Act to Enhance Communications Between the Department of Corrections, the Judiciary and Law Enforcement Agencies" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-634)**

(H.P. 1527) (L.D. 2180) Bill "An Act to Promote Participation in the Maine Residents Property Tax Program" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-648)**

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

(H.P. 189) (L.D. 267) Bill "An Act to Amend the Laws Relative to Vesting in the Maine State Retirement System" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-652)**

On motion of Representative CAMPBELL of Holden, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

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

CONSENT CALENDAR

Second Day

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

(S.P. 433) (L.D. 1270) Bill "An Act to Provide Child Care Subsidies for Families Who Lose Coverage under the Temporary Assistance to Needy Families Program"

(S.P. 245) (L.D. 667) Bill "An Act to Allow the Commissioner of Inland Fisheries and Wildlife to Determine the Number of Moose Permits to Be Awarded" (C. "A" S-313)

(S.P. 315) (L.D. 949) Bill "An Act to Encourage Economic Development in the State" (C. "A" S-309)

(S.P. 455) (L.D. 1330) Bill "An Act Concerning Corrections Employees" (C. "A" S-307)

(S.P. 763) (L.D. 2155) Resolve, to Establish the Blue Ribbon Commission to Establish a Comprehensive Internet Policy (EMERGENCY) (C. "A" S-303)

(S.P. 764) (L.D. 2156) Bill "An Act to Amend the Laws Governing the Construction of Salt and Sand Storage Facilities" (C. "A" S-308)

(H.P. 964) (L.D. 1362) Bill "An Act to Allow the State to Initiate Default Proceedings in Order to Obtain Forfeited Assets When the Defendant Fails to Appear in a Court Proceeding"

(H.P. 510) (L.D. 717) Bill "An Act to Amend the Election Laws" (C. "A" H-622)

(H.P. 617) (L.D. 857) Bill "An Act Concerning Certified Nurse Practitioners and Certified Nurse Midwives as Primary Care Providers" (C. "A" H-630)

(H.P. 718) (L.D. 1008) Bill "An Act to Require Labeling of Fruits and Vegetables to Identify Country of Origin" (C. "A" H-615)

(H.P. 797) (L.D. 1120) Bill "An Act to Amend the Uniform Health Care Decisions Act" (C. "A" H-616)

(H.P. 1032) (L.D. 1454) Bill "An Act to Promote Ethanol Production as Alternative Fuel" (C. "A" H-632)

(H.P. 1034) (L.D. 1456) Bill "An Act to Establish the Northern Maine Transmission Corporation" (C. "A" H-617)

(H.P. 1069) (L.D. 1500) Bill "An Act to Establish a Trust Fund to Provide Statewide Assistance to Low-income Electric Consumers" (C. "A" H-618)

(H.P. 1204) (L.D. 1714) Bill "An Act to Clarify and Improve the State's Solid Waste Management Laws" (C. "A" H-633)

(H.P. 1386) (L.D. 1992) Bill "An Act to Limit Entry into the Lobster Fishery by Zone" (C. "A" H-629)

(H.P. 1406) (L.D. 2011) Bill "An Act to Amend the Laws Regarding Asset Forfeiture" (C. "A" H-619)

(H.P. 1509) (L.D. 2154) Bill "An Act to Amend the Electric Industry Restructuring Laws" (C. "A" H-620)

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

BILLS IN THE SECOND READING

Senate As Amended

Bill "An Act to Amend the Sales Tax Exemption for Prosthetic Devices"

(S.P. 494) (L.D. 1479)

(S. "A" S-299 to C. "A" S-294)

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

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

(C. "A" S-302)

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

ENACTORS

Emergency Measure

Resolve, to Establish the Commission to Study Bulk Purchasing of Prescription Drugs and Medical Supplies

(H.P. 144) (L.D. 206)

(H. "A" H-613 to C. "A" H-493)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 10 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Create the Commission to Study the Enhancement of Fire Protection Services throughout the State

(H.P. 1017) (L.D. 1428)

(H. "A" H-586 to C. "A" H-557)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Improve the State's Democracy by Increasing Access to the Ballot and Other Election Processes

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

(C. "A" S-266)

An Act to Amend Maine's Boating Laws Pertaining to Noise Limits on Watercraft

(S.P. 240) (L.D. 662)

(C. "A" S-250)

An Act to Implement the Recommendations of the Task Force to Study Telecommunications Taxation

(H.P. 807) (L.D. 1130)

(C. "A" H-391; H. "A" H-604)

An Act Regarding Taxation of Low-energy Fuels

(H.P. 940) (L.D. 1337)

(C. "A" H-592)

An Act to Create Statewide Smoking Cessation Services

(H.P. 1264) (L.D. 1818)

(C. "A" H-593)

An Act to Increase Access to Basic Needs for Low-income Maine Children and Families

(S.P. 657) (L.D. 1879)

(C. "A" S-290)

An Act to Amend the Laws Governing Secession

(H.P. 1433) (L.D. 2056)

(H. "A" H-608 to C. "A" H-410)

An Act to Promote Community Mental Health Services

(S.P. 829) (L.D. 2230)

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

Resolves

Resolve, Regarding Legislative Review of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, Major Substantive Rules of the Department of Professional and Financial Regulation

(H.P. 20) (L.D. 30)

(C.C "A" H-601)

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

An Act to Amend the Laws Pertaining to the Maine HIV Advisory Committee

(H.P. 806) (L.D. 1129)
(C. "A" H-371; S. "A" S-295)

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

On motion of Representative SHIAH of Bowdoinham, was **SET ASIDE**.

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-280)** - Minority (2) **Ought to Pass as Amended by Committee Amendment "B" (H-281)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Law Governing the Confidentiality of Health Care Information"

(H.P. 1156) (L.D. 1653)

TABLED - May 12, 1999 (Till Later Today) by Representative KANE of Saco.

PENDING - ACCEPTANCE OF EITHER REPORT.

Representative KANE of Saco moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.

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

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

The SPEAKER: The Representative may pose his question.

Representative BRAGDON: Mr. Speaker, Men and Women of the House. For what purpose is this bill being recommitted?

Representative BRAGDON of Bangor **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **HEALTH AND HUMAN SERVICES**.

On motion of Representative LOVETT of Scarborough, **TABLED** pending the motion of Representative KANE of Saco to **COMMIT** the Bill and all accompanying papers to the Committee on **HEALTH AND HUMAN SERVICES** and later today assigned. (Roll Call Requested)

HOUSE DIVIDED REPORT - Report "A" (7) **Ought to Pass as Amended by Committee Amendment "A" (H-354)** - Report "B" (4) **Ought to Pass as Amended by Committee Amendment "B" (H-355)** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "C" (H-356)** - Report "D" (1) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act to Treat All Employees Equitably with Respect to Leaves of Absence for Legislative Service"

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

TABLED - May 12, 1999 (Till Later Today) by Representative HATCH of Skowhegan.

PENDING - Motion of same Representative to **ACCEPT** Report **"A" OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-354)**.

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

On motion of Representative SAXL of Portland, **TABLED** pending the motion of Representative MACK of Standish to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass** - Committee on **CRIMINAL JUSTICE** on Bill "An Act to Modify the Laws on Negotiating a Worthless Instrument"

(H.P. 888) (L.D. 1245)

TABLED - May 20, 1999 (Till Later Today) by Representative FRECHETTE of Biddeford.

PENDING - ACCEPTANCE OF EITHER REPORT.

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

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

SENATE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (S-312)** - Minority (1) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Clarify the Laws Relating to Off-track Betting Facilities"

(S.P. 577) (L.D. 1657)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-312)**.

TABLED - May 20, 1999 (Till Later Today) by Representative McNEIL of Rockland.

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

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

Representative MCNEIL: Mr. Speaker, Men and Women of the House. The way I understand this bill is that it will allow some of the off-track betting places to be able to have smoking in a restaurant where there they wouldn't be able to from the bill that we passed a while ago. I think this is unfair that we are making exceptions for some places and not for all restaurants that want to allow people to smoke. I also believe that it is just way too soon to do this. I would ask you not to vote for this bill.

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

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House. It is not often that I disagree with my seatmate, but I do on this particular issue. Actually in one state of mind you can say that it is unfair, but I would like for you to listen to another side of the story. When this was passed it was recognized as a problem. The problem is there are six OTBs that are involved. Three of which are actually a part of a hotel and, therefore, they could smoke. There are three others in the

state that are not connected to hotels and therefore they do not have the right to smoke. I certainly have said this many times. I have never smoked in my life because I wanted to be six feet tall and that didn't work. I do feel strongly that there are some places and certainly the OTB parlors, if anyone has been there, I am afraid will cause a problem with them relative to their staying in business. Another section of this particular bill has to do with Presque Isle. If this bill is not passed, then they will not be able to open up. This is a situation that has been hanging for a few years because it has been opened and closed because of location and because of poor business practices. I hope that the Representative from Presque Isle will speak on this relative to the importance of this bill through the City of Presque Isle. I would ask you to accept the Majority Ought to Pass as Amended. I thank you very much for your attention.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Duncan.

Representative DUNCAN: Mr. Speaker, Ladies and Gentlemen of the House. I rise and ask you to support this bill. This bill pertains to the reduced takeout for the state because of the low population in our area. We would not be able to have an off-track betting area in our area if this bill does not pass. I also might mention there was a statement made on the floor yesterday that the state could lose money. This is not true because all off-track betting facilities are required to post a bond. If the OTB were not able to maintain their commitments, then the bond would be in effect.

Also, there is a fiscal note where the state would derive money from this off-track betting facility also. In the first two years it would be approximately \$19,000 to \$26,000. The Maine State Harness Racing Commission would derive approximately \$23,000 to \$31,000 in a two-year period. I urge you to support the Ought to Pass motion. As you remember, it was voted out Ought to Pass 12 to 1.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. I am one of the 12 people that supported this particular piece of legislation although I do find myself agreeing with the good Representative from Rockland that we are very early into the smoking legislation that we passed establishing an exception. This, personally, was a hard situation for me to swallow because I had sought an exception for a particular group of restaurants. That has not been able to be done, but I feel that this bill given the health that it will give to Presque Isle and the assistance that it will give to the off-track betting parlors that were referred to by the Representative from Fryeburg. It is a good bill. It is 60 percent good and maybe 40 percent bad. That is not unusual with a lot of the legislation that we are seeing lately. I would urge that you follow the committee's light and vote for this particular piece of legislation. Thank you.

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

The Bill was READ ONCE. Committee Amendment "A" (S-312) was READ by the Clerk.

Representative ETNIER of Harpswell asked the Chair to RULE if Committee Amendment "A" (S-312) was germane to the Bill.

Subsequently, the Bill was TABLED by the Speaker pending a ruling of the Chair.

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

Expression of Legislative Sentiment recognizing Audrey Helen Young.

(HLS 432)

Which was tabled by Representative BROOKS of Winterport pending PASSAGE.

Subsequently, the Sentiment was PASSED and sent for concurrence.

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

Expression of Legislative Sentiment in memory of Harold E. Young, Ph.D., of Orono.

(HLS 433)

Which was tabled by Representative BROOKS of Winterport pending ADOPTION.

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

Representative BAKER: Mr. Speaker, Men and Women of the House. It gives me great pleasure today to give tribute to Harold and Helen Young.

Harold Young was a man who loved forests. It was that love of forests that brought him to the University of Maine back in the mid '30s where he earned his BS degree in 1937.

Like so many young men of his time, he was called into service for his country. He parachuted in the invasion of Normandy and served on the front lines in Bastogne and Alsace-Lorraine. Because of severe injuries to his arm and chest and for his bravery, he received two Bronze Stars, a Purple Heart and unit citations. He had entered the service as a private and retired as captain.

After earning advanced degrees in Forest Biometry and Physiology from Duke University, he worked for the Forest Service. In 1948, he joined the Forestry Faculty at the University of Maine and served for 34 years. As founder and director of the Complete Tree Institute, he received numerous national and international awards, including the Burchhardt Medaille, from the University of Gottingen in Germany, Gottingen's highest award. He was president of the World Forestry Congress in Madrid and researched in Norway and Australia.

At the University of Maine, Dr. Young pioneered research in Biomass Studies that increased understanding of the potential use of tree branches and scrub trees formerly thought to be of little value. After retirement, he worked as a consultant for the James W. Sewall Company. He believed that a good forester should be "a custom of the woods" and balance economic and recreational needs with thorough scientific research.

Dr. Young's love of the forests was not just academic. He was an avid walker and hiker. Shortly after I got to know him, my family joined him on a hike up Katahdin. He was, at the time, in his mid sixties, and none of us could keep up. Even at 80 years of age, he jogged three miles daily. He has passed that love on to his son, Michael, who has scaled up some of the highest and most challenging mountains in the world.

Dr. Young wanted his ashes scattered over a spruce and fir stand in the University of Maine forest as a measure of his devotion to the forests of Maine. Like those trees that he loved so much, Harold Young stands tall as a contributor to the field of forestry, as one of the most acclaimed professors in the

University of Maine's history and in the hearts and memories of his beloved wife Helen, his four children, his six grandchildren and his many friends.

A man whose integrity was as certain as his genius, Harold Young was indeed a friend to Maine and we who live here will remain in his lasting debt.

My dear friend Audrey Helen Young was also a person of genius, but of a different sort.

Helen used her sharp mind and her sometimes acerbic wit, not in pursuit of academic research, although she is one of the most avid readers I have ever know, but in the profound service of raising four fine children and in keeping the University of Maine's Council of Colleges and later the faculty senate under control. For three decades she served as the glue that held this body together. Each year, she patiently trained a new president of that body. Those of us she trained knew that any success we enjoyed was due to Helen. She saw to it that things ran so smoothly that those who served as officers in that body were always made to look good.

Upon her recent retirement, she was awarded the honor of Administrative Assistant Emerita for her tireless commitment to the University of Maine. Dearly loved by the faculty, the students and the administrators, her services will be greatly missed. Fortunately, she remains in our midst where she lives, fittingly, on Forest Avenue in Orono continuing to mother and grandmother those of us lucky enough to be among her family and friends.

Please join me today in paying tribute to two of Maine's finest, Harold and Helen Young.

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

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. As a former student of Professor Young, I would be remiss if I didn't make my condolences to his family. He was a professor of the first order. He probably contributed to some of my success, whatever that is. Thank you very much.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. I rise today to pay my respects to the memory of Dr. Young. I knew Harold Young very well. He will long be remembered as an outstanding forester, educator and researcher. Thank you.

Subsequently, the Sentiment was ADOPTED and sent for concurrence.

The House recessed until 12:15 p.m.

(After Recess)

The House was called to order by the Speaker.

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on LABOR reporting Ought to Pass as Amended by Committee Amendment "A" (H-642) on Bill "An Act to Protect Victims of Crimes in the Workplace"

(H.P. 688) (L.D. 944)

Signed:

Senators:

DOUGLASS of Androscoggin

LaFOUNTAIN of York

MILLS of Somerset

Representatives:

HATCH of Skowhegan

MUSE of South Portland

GOODWIN of Pembroke

MATTHEWS of Winslow

SAMSON of Jay

DAVIS of Falmouth

Minority Report of the same Committee reporting Ought to Pass as Amended by Committee Amendment "B" (H-643) on same Bill.

Signed:

Representatives:

MacDOUGALL of North Berwick

MACK of Standish

TREADWELL of Carmel

READ.

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

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

Representative TREADWELL: Mr. Speaker, Men and Women of the House. This is a very important piece of legislation that came to the committee very late in the session. It went through a revision in just about every work session that we had so that we had several different versions of the bill. It ended up with a Majority and a Minority Report at the very last work session and was voted out of committee. I will tell you what the Majority Report does or does not do and what it does not do is what the Minority Report does.

The Majority Report will enact the legislation without any rules. It asks the Department of Labor to develop rules during the period from the time we adjourn until we come back in January. It will then present those rules to complete the work to provide the enforcement for the bill. It does not provide any training to make the employers and employees aware of what the problems are or how to correct or handle the problems of violence in the workplace. It does not set up any kind of a legislative oversight for the development of those rules that I just talked about. The Minority Report does all of that. I would encourage you to vote against the Majority Report and allow us to explain what the Minority Report does. Both reports are going to implement this very important piece of legislation. I think the Minority Report is a much better thought out and a much more reasoned approach to the problem.

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

Representative SAXL: Mr. Speaker, Men and Women of the House. I agree with my good friend, the Representative from Carmel, that this is a very important piece of legislation you have before you today. I want to quickly outline the three things the Majority Report does before you today and then I would be

happy to answer questions from members of this body if they have concerns.

This report does three things. It says that a victim of domestic violence, rape or of violent crime cannot be fired for three reasons. One, if they participate in a court proceeding, that is they are a witness in a trial involving a crime in which they were a victim. Today we have enough troubles in our court system making sure that victims feel confident participating in our own court proceedings. It is clearly incumbent upon us to make sure one of those obstacles is not fear of losing their job. The second thing this legislation does is it says that a victim of domestic violence, sexual assault or violent crime can take unpaid leave to get medical treatment. What does that mean? It means that if you are a victim of rape, you can go to the doctor and begin the process of being made whole. That means if you are a victim of domestic violence, you can go to a doctor and have your bones put back together and begin the process of mending your life. The third thing that this bill says is if you are a victim of only domestic violence, rape or stalking and you are in the midst of crisis today, that you can go to a family crisis services shelter. You can go to a rape crisis center. You can seek the protection that you need during that crisis.

Ladies and gentlemen of the House, 57 percent of all homicides in this state are direct results of domestic violence. We live in a very safe state, a state where, thankfully, murders are rare, a state where, thankfully, muggings are rare and a state where we feel comfortable letting our kids walk to school. We do have an insidious crime problem. That problem is domestic violence. Today we can begin to address one of the critical aspects of domestic violence, sexual assault and victims of violent crime. We can say that the people who are victims have a small measure of economic security to participate in protecting themselves and making themselves whole. We are saying that they won't get fired if they take unpaid leave to go to court, see a doctor or to bring their children and themselves to a shelter in the midst of a crisis. I believe we can do no less. You will see in the handout before you today comments of prosecutors, our Attorney General, small business owners, bankers and people throughout the State of Maine that think this is simple common sense. I have talked to major employers in this state, Bath Iron Works and MBNA and numerous other large employers in the State of Maine that already believe and already actively make sure that their employees have protection in the workplace and make sure that their employees will be safe if they choose to participate in court proceedings or getting medical treatment.

We have an opportunity today to add our voices to those who say no to domestic violence. We will say in the State of Maine we must have zero tolerance to domestic violence. When you see murders at schools in Littleton, Colorado and you see tragedies in Georgia and you hear about the mounting sense of violence in our communities, we have an opportunity to say not in the State of Maine. Don't let anybody tell you differently. This isn't about bar room fights. People don't claim to be raped in order to get a day off from work. This is about simply being a decent person, decent neighbor and decent employer in the State of Maine. Let's take a step together and do the right thing for the people of the State of Maine today. I hope that you will join me and support the bipartisan Majority Ought to Pass Report. Thank you.

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

Representative DAVIS: Mr. Speaker, Men and Women of the House. I urge you to support LD 944, the Majority Report, and I would like to alleviate any fear of businesses with exceptions. Exceptions, I have been advised is a very strong word. If you look at the bills under exceptions, (a) the employer would sustain undue hardships from the victims absence, (b) the request for leave is not communicated to the employer within a reasonable time under the circumstances, (c) the requested leave is impractical, unreasonable or unnecessarily based on the facts then made known to the employer. I think this gives the employer a lot of protection. Can the employee sue the employer for not complying with their request for unpaid leave? No. There is no private right of action. The Department of Labor is responsible for enforcing through an administrative process and then the bill only permits, but not require financial penalty of violation. I think it is protecting the business. I think it is an excellent bill. I hope you will consider it. I would end with that for some reason there is an inordinate amount of domestic violence in Maine. I don't know what the reason for that is, but as a teacher for 36 years in Portland I came across a lot of this, more than I wanted to see. I would urge you to look at this. There are probably only a small number of people involved. We are not talking about hundreds and hundreds of people. Please, I urge you to vote for the Majority Report.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. We have before us two different reports. Both reports, I think, are land-marked pieces of legislation. I rise to support the comments of my friend in the opposite corner. I think we see that we all want to reach the same goal. There are two different roads that are being offered here today. As a cosponsor, I am supporting the Majority Report. I would like to explain to you why.

I have a large number of former students who have been abused. I will take just one. A young woman in a relationship, she was physically assaulted and abused. She used good judgment and got out of that relationship as quickly as she could. He proceeded to threaten her. He proceeded to stalk her. She was very fortunate. She had a very good employer, Sheridan. Sheridan took steps to vary her schedule so the stalker was thrown off. The injunctions meant nothing, because he continued to stalk. She worked the front desk area as they set up her schedule, they tried to keep in mind who could be in that immediate area to help her and support her. They were given the pictures of who the stalker was. When it was time for her shift to be done, security took her to the car, checked the inside of the car and a good friend of hers and sometimes at 2 a.m. in the morning came to meet her from Kennebunk and follow her home. Twice the stalker intercepted her and they were in a race to get to a police station. That is one incident.

Another incident with a former student of mine, and a good family friend, was murdered. Many of you have received pink calling slips from the O'Brien family. They went into court. It was necessary for Mrs. O'Brien to continue to work to protect her job. Those of us from York County know every single step that defendant took to drag that process out in terms of appeals, delaying motions. Get the family into court and wear them out and wear them down. On the day that they are not here, then we will begin to move the case forward.

I was very pleased to cosponsor the bill with the good Representative from Portland. I think this bill heightens the

awareness so that we all begin to get it. We do not have an answer why here in Maine there is such a high number of women who are sexually assaulted, domestically abused and murdered. We don't have the answer for that. We see in this bill an effort that when that happens the counseling, the therapy, the doctor and the court time that we make every effort we can in the workplace that that woman will be able to continue to work. She will have her job protected. She can get access to the support that is needed. If we don't take a step like this, we are sending the wrong message. In the last 15 years the Maine Legislature has in a series of steps in the courts said that the family and the victim will have greater access to the court process. Unless we make sure that job is protected whether it is the family with a lost one or the woman that has been assaulted, unless we make sure that job is protected and the workplace is sensitive to that need, then that will be an opportunity lost. We do see two reports. I am not sure which way they are going to be voted. I would urge that you support the Majority Report. I would urge that you support the Majority Report. I think today we are going to take a big giant step in terms of addressing a very serious problem here in the State of Maine. Thank you.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I appreciate the good words of the Minority Floor Leader and our sponsor of the bill the Majority Floor Leader. I just want to take a moment to urge everyone in this body to support the Majority Report for all of the reasons that were stated. My wife works on occasion with victims of domestic violence as a visiting nurse. I can tell you, ladies and gentlemen, in talking with my wife about the problem of domestic violence in general, one of the problem areas that the Labor Committee is trying to deal with in this legislation is, as has been mentioned, the protection of the job, which should be the most secondary of priorities when a woman is trying to protect herself or her children to seek help as the Majority Report talks about. It is not just legal proceeding, but also to be able to get out of that situation. The last issue she should be concerned about is losing her job. That should not happen in the equation. The Majority Report makes that possible so that she can get out of that situation.

I want to take this opportunity, ladies and gentlemen of the House, to mention the other important member of the team and I think the key member of the team for the Labor Committee, the person who has, in my years of service here, done an admirable and outstanding job as our chair, the good Representative from Skowhegan, Representative Hatch. This is an important issue to her. She takes to heart the working men and women of this state. She has been a champion for them. This is a champion piece of legislation for women out there suffering this abuse. We talk about standing for the family, standing against domestic violence today with this bill and others that we have passed. We are going to do that. I am proud to a member of her committee. She has worked tirelessly. By far, in my 11 or 12 years of service in Augusta, she has been the most outstanding chair of the committee that I have worked with. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **STANWOOD**: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, is this a gender based piece of legislation? I am hearing the word women, women, women when, in fact, we know domestic violence affects both genders and carries over into workplaces everywhere. I have been a manager for years and I know that. Could someone please answer the question?

The SPEAKER: The Representative from Southwest Harbor, Representative Stanwood has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Saxl.

Representative **SAXL**: Mr. Speaker, Men and Women of the House. In answer to the Representative's question, certainly the legislation applies to men and women. A statistical fact is that 99 percent of the victims of domestic violence in this state and nationwide do happen to be women.

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

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

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. I urge you to vote against the pending motion so that we may adopt the Minority Report. Like the Right Honorable Representative from Kennebunk has said, both reports are landmark pieces of legislation. Both reports go a long way to help victims of domestic violence. Both reports do a lot of good things. The main question on the two reports is not if something is going to be done, but when, how and what are the definitions? Both reports would enact something into law immediately to allow victims of domestic violence to be able to go to court to testify in their own cases. No one is against that. It is in both reports. What the Majority Report does, which I have a problem with is it sets up a law and will put it on the books. We won't know what this law means until the department comes back to us with the rules next year. We will have a law on the books without knowing what it means.

Let me give you a couple of examples from the bill. For required leave, it says, a reasonable paid or unpaid leave. There is no definition of reasonable. Could it be 5, 10, month or two days? We need a little better definition there. One of the things the victims can do is obtain necessary services to remedy a crisis. What is the limit of necessary services? Who decides what is necessary? What exactly is a crisis? We spent a lot of time last night debating what is a counselor. We may not have all agreed with what the definition of a counselor was on that bill, but we knew what the definition was because it was clearly spelled out in the law. We don't know what a necessary service or a crisis is. Also, this bill does not apply just to victims of domestic violence. The bill says because the employee is a victim of violence, assault, battery, sexual assault, stalking or any other act that would support protection, we are unsure and unclear if this covers more than just domestic violence. Clearly assault and battery could happen and a fight in the bar the night before. Did that fight procure a crisis? We don't know. We are sure the supporters of the Majority Report did not intent this to be for every little bar fight, shove or assault and battery that isn't a crisis by what we would call it. When we are passing this into

law, we are using these very vague terms without knowing what they mean.

Also, a couple of other examples, there is another definition of reasonable time. We don't know what it means. Also, under the exceptions, the requested leave is impractical, unreasonable or unnecessary when the facts then known to the employer. Who is going to make that decision? It is not the employer. It is the Department of Labor who makes that decision after the fact, whether the employer made a wise judgment. Are there any guidelines to help the employer? Are there any guidelines to say what is a practical or reasonable leave? We don't know. It is very vague. The Majority Report would enact this into law now, wait a year to figure out what it means and come back with the rules next year. A better idea would be to have the department come back to us with some clear definitions and recommendations and enact that next year with the new bill. That is what the Minority Report would do. The question is, do we need to put the cart before the horse? It is not if this is going to become law, but when and with what definitions?

We all care about victims of domestic violence. Last night we had a bill to help victims of domestic violence when their unborn babies are killed by the perpetrator. One other important part that is missing from the Majority Report that is in the Minority Report is education. We need to let the employers in the State of Maine know that victims of domestic violence are going through tremendous stress and personal strife. They may need some time off for some of these services. There are things an employer can do to help the situation. Most employers now are glad to do it. They want to retain and keep their best workers. We need an education proponent, especially before we put the law in. Even if we put the law in without it, we need to know and be able to tell the employers here is how you can be educated about what is going on. Here is how you can help train your foreman and your other employees about what is going on. Here is what the law means.

We are not debating whether or not we should put a landmark piece of legislation into affect. We are just debating when we are doing it and what the law means. Thank you. I urge you to vote against the pending motion.

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

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to ask for your support on the Majority Ought to Pass. I think this is one of those pieces of legislation that comes along once in our lifetime. It addresses an issue that we all know about and we care about. It hits us right in the stomach. There is no reason in today's world with all our technology and with all our civil rights that we should ever have to deal with someone being abused, whether it is in the home or in the workplace. I think we all know of someone who has been abused. The time is now to say, stop. We want it stopped. We will put down this one brick and we will build a wall and we will just say, stop.

The argument seems to be over when we are going to do this. I know in my years here that we often pass legislation to have the rules promulgated after. No always, sometimes we ask for the rules before, but that is very infrequently. I think this is something we need to do now. We should put it on the books. The Department of Labor will go out and educate the businesses. They will educate the consumers and the employees to know what their rights are. They will write the rules and they will bring them back. We will look at those rules and we

will decide if they are good enough. I think it is important on this one day in May that we take a stand against every case of domestic violence out there and say, no more.

It is hard for me to understand in a state like Maine that we could put up with domestic violence or that we could put up with someone being stalked and that we would put our businesses at risk. I know. I have lived through that situation. I want you to know that it is not a pretty sight. We have been blessed, because my daughter's employer in Skowhegan, look at the little blue sheet you were handed, there is a remark in there from Skowhegan Savings Bank. Most good businesses are doing this. They are working with their employees. Today, the Legislature says that this is a good idea. I ask for your support. Thank you.

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

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. I rise before you to explain why I am on the Minority Report and to ask you to vote against the pending motion so that we can go on to that report. As my good friend and colleague, Representative Murphy, said in his remarks, this is landmark legislation on both reports. I think it is just a question for me that we want to get it right. That is crucial. We have all seen the old movies of the construction of an airplane as some big object inside a garage and then when the project is completed, it can't fit out the door. It could be the best airplane in the world, but if it can't get out of the garage, what good is it? As you mull over and make up your mind which way your are going to go in few moments, how much and how fast, I wonder aloud when I read the language. I am just going to read one sentence here in the Minority Report. "Since the incidence of these violations cannot be predicted," this tells me that we don't have a clear idea of the domestic violence issues in the workplace, not outside the workplace, but in the workplace. While this public hearing had TV cameras and was very well attended, everyone on the committee was impacted, I think, forever by the testimony heard that day. Given that, there was no example or examples of a situation of an employee not having a good employer when they have had an issue or a problem in this arena.

I think it is important to know what you are passing so that landmark legislation, first in the nation, can be done right. There is an assumption sometimes in our debates and all kinds of issues particularly from the Labor Committee, if you haven't noticed, you haven't been listening I guess, when I have spoken on the issues concerning the employer. I am an employee. I am not an employer. I get a paycheck from an employer. Employers often times, whether on purpose or not, often it is presumed that they are not going to do the right thing. I believe the Minority Report declares that they do and that they need to be a player along with DOL and others in those advocacies for domestic violence to sit down and determine exactly what the issues and the problems are as it relates to the workplace so that in January we can adopt legislation that we can be sure has all the concerns addressed, everyone is on board and is strong enough that it takes care of those miserable employers, few though they be, that would not allow a woman in distress to take care of what she needs to take care of. I would be the first in line for that. I would never endorse a rotten employer like that. The vast majority of employers in Maine do want to do the right thing. We don't know what we are telling them yet.

What happens if an instance comes up and we adopt the Majority Report and an employee has an issue that he or she needs to take care of and he or she discusses it with the supervisor or the boss of the employee and they agree that instead of going right now, I will go in a couple of hours to take care of that errand or whatever it is that needs to be done. That happens and then something happens on the way to that appointment, whatever it might be. Is the employer liable? There is an agreement that instead of 2:00, 4:00 might be acceptable. Instead of fixing a situation that we all agree on, we wouldn't want continence. We think it is important that all victims have due process and due course. In an instance like that and countless others if we pass the Majority Report, my concern is lawsuits, mistrust and an engendering environment that none of us want.

I wonder about the impact of liability insurance, which certainly would impact the employer, but ultimately impacts all employees in terms of wages and benefits, etc. I certainly want to be on record thanking the prime sponsor of this bill, the Majority Leader, Representative Saxl from Portland. It has begun a dialogue that is very necessary in the State of Maine. He should be applauded for that. The work of the committee was tremendous from once we started to what we are presenting to you today. It is a terrific testament, I think, to the committee process. No matter which way it goes today, I think the better option is opposing the current motion. I thank you for listening and vote your conscience. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. I feel I must take this opportunity to make a point and to ask the member of the committee to follow up on this. I support this legislation. I think it is a terrific idea. I think we need to follow it up with something more. We are asking employers to help protect these people from violence. These people often have papers, restraining orders, against them. We need to strengthen our laws around people that abuse those restraining orders, who abuse these people and they have a known history of doing so. We must clamp down and I ask you to offer out legislation to strengthen the laws in this area. You will have bipartisan support. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **STEDMAN**: Mr. Speaker, Men and Women of the House. Do either of these programs have a component that looks at the problem of domestic violence? Is there a study involved with either of these programs that might accommodate our understanding of what is going on out there?

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. In answer to the good Representative's questions, both reports have a study component. The Majority Report asks the Department of Labor to look at workplace safety issues and to devise and work with the committee to report back to the committee on dealing with workplace safety. The Minority

Report creates a taskforce which would come up the legislation to look at the issues brought up by the legislation and to study it further.

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

Representative **TREADWELL**: Mr. Speaker, Men and Women of the House. I would like to add onto the good Representative from Portland's comments that the taskforce that he eluded to would be made up jointly of members of the Labor Committee and members of the Judiciary, which also has primary oversight responsibility of this subject matter. We wouldn't be leaving our responsibilities up to the Department of Labor to take care of this very important problem. It would be the Legislature that would be the lead in this and the two primary committees that are responsible for oversight of this problem would be the actors in the development of this legislation or the rules to implement the legislation.

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

Representative **MCALVEY**: Mr. Speaker, Men and Women of the House. As a legislator interested in victim's rights, I would be remiss if I didn't speak to this issue. For the most part, victims don't choose to be victims. In the case of domestic violence, perhaps victims choose a mate who becomes abusive to them and in most cases, they don't have the wherewithal to end that relationship or get outside of that relationship. Whether it is a victim of domestic abuse or a victim of a stranger, victims go through the same things. They go through pain, fear, denial, anger, frustration and then depression. Strike out the pain. They get re-victimized sometimes by defense attorneys, but that is how the system works. I think it is incumbent upon us to remove as many obstacles that are placed in front of these victims, whether they are real, imaginary or psychological. I know there is a concern about rulemaking. We don't know what the rules are, why pass the legislation? If I remember right, the last thing I knew, the departments make the rules and we have the final say on them. I trust that the committees involved will have the final say on this issue and will deal with it.

I just finished that lobster book about the great lobster race and half the book dealt with government and how government messed things up. Let's not let government victimize our victims any further through denial, fear, frustration and depression. I would urge that you support the Majority Ought to Pass Report and feel good about it. This is one of the things that we will have done in this Legislature that is a major step forward.

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

ROLL CALL NO. 266

YEA - Ahearn, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Gagne, Gagnon, Gerry, Gillis, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevy, McDonough, McGlocklin, McKee, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse,

Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Tripp, True, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Glynn, Jones, MacDougall, Mack, McKenney, Nass, Stedman, Treadwell, Waterhouse, Winsor.

ABSENT - Buck, Fuller, Joy, Kasprzak, Tuttle.

Yes, 136; No, 10; Absent, 5; Excused, 0.

136 having voted in the affirmative and 10 voted in the negative, with 5 being absent, the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-642) was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-642)** and sent for concurrence.

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

Divided Report

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-649)** on Bill "An Act to Allow Reimbursement of Registered Nurse First Assistants for Surgical Procedures"

(H.P. 22) (L.D. 32)

Signed:

Senator:

ABROMSON of Cumberland

Representatives:

JONES of Pittsfield

RICHARDSON of Brunswick

NUTTING of Oakland

DUDLEY of Portland

O'NEIL of Saco

SAXL of Bangor

SULLIVAN of Biddeford

PERRY of Bangor

MAYO of Bath

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

Signed:

Senators:

LaFOUNTAIN of York

DOUGLASS of Androscoggin

Representative:

GLYNN of South Portland

READ.

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

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I want you to know exactly what this bill does. It requires individual and group health insurance policies, health care service plans and other contracts that provide for payment of surgical assistants, to pay Registered Nurse First Assistants for assisting assistance providers. That is they want to be able to charge for the services that they provide. Currently they are unable to do that. Currently they are paid by a physician in a lump sum payment that the physician takes out of his allotment or through the hospital. In fact, what their scope of practice states is they are individual practitioners and they wish to be able to charge for their services. That is what the mandate requires insurance companies to do. In fact, it adds little or no cost to insurance companies. It may even in fact reduce their costs. Thank you for listening to me. I hope you will vote with me in passing this.

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

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. The first thing I want to say about this bill is it is exactly what the Representative from Bangor, Representative Saxl, called it. It is a mandate. Generally speaking mandates are the kinds of things that scare me and a lot of people away. Before I finish, I hope you will understand why this one doesn't scare me away. This bill was brought to me by a doctor in Bangor who operates an ambulatory surgical office and pointed out to me that there are some very concerns that he had about medical reimbursement or third party reimbursement for the procedures that take place in his surgical office. He employs RNFAs. Let me tell you first what that is. An RNFA is simply nothing more than a registered nurse first assistant. In medical school that the nurses attend, they take a separate course and when they graduate with their degrees, those who complete this course are registered as RNFA, registered nurse first assistant. In some surgical procedures it is required that there be two people in attendance. Frequently, that ends up being two doctors. There are not enough RNFAs or it is simply because they are not reimbursed through third party pay.

I cite for you a doctor named McHugh. He testified at the public hearing. He is from Machias. He stated that in his case surgical procedures that are required at the hospital in Machias frequently are delayed while he waits for his friend who operates a surgical office in Ellsworth to free up his schedule so that the two of them can attend or he uses a person in his office who is a RNFA and she testified that she doesn't get reimbursed or that he pays her and he doesn't get reimbursed. If you think about the reimbursement rate, I think that will come up later in other testimony, a doctor's rate is significantly higher than a nurse's rate. This is a mandate that will, in fact, save money. That doesn't happen very often.

I cite for you the track of this particular bill, which is not like any other bill. When it went to Banking and Insurance, because it was a mandate it was sent out to the Bureau of Insurance from study. The Bureau of Insurance made a report back to Banking and Insurance. I have a copy of that from which I will cite to you a couple of statements. "From an analysis provided by the Maine Health Information Center, surgical assistants costs represent less than .01 percent of the total hospital charges for surgical procedures." We are talking about a miniscule amount of the total costs of hospital procedures. I will cite to you

something not more than five sentences later where it says, "LD 32 is not projected to increase premiums by a measurable amount." It is not projected to increase premiums. It also states that health care benefits provided by health plans are unchanged by this legislation. It also states that providers will have a greater variety of qualified first assistants to choose from and flexibility to change surgical scheduling.

I don't know if I have ever heard of a mandate that provides so many benefits. It is a mandate. It does tell the insurance industry what to do. Ladies and gentlemen of the House it is one, which in the long run, will save a significant amount of money and will encourage the further graduation and registration of RNFAs. It will give people an opportunity in some of the rural counties that I have heard from, including Washington, Hancock, Somerset, Franklin and Oxford where sometimes they don't have doctors, physicians and surgeons located close together and have to wait to schedule surgical procedures at a time when they are all available. Again, I am not asking to change the law that requires that more than one surgeon participate in this procedure. What I am saying is, let RNFAs who are qualified and who are trained, be reimbursed when they participate in these procedures. I hope you will join with me in supporting this legislation. Mr. Speaker, I request the yeas and nays.

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

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

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion and ask you to join with me in voting against yet another mandate on Maine's insurance companies and Maine's businesses. I have asked to have a flyer distributed to members of the House. It was testimony by Peter Gore representing the Maine Chamber and the Business Alliance in opposition to this pending bill. It lays out, I believe, some very compelling reasons why we should not be enacting additional mandates. These mandates, however well intentioned, are going to add to the cost of health care. In some cases it will increase the ranks of the uninsured in our State of Maine. The burden of mandated benefits falls more heavily on small employers. Many large employers are self-insured and for the purposes of health care insurances and thus exempted from these mandated benefits. That means that the associated cost with mandating these benefits fall disproportionately harder on small employers, those employers who can least afford to pay the additional health care premiums. This is the problem we have with mandated benefits and insurance. It is a very similar argument and a similar problem to the problems we are discussing right now with labor and workers' comp. Taken individually, each one of them sounds great. They sound like a wonderful thing, but what we are talking about doing is removing options, taking away choices and forcing our will on business and employers. We are telling them that we know better what is best for them than they do.

Many times employees will get together with their employer and they realize they are going to have a set amount of money that they are going to have for the benefits for the year. They negotiate the very most productive and appropriate insurance plan for them. I think that is a good practice in Maine. With a mandate what we are saying is, no, you are not going to be able

to not have that insurance coverage and not pay for it. We know better, the Maine State Legislature, whether you want this benefit or not, we are going to make you take it. By the way, we don't think it is going to cost you any money. We think it is going to save you money. Ladies and gentlemen of the House, if this was going to save businesses and hospitals money, don't you think they would be doing it. I believe they would be doing it. These are reasons why I ask you to join with me and oppose the pending motion. I thank you.

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

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House. With all due respect to my good friend from South Portland, Representative Glynn, we already have a mandate. The way the insurance reimburses for surgery, there is a mandate on primary care doctors to assist in surgery when their time is much better spent than seeing patients in their office. There are very qualified first assistants who are more experienced and more of an asset in operating rooms, but it is difficult for doctors to use these nurses because of the way the reimbursement works. They end up being forced to use another physician to get the reimbursement and that other physician probably is not as familiar with the surgical practice. He should be in his office examining patients, but the way it works, he needs to be in the operating room.

This bill was brought forward by a constituent of mine. He is an orthopedic surgeon. He is approaching retirement age. He is not looking at this mandate for some sort of moneymaking practice. It is practicality. He is having trouble finding the staff he needs to do the surgeries. This would be one way of making a larger pool of qualified people that is accessible to assistant surgery. Thank you.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. I rise to urge you to accept the Majority Ought to Pass as Amended Report. In the five years I have served on the Banking and Insurance Committee, this has got to be the most different mandate that this committee has looked at. In fact, I question whether it is a mandate in the sense that this chamber is used to in that the bill is saying that if you are currently providing a service, which is done by a physician, that you have to, if it is done by a nurse first, pay that nurse. That is what the mandate is. It isn't increasing coverage. It isn't mandating in the traditional sense that we have heard previously in this chamber this year and in the last few years.

With regard to the letter from the Maine Chamber and Business Alliance, this was written prior to our receiving the mandate study, which we did on this particular bill. It is rather a generic letter. We have received similar letters at each public hearing on the bills that have come before us. While I am a good friend of the writer, I really have to disagree with his statements with regard to this particular mandate.

I would quote from the mandate study, which you have heard some of the quotes, but this one you have not had. It says, "Since LD 32 does not require additional benefits and does not require health plans to pay more for current benefits, there is no clear rational for increased benefit costs." Ladies and gentlemen of the House, I would urge you to accept the Majority of 10 on the committee on Banking and Insurance and move forward on this particular issue. Thank you.

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

ROLL CALL NO. 267

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

NAY - Andrews, Foster, Glynn, Jodrey, Lindahl, Lovett, MacDougall, Mack, Mendros, Nass, Plowman, Stedman, Treadwell, Waterhouse.

ABSENT - Buck, Fisher, Fuller, Goodwin, Jabar, Joy, Kasprzak, Tuttle.

Yes, 129; No, 14; Absent, 8; Excused, 0.

129 having voted in the affirmative and 14 voted in the negative, with 8 being absent, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-649) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-649)** and sent for concurrence.

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

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Allow the Child Support Obligor the Right to Provide Day Care"

(H.P. 907) (L.D. 1285)

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
MADORE of Augusta
SCHNEIDER of Durham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-644)** on same Bill.

Signed:

Representatives:

PLOWMAN of Hampden
WATERHOUSE of Bridgton

READ.

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

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

Representative **STANWOOD:** Mr. Speaker, Men and Women of the House. I rise in opposition to this motion and ask that we defeat it so we might accept the Minority Report. This is a piece of legislation that allows the parents, divorced parents, an opportunity to take care of their children if they are available to do so. It is a case where the parents, in my mind, are a better custodian of the children than it would be to send them off to a day care or an occasional babysitter. I think it is the right thing to do for children. I would urge you to vote down the Majority Ought Not to Pass Report and to accept the Minority Report. Thank you.

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

A vote of the House was taken. 87 voted in favor of the same and 15 against, 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.**

Divided Report

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought Not to Pass** on Bill "An Act to Establish the Maine Single-payor Health Care Plan and to Restructure the State Tax System"

(H.P. 1436) (L.D. 2059)

Signed:

Senators:

LaFOUNTAIN of York
ABROMSON of Cumberland

Representatives:

JONES of Pittsfield
RICHARDSON of Brunswick
NUTTING of Oakland
SULLIVAN of Biddeford
PERRY of Bangor
GLYNN of South Portland
MAYO of Bath

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-631)** on same Bill.

Signed:

Senator:

DOUGLASS of Androscoggin
Representatives:
DUDLEY of Portland
SAXL of Bangor
O'NEIL of Saco

READ.

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

On motion of Representative BRAGDON of Bangor, the House **RECONSIDERED** its action whereby the Minority **Ought to Pass as Amended Report** was **ACCEPTED**.

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

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

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. Those members of this body who were also members of the 118th Legislature saw this particular piece of legislation previously. Talking about mandates and their costs, the cost of this particular piece of legislation, according to the fiscal note, would quickly approach at least \$90 million a year. It could be even higher. While, frankly, I think something has to be done in this country and in this state with regard to health care and the costs thereof and who pays for that cost. For the State of Maine to go it alone with a single-payer health plan does not, in my mind and in the mind of a majority of the Committee on Banking and Insurance, make sense at this time. If the solution to the health care situation in this country is a single-payer plan, it should be handled on a national level and not on a state level. If Maine decided to move forward with this, we would be a magnet for people coming into the state. I am afraid it would not be an economic development tool, but an economic development destroyer. I would urge that you not accept the Minority Ought to Pass Report so that we can on and accept the Majority Ought Not to Pass Report.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. Why is it that in Maine if your house is burning, the local fire department, funded by your taxes, will put it out and won't charge you a cent? The State Police, also funded by your taxes, will protect your car or your home and not charge you a cent? Your children will be educated and paid for by your taxes. The roads you drive on will be funded by your taxes. If you are sick and have to stay in the hospital a few days or a few weeks, all the taxes that you pay into state government won't guarantee that you won't be bankrupted by the hospital bill. Why is it in Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Iceland, Italy, Luxemburg, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland and the United Kingdom people don't have this problem? Statistically in all those countries they have longer life expectancies, lower infant mortality rates, better doctor patient ratios and better hospital bed patient ratios than we have in this country. They spend less of their gross domestic product on health care than we do here. They have small bureaucracies and less overhead in their health care system than we do. Why? They have universal health care.

You probably hear the same stories that I do. Constituents who earned too much to be covered by Medicaid, but can't afford health insurance. People who struggle to pay medical premiums and then end up with \$5,000 in medical expenses that aren't covered when they truly get sick or injured. Elderly constituents who have to choose between medicine or food. How many bake sales or public suppers have you gone to to benefit a family without health insurance who were in catastrophic need?

I want to read you a portion of one of the many letters I have received from just one constituent. "Dear Representative Volenik: My husband, one and a half year old son and I moved to Maine from Massachusetts four and a half years ago. We moved here because compared to Massachusetts, Maine is a state hospitable to home-based small businesses, particularly if the small business involves wooden boat repair and construction. My husband and I work on this business together. We found and purchased a long-neglected small farm that had a few collapsing structures on it, but plenty of space for boats and vegetable gardens. These first two years have been quite a struggle. We have rebuilt the house, but down and milled up some of our own trees, built structures for boat storage, put in vegetable gardens and tore down the condemned barn, all the while trying to build a small business. My husband and I are truly wealthy in skills and resourcefulness. That allows us to live content on a modest income. Health care, however, is ever a great worry. So far, I am pleased to say that we have had no major health problems. For several years we purchased a catastrophic health care plan. The price of it doubled in two years. When I became pregnant, I read the fine print and realized even after the \$5,000 deductible, the insurance company would cover very few of the expenses of child birth. Eventually, I cancelled it in disgust. It was expensive and didn't have the coverage we needed. Don't you think it is time we joined the rest of the civilized industrial world and guaranteed adequate health care for our people?"

I know the arguments against universal health care. Number one, we can't afford it. Wait, aren't we the wealthiest country in the world? Those 18 countries that I mentioned earlier are less wealthy. All of them have lower per capita incomes than we have. They have higher unemployment rates than we have and yet, they can afford it. Number two, Maine can't do it by itself. Universal health care must be nationwide. Fine, let's make it nationwide. Demand commitment to universal health care from every candidate for national office. With the mood of the present Congress and the power of the health insurance lobby, I wouldn't count on a nationwide plan in the near future. Maine and the other states must act first and the country will follow, just as the province of Saskatchewan implemented a universal health care system and the nation of Canada followed. Number three, universal health care systems don't work. Just look at the waiting lines in Britain. Universal health care systems do work if they are adequately funded. Britain funds its system at only about \$1,100 per person annually. If Maine used only Medicaid and Medicare funds coming in from the federal government, we would be spending over \$1,200 per person annually. All health care in Maine currently costs about \$2,800 per person annually. If we continue to spend that amount, a single-payer system will be adequately funded. Number four, public funding of health care is socialistic. If that is so, then health care in Maine is over 50 percent socialistic, because more than half of our health care funding comes from state, local or federal funding. That is \$1.4 billion from Medicaid and Medicare

alone. Do you want to eliminate these programs, Medicare and Medicaid, and put 30,000 health care providers out of work in the name of pure capitalism? Number five, single-payer health care would be bad for business, but currently business pays out about \$600 million in employee health insurance premiums and also workers' comp premiums. A single-payer system funded by a broad based tax of any kind would save Maine businesses money, especially because 20 to 30 percent of the premium cost goes to insurance company overhead and profit and does not reach Maine people or their health care providers.

In addition, as the quality of life improves for all Mainers, businesses would flock to Maine. They would expand and would thrive. Single-payer health care systems around the world consume far less GNP than our 14 percent. They average about 5 to 6 percent in overhead costs as opposed to our 24 percent on average. They provide a single bargaining unit that keeps costs down and taxes stable. When adequately funded, they do not ration health care or have a waiting list of those in need. As the wealthiest of people and without our state of the art procedures, we can provide health care not just as good as those other 18 countries, but far better or are we not up to the challenge? Thank you.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I rise in opposition to the Ought to Pass Minority Report. Yes, in opposition. You heard me correctly. The concept is terrific. I really wish that we could do this. I really don't believe it is up to 13 people, 10 of whom question its ability to work, at this point, to make a major change for every person in the State of Maine. I am concerned about the price. We have a budget problem as it is now. We can't fund education adequately. We made great commitments back in 1984 to fund education. We aren't doing it. This is health care. Do we have a perfect system? We most certainly do not. It is embarrassing. As I sat in the first term on this committee, I heard another previous Legislature funded an independent commission to take a look at it. One of the people on that was Neil Rolde. He was certainly a person who supported a single-payer. He came to the decision that it wasn't the right time. I couldn't help but smile as we took this vote and we ended up with a 10 to 3 vote. The good Representative from Bangor, a woman who I personally hold in high esteem, said to the group that this year I get to vote with my heart instead of my head. I didn't get to vote that way. I needed to vote with my head. We can't afford it at the present time. Thank you very much.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. This Representative from Biddeford does support single-payer. I am here to tell you that we are paying for it. We are paying for it right now in all of those premiums and in costs that the insurance companies pass on to us. We are paying for it every single day. What really needs to be done is political will. It is political will that can get this done. We don't have to wait for the federal government. We can be leaders. Other countries have done this. It is the right thing to do.

In October my husband was diagnosed with cancer. We went to the hospital on a day surgery and the people that were in the hospital on day surgery with HMOs who needed to be there to stay a lot longer were sent home. People who needed health care were sent home and sometimes they die. Sometimes they

can't even go see their doctor for preventive medicine, preventative medicine that would end up saving all of us.

In Canada it helps business. It depends on what statistics you believe in. I truly believe that health care should not be a privilege for those who can afford it. Health care should not be connected to where you work. Health care should be about you and what your needs are. Thank you.

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

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

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. I think this is about the third time I cosponsored this legislation, if not exactly this piece, then similar pieces. As I was sitting here I thought to myself, did I hear the good Representative from Bath say \$90 million a year. Can you imagine? I bet there is being spent in this state alone billions of dollars on health care and covering very few people. Can you imagine on the same day in May that we passed a violence in the workplace bill that we passed a single-payer health care plan? What a day.

Let's talk about this just a little bit from my perspective. If \$90 million is a figure somewhere in the ballpark, think about how much you pay or the State of Maine pays for your health care plan on a weekly basis or a monthly basis. Think about the businesses who not only have health care for their employees, but also pay workers' comp premiums. If we roll out the money out of the workers' comp premiums, which must be millions and millions of dollars, if you are fault and you have accident or an injury at work that you have health care. Think about how much we could reduce the premiums for the businesses on workers' comp if all they had to pay was for wage replacement. Think about it.

I believe in this body that we really have to look at this issue. I believe that the nay sayers are the insurance industry who see their money slowly drifting away. Of course they want to keep your money. They want to keep it coming in on a regular basis. If we could cover every citizen in this state, from birth to death, for \$90 million a year, what a deal. I say let's not pass it up. If we can't pass this bill today, then let's actually study this. How much would we save business in this state if they had to pay only for wage replacement? No more litigation at the Workers' Comp Board when someone was injured. They went to their local hospital and they got the health care they needed. They got the rehabilitation, no more contested cases for months and months on end. Think about it.

I can honestly tell you that we are missing the boat on this one. I don't know what the report said that had the Honorable Neil Rolde on it. I don't think they looked at this piece of the puzzle. Our businesses are being fleeced by the insurance industry, but things they don't receive on the workers' comp system and I believe we can do this to save business and the taxpayers of the State of Maine big bucks. Thank you.

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

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. I rise because I am on the Minority Report on this bill. I just wanted to give my view of the historical perspective of

this and why I think it is time that we pushed it forward. You go back to the early 1990s Maine was caught in the throws of an insurance crisis. This body has devoted lots of debate and time to the dark old days in 1991 and 1992. Now a days we are repeatedly reminded of the reforms that were instituted to save the system. That was the workers' compensation system. What we don't hear so much about today is the disarray that had befallen our health insurance system at the same time. Costs were skyrocketing, double digit premium increases were routine, employers were cutting and eliminating employee health plans, uninsured patients placed heavier burdens on emergency rooms and physicians and providers of charity care and costs continued to rise. These events precipitated the advent of what we now know as managed care in Maine. While most of the rest of the country has turned to HMOs to reduce health care costs, sleepy old Maine had resisted and the big managed care operators, in kind, had resisted Maine. There was not enough critical mass, sparsely populated wilderness areas, low per capita income and not much industry. Things had changed by the early 1990s.

Desperate to reduce costs and retain insurance coverage, we opened the door to managed care. On queue in rode managed care on its white horse with lower insurance premiums, easier benefits administration, reduced duplication of care and we were saved. We came to learn that in the mid 1990s that the savior was not all it was hyped up to be. Some of us were forced to end long trusted relationships with our doctors. Some of us discovered that the delays and the red tape attended to our allowance of the corporate interference in the delivery of health care. We have all heard the horror stories and we have heard the fairy tales too. At least we were still insured. At least the trends of escalating costs had been halted. We could live with diminished service as long as we had the all mighty dollar we were saving.

What began happening in the mid '90s was the first five managed care operators in Maine competed hard for the market share. Prices were artificially low. They sold below cost. They signed contracts. HMOs lost hundreds of millions of dollars in the state in the last few years, \$70 million in the last year alone. Then what happened? What happened while that was going on was providers were squeezed tighter to limit services. We have all seen that. We have heard from our constituents on that. Managed care continued to grow. The economies of scale would surely help if we can only enroll more Maine citizens. They ate more. Charity care has become eroded. It is a very important element of the health care system. Hospitals have lost their margins and now they rely more heavily on the insured patients, that is us, to subsidize those who aren't insured. Again, that speaks to the previous couple of speakers who said we are paying for it now.

Patient satisfaction dropped. Late diagnosis and its resulting cost would quickly erode the progress we had made by taking advantage of early detection. Battles waged between six people and actuaries. How long can we expect these HMOs to continue operating at a loss? After all, they have shareholders and stock prices to maintain. Blue Cross flinched first. They finally said that they couldn't operate this way. We have to run in the black. They raised their rates big time. I bet a lot of you folks got letters from businesses and individuals in your districts as a result of that raise. The others followed suit and they are doing so now. They are at 10 percent, 20 percent, 30 percent and even bigger raises in increases that are going on. Many businesses and individuals have had to drop insurance.

Uninsured Maine citizens, of which there are now about 180,000, come with a big price tag, as we have mentioned. They drain the state resources and they burden the hospitals. They stay sicker longer. What became of our savior, managed care? We gave up quality of care in return for lower cost and now they can't even deliver that. We are right back to double-digit premium increases that we had eight years ago. We are revisiting the dropped coverage that we saw earlier in the decade.

Who loses in this free market health care system? I tell you, the big losers are small business and their employers, our constituents and their employees. They lose whenever cases are held up in dispute. They lose whenever an employee misses work for a silly preventable ailment. They lose whenever premiums rise and they lose whenever quality procedures are omitted. They lose every time the insured have to cover the care for the growing number of those who aren't insured.

With our current market forces in place, we are losing. As we have it now, we have multi-billion dollar corporations competing on the basis of shareholder profits and stock prices. Wouldn't it be better to have a market where the competition includes hospitals, physicians and other providers competing on the basis of such thing as competence, compassion and cost effectiveness? This, ladies and gentlemen, is the ultimate in allowing market forces to work. This gives us the ultimate buying power, all of us, to help reduce costs in prescription drugs, for instance. We have heard about prohibitive costs and I tell you that we are paying now, not only in dollars, but in piece of mind, health and in our lives. Isn't it about time, ladies and gentlemen, that we did it? Push the debate forward and do it right, the way Hawaii has done. Sick folks aren't running in droves to Hawaii and I don't think they will come here because the winters are a whole lot longer. Why wait until it is too late? We have a relatively low percentage of folks in the insurance market who are in managed care now. Let's do it now. Support the pending motion please.

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

Representative SAXL: Mr. Speaker, Men and Women of the House. It is nice to be recognized. Here it is a beautiful Friday afternoon and the sun is shining. We are all anxious to get home and I am going to take your time to talk about health care. I am going to tell a story that I have been telling throughout this session and that is about these three people who were outside the pearly gates. One of them was a doctor. St. Peter said, "Come on in." The other was a construction worker. St. Peter said, "Come on in." The third was a man who invented health maintenance organization. St. Peter said, "Come on in, but you can only stay three days."

Why do I tell that story and why have you seen cartoons on your desk today? The answer is that all is not well with health care. The Health Maintenance Organizations have not resulted in the hoped for solution. We need to look to other alternatives. I propose today that that alternative is universal care. I think that if you think of universal care, which is nothing more than to say, every person in the State of Maine should have some health care protection. That is all universal care is. Actually we have been working on that for a long time. We have care for the elderly. We have care for the very young. We have long-term care. We have a variety of different kinds of health care that is paid for by insurance. You have care paid for by the state yourselves.

What we are saying here with this bill is that we are going to close the gaps so that each and every person can have health care insurance. The stickler comes not in the fact that we believe in universal health care, but how shall we pay for this universal health care? Should we have our businesses pay for it? That has not been altogether successful because there are so many people who go without health care today. The answer is if you believe and your fundamental assumption is that everyone deserves to have health care, maybe it is time for the state to play a role. Maybe it is time that we raise a tax to pay for this health care. This is what this bill proposes to do. It proposes to create a single-payer health authority that is a place where we will raise the taxes necessary to insure each and every Mainer. I ask for your support on that bill. Thank you.

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

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

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

Representative PERKINS: Mr. Speaker, Ladies and Gentlemen of the House. At one time I was at the Blue Hill Fair and one of our US Senators was there meeting the people. One of my constituents went up to this US Senator and asked why they were not for universal health care? You get real good coverage. That US Senator had a very hard time answering that question. Since then I have been thinking a lot about the fact that we get good coverage. We heard that there was a fiscal note of \$90 or \$100 million here that has to come from the taxpayers. My question is, currently on an annual basis, does anybody know what the taxpayers pay for all the government workers health care all the way from that part from the US Senator down to and including us and all of the public people? Does anybody have a ballpark figure of what this costs taxpayers?

The SPEAKER PRO TEM: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative RICHARDSON: Mr. Speaker, Men and Women of the House. The answer to the question is, it costs. We don't have a breakdown with respect to how much it is for just state workers. The total cost of health care in this state is \$2.5 billion.

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

Representative NUTTING: Mr. Speaker, Men and Women of the House. I rise just to add a couple of comments. I was on the Banking and Insurance Committee on the Ought Not to Pass Majority Report. I would just remind you of a couple of points. This issue that we are looking at here today, despite what the fiscal note is, whether it is \$90 million or \$100 million, is the same exact socialized medicine program, if you call it for what it really is, the federal government tried to pass it with secret meetings in the darkness in Washington a few years ago. Once it hit the light of day, it died. Just a few moments ago we talked about a mandate to make an insurance company do a particular thing that costs them no money. If we think of that as a mandate, maybe this is the mother of all mandates. What this would do is this would take the insurance company out of business. It would put them out of business and it would

substitute a state bureaucracy for what is now a private business. If you want to talk about problems with HMOs, I am the guy to come to. I will work with any of you to try and clean up the mess that HMOs have created in our health care system, not insurance companies, but managed care organizations. They and I don't see eye to eye and I would be glad to work with anybody on that.

The United States of America has the best health care in the world. It doesn't do the best job of delivering it, perhaps, but when somebody in some other country needs health care and they can't get it where they live and they have enough money, they get jetted into Minneapolis, Boston or Dallas to get their health care. That tells me we have the right kind of care, we just need to deliver it better.

Finally, I just suggest that when you think of money, the economy and health care, you think of it in terms of physics. If you remember when you took physics, in physics there is no such thing as gaining or losing matter, it just shifts around and becomes energy or a different kind of matter. In the insurance business and health care, you don't really lose the money. You don't save the money or do away with it. You don't bury it in the backyard, you shift where it goes. In this case you would shift from insurance companies into state employees. I don't know if any of you own stocks, bonds, retirement plan or IRA, maybe some of those stocks are in insurance companies. When you say there is no value to the citizens of the State of Maine when this money goes to the profit of insurance companies, I think we forget that. I would urge you to vote Ought Not to Pass on this motion and get on with the Ought Not to Pass. Thank you.

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

Representative PIEH: Mr. Speaker, Men and Women of the House. As a cosponsor on this bill, it was pretty exciting for one brief shining moment when it went under the hammer. However, I just want to reassure you that if we ever do end up under the single-payer health system that I lived in Canada for 12 years and I survived to tell the tale. I took my health care for granted. I paid a monthly fee based on my income tax from the year before. I never gave my health care coverage a thought until I moved back to the states about 10 years ago and found that I had to pay for my health insurance. I had to pay a lot of money. It seemed to me that when something happened to me, it wasn't covered. That is why I support a single-payer system. I think if we wanted it enough and we wanted to cover everybody with health insurance, we would figure out a way to make economical. I encourage you to support the Minority Ought to Pass Report. Thank you.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House. I applaud the sponsor and cosponsors for bringing forward this legislation. I want to thank them for their dedication to this idea. I want to tell them that my heart is with them, but I do oppose the Minority Ought to Pass Report. Back in 1994, this Legislature commissioned a study, which was done by the Health Care Reform Commission. In its final report in 1995, the Health Commission came forward with three proposals that it was charged to look at, the single-payer system, the multi-payer system and incremental reforms. I won't bore you with all the details of that particular report, but we have heard a lot of anecdotal evidence with respect to what a single-payer health

system will do. I think, in time, it is the right way to go. I do not think its time has arrived today.

As a result of the analysis, one conclusion became inescapable to the commission. Any attempt to establish universal health care through the resources of the state and business could not be accomplished without putting Maine at a significant economic disadvantage versus other states. Both for the single-payer and multi-payer plan, taxes would have to be raised significantly. You would probably ask, how much? In addition, the federal law that we currently live under ERISA bars us, even if we wanted to today, to enact a single-payer system because ERISA covers about 50 percent of the people in the State of Maine who are self-insured. If you understand anything about the Constitution, you will understand there is the federal pre-emption with respect to state law. We would have the burden not only of passing it in this House and going to the other body and having it signed by Executive, but we would also have to fight federal law to bring it into line and allow us to do it.

This single-payer plan, I applaud those sponsors as I have mentioned, is similar to the Canadian system. The economic analysis of that single-payer system and the absence of any meaningful national reform is the most expensive and the item that would have the most negative impact on the Maine economy was the single-payer plan. It is interesting to note that here was the recommendation and I was interested to see whom it was that served on this study. By no means were there three individuals who were against the single-payer concept, Dr. Keller, Peter Hayes, Dr. Keller, Peter Hays and Neil Rolde. This is what they came to as a conclusion for taxes. Instead of health insurance premiums and out of pocket payments, the single-payer system would be financed by a broad-based tax increase. Personal income taxes would triple. Corporate taxes would more than double to a new 5 percent payroll tax and an increase in the corporate tax rates to 14.25 percent. Sin taxes would double and a sales tax increase would have to occur by 1 percent.

I love the idea, emotionally I am wedded to it. We have many, many failures in our health care system, as all of the cartoons help to describe, but this is not the plan at this time that I can support. I would ask you to defeat the Minority Ought to Pass Report. Thank you.

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

Representative DUDLEY: Mr. Speaker, Men and Women of the House. We have heard previously that there are 180,000 men, women and children in the State of Maine without health insurance. Let's look carefully at this. Do they lack medical coverage? The fact is they don't. If they are poor enough and they are sick enough, they end up in our emergency rooms where they get the most expensive and least desirable type of medical care. I find it hard to believe that when we have so many people relying upon that system, the expensive emergency room system, that we can't find significant savings in the way we deliver health care in this country.

We have heard a lot this afternoon about the 1995 Maine Health Care Reform Commission. Many honorable members of the citizenry of the State of Maine served on that commission. I want to draw your attention to a more recent study in the State of Massachusetts. It was done by the Massachusetts Medical Society. In a recent *Boston Globe* article it said, "Switching Massachusetts to a single-payer system, according to this study, could mean savings of between \$170 million and \$1 billion a year while extending coverage to hundreds of thousands of

uninsured residents. The report found a single-payer system would lead to savings and allow universal coverage by reducing the costly overhead of the current system of multiple insurance companies with their own billing systems and marketing and administrative expenses."

We have heard a lot of detail. I don't want to browbeat you with too much more. I would like, however, to share with you some observations I made while sitting on the Banking and Insurance Committee this session. We heard a number of health insurance mandate bills this session. Some would require coverage for treatment of certain medical conditions and others would require reimbursement for certain types of providers like the one we heard previously this afternoon. At the public hearings for many of these bills, we received testimony from the insurance industry and certain business groups expressing their concerns that mandates increase premiums, which, in turn, price coverage is beyond some employers ability to pay, which, ultimately, increases the number of uninsured. They claim the simplicity of which engenders suspicion on the part of this Representative, but which is subject for another debate.

Like most of you I have closely followed the health care debate for some time. I remember very well how health insurers and some business groups opposed efforts and the federal level to reform health care earlier in this decade. It is a reform, which is remarkably different from the one that is before you today. I remember how these groups tried to scare us into thinking that the proposed reform would limit choice provider, ration services and increase costs. All of which, mind you, we are seeing under the current managed care system. Conspicuously absent from their list of concerns was the plight of the growing numbers of uninsured. Harry and Louise, you remember those commercials for which the health insurance industry paid millions, never expressed concerns for their uninsured brother, niece, cousin or neighbor, let alone what they would do if they lost their jobs and their own coverage. Suddenly in the context of mandates, these same industry groups are now concerned about the numbers of uninsured. I frankly don't buy it. In fact, on a couple of occasions I directly asked some of them in public hearing and work session if their concern for the uninsured meant that they now supported a system of universal health care coverage. Predictably, al be it inconsistently, the answer was invariably no.

Please consider voting in favor of the pending motion and joining me in supporting the extension of health care coverage to every Maine man, woman and child.

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

Representative SHIELDS: Mr. Speaker, Men and Women of the House. A great idealistic scheme has been put before us. It sounds real good, but those who don't know history are doomed to repeat it. I started medical practice on July 1, 1966, the day Medicare started. The government said they had this great program for the elderly citizens. It will cost us about \$8 billion a year. Well, about \$30 billion later, they found out that they had clearly anticipated the demand for services. When you offer a program that is basically free, you are going to get a demand for services that no political unit of government will ever anticipate. Any current projections of taxation costs and so forth will be doubled or tripled. I am grateful to the Representative from Brunswick for bringing out the tax costs and his projections. I won't go into all the horror stories that I have seen in the Canadian system. I can tell you that they have tried to cut costs in a number of ways as well as in Great Britain and other places.

They don't build new hospitals so there aren't any beds, so you have to wait. People die waiting for their heart operations and so forth. People with painful joints are caused to suffer for a year or two extra because they can't get in. The facilities are worn out. They don't replace them. It is always nice for those folks, a lot of people like it because when they go in with their little card, they don't have to pay anything.

They have first-rate doctors in Canada, but a lot of them have drained away because the government has tried to save money by cutting their fees and by restricting where they can practice. In other words, in Canada right now, you can't practice where you want, you can only practice where the government says you can. All the rest of the world looks to the United States for the best quality medicine there is. We are the only ones that do any research and development and bring out the new innovative techniques and cures. They say, don't change the way you are, don't become like we are because that is all going to go away. That will be minimal to non-existent. Without private enterprise and a single-payer government system, we are going to go into a very tired mediocrity and I don't wish that on the American public. Thank you.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House. I would be remiss if I didn't stand up again and indicate that I like this idea. I just don't like the way in which we would fund or pay for it. What I would like to see is a study, a study similar to where we were with respect to the Health Care Reform Act. We are some five years after that and we still have many problems that managed care was supposed to fix. I know this seems odd and I know it seems perhaps somewhat out of order. I would like to table this matter until later in today's session and give people the opportunity to consider the option of a study. Thank you.

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

ROLL CALL NO. 268

YEA - Ahearne, Baker, Berry RL, Bolduc, Brennan, Brooks, Bryant, Bull, Clark, Cote, Cowger, Desmond, Dudley, Dunlap, Duplessie, Frechette, Fuller, Gagne, Green, Hatch, Jacobs, Kane, Lemoine, Mailhot, Martin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Pinkham, Povich, Powers, Quint, Rines, Samson, Sanborn, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Townsend, Tracy, Twomey, Volenik, Watson, Williams.

NAY - Andrews, Bagley, Belanger, Berry DP, Bouffard, Bowles, Bragdon, Bruno, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Collins, Colwell, Cross, Daigle, Davidson, Davis, Dugay, Duncan, Etnier, Fisher, Foster, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jabar, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Plowman, Richard, Richardson E, Richardson J, Rosen, Savage C, Savage W, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Sullivan, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Tripp, True, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Buck, Lemont, Tuttle, Mr. Speaker.

Yes, 55; No, 92; Absent, 4; Excused, 0.

55 having voted in the affirmative and 92 voted in the negative, with 4 being absent, the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, the Majority **Ought Not to Pass Report was ACCEPTED** and sent for concurrence.

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-650)** on Bill "An Act to Repeal the Snack Tax"

(H.P. 42) (L.D. 56)

Signed:

Representatives:

GREEN of Monmouth
DAVIDSON of Brunswick
COLWELL of Gardiner
LEMOINE of Old Orchard Beach
LEMONT of Kittery
MURPHY of Berwick
BUCK of Yarmouth
CIANCHETTE of South Portland

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

Signed:

Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec
MILLS of Somerset

Representatives:

GAGNON of Waterville
STANLEY of Medway

READ.

Representative ETNIER of Harpswell moved that the Bill be **TABLED** until later in today's session pending **ACCEPTANCE** of either Report.

Representative CROSS of Dover-Foxcroft **REQUESTED** a roll call on the motion to **TABLE**.

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

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

ROLL CALL NO. 269

YEA - Belanger, Berry RL, Brennan, Bryant, Carr, Chizmar, Colwell, Cowger, Dudley, Fisher, Gagne, Goodwin, Honey, Mailhot, Martin, Matthews, Mayo, McDonough, Murphy E, Plowman, Povich, Richardson J, Saxl MV, Shiah, Skoglund, Stevens, Thompson, Townsend, Usher, Volenik.

NAY - Ahearne, Andrews, Bagley, Baker, Berry DP, Bolduc, Bouffard, Bowles, Bragdon, Brooks, Bruno, Bull, Bumps, Cameron, Campbell, Chick, Cianchette, Clark, Clough, Collins, Cote, Cross, Daigle, Davidson, Davis, Desmond, Dugay, Duncan, Dunlap, Duplessie, Etnier, Foster, Frechette, Fuller, Gagnon, Gerry, Gillis, Glynn, Gooley, Green, Hatch, Heidrich, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey,

Perkins, Perry, Pieh, Pinkham, Powers, Quint, Richard, Richardson E, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Schneider, Sherman, Shields, Shorey, Sirois, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tripp, True, Twomey, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor.

ABSENT - Buck, Lemont, Tuttle, Mr. Speaker.

Yes, 30; No, 117; Absent, 4; Excused, 0.

30 having voted in the affirmative and 117 voted in the negative, with 4 being absent, the motion to **TABLE FAILED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-650)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-650)** and sent for concurrence.

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

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-651)** on Bill "An Act to Increase to 5.5% the Amount of Revenue Dedicated to General Revenue Sharing"

(H.P. 1286) (L.D. 1847)

Signed:

Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec

Representatives:

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

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

Signed:

Senator:

MILLS of Somerset

READ.

On motion of Representative LEMOINE of Old Orchard Beach, the Majority **Ought to Pass as Amended Report was ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-651)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-651)** and sent for concurrence.

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Amend the Obligations of Direct Reimbursement Employers"

(S.P. 139) (L.D. 375)

Signed:

Senators:

LaFOUNTAIN of York
MILLS of Somerset

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-310)** on same Bill.

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

MacDOUGALL of North Berwick
MACK of Standish

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

READ.

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

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

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I urge you to vote against the Majority Ought Not to Pass and to move on to the Minority Report. I will be very brief. There is a lot of history I was going to tell you behind this. This bill came from the Town of Kittery and I and a member from the other body was asked to put this in. What it is, is it deals with the Town of Kittery's experience. It demonstrates why the law is bad. The town was required to pay unemployment compensation for a former tax assessor who was fired for actions that he was later convicted for in a criminal case. He was not eligible for unemployment compensation when he left the town's employment, but because the town was a direct reimbursement employer, it was required to pay a portion of unemployment compensation that he was entitled to. What happened was, I am sure most of you are familiar with the tax assessment problem they had in the Town of Kittery. The gentleman was fired and went and got new employment and was laid off this job, but because he had five quarters for the Town of Kittery, they were

liable for unemployment compensation even though he was fired and later convicted of wrongdoings for abatements in the Town of Kittery. I will let some of the other individuals get up with the technical points if they so desire. Basically, what the amendment would do is soften some of the problems that were brought up during the hearing on the bill itself as being so broad and tighten it so it would take care of employers that do give into individuals for just cause that they do not have to pay unemployment compensation to these employees. I thank you and I urge you to vote with me against the pending motion so we can move the Minority Ought to Pass.

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

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. I will be very brief. I just want to describe what this bill does. This bill was brought before, as the good Representative described, from a situation in the Town of Kittery where their tax assessor was convicted of fraud. What this bill says is that someone who is collecting unemployment insurance cannot get credit for the time they worked when they were fired for a gross or aggravated misconduct. Also, in such a case it would be in the future where the Town of Kittery would not have to pay unemployment benefits for someone fired for fraud who defrauded the citizens of Kittery out of thousands or hundreds of thousands of dollars. Thank you.

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

ROLL CALL NO. 270

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

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

ABSENT - Buck, Lemont, McAlevey, Tuttle.

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

75 having voted in the affirmative and 72 voted in the negative, with 4 being absent, the Majority Ought Not to Pass Report was ACCEPTED in concurrence.

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

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

Divided Report

Majority Report of the Committee on AGRICULTURE, CONSERVATION AND FORESTRY reporting Ought to Pass as Amended by Committee Amendment "A" (H-640) on Resolve, to Address Liquidation Harvesting

(H.P. 1526) (L.D. 2179)

Signed:

Senators:

NUTTING of Androscoggin

KILKELLY of Lincoln

Representatives:

COWGER of Hallowell

VOLENIK of Brooklin

PIEH of Bremen

WATSON of Farmingdale

GAGNE of Buckfield

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

Signed:

Senator:

KIEFFER of Aroostook

Representatives:

CARR of Lincoln

FOSTER of Gray

GOOLEY of Farmington

GILLIS of Danforth

CROSS of Dover-Foxcroft

READ.

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

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

Representative PIEH: Mr. Speaker, Men and Women of the House. The Maine Forest Service stated in their 1999 State of the State's Forest Report that there is a problem with liquidation harvesting. Representative Watson read that report and decided that something needed to be done. She sponsored LD 2179, Resolve, to Address Liquidation Harvesting. Like with all other committees, we took the original bill, changed its title and scope and now present it to you in an amended form. I would just like to briefly tell you what that form is. The new title is a Resolve, to Address Poor Forest Practices. As we talked in our committee, many of us were concerned that there are poor forest practices happening in Maine and we felt they needed to be looked at. We looked for the Maine Forest Service to define poor forest practices, including what is meant by liquidation harvesting. There is quite a bit of controversy about liquidation harvesting and what it really is. It asks for the Maine Forest Service to report on the state of poor forest practices within the State of Maine. We don't know if it is a problem. We don't know how much of a problem it is. Further, if it is a problem, what recommendations they might make that we would want to do about it and to be specific about those.

This report is not due until January 1, 2001, as a part of their next report on the State of the State's Forests to the 120th Legislature. This bill isn't a judgment on clear-cutting. It is not about my private right to cut my trees on my land, which I do and

intend to continue doing. It simply takes a look at the status of poor forest practices within the state. I would think that we would all welcome that information. I encourage you to support the Majority Ought to Pass Report. Thank you.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. Mr. Speaker, Men and Women of the House. I hope you will vote against the Majority Ought to Pass Report and move onto the Minority Ought Not to Pass Report. If I buy a piece of land, wooded or not, the Constitution guarantees me the right to make decisions over the management and, yes, the sale of the land at some future date. Is this liquidation? Maybe it is. Do I have this right? Of course I do. Should you be able to thwart this right? Not under our Constitution. Harvesting in Maine is already heavily regulated. We cannot regulate good forestry, but fair enforcement of existing laws can address legitimate concerns. Sale of land, again, is a free-market activity that should not be restricted. Subdivision where it occurs is already heavily regulated either at the municipal or state level. Promoting and encouraging good forestry and fairly enforcing existing laws would be far more productive in the long run. We should encourage the Maine Forest Service to better utilize their limited resources to increase outreach and education efforts to landowners and loggers to encourage better forest management and continue fair enforcement of existing laws. Any possible recommendation from the Maine Forest Service regarding the so-called liquidation harvest concept can only be a giant taking. I repeat, taking, because forest owners wanting to sell their woodland and be paid full value for the value of the timber, will not get it if the buyer cannot recoup the cost in a reasonable period of time.

People sell land because it has been their life investment, kids go to college, medical bills, home improvement, retire income, etc. Each and every one of us in this chamber represent hundreds of owners of woodland and all these owners are cognizant of their rights and the taxes they pay to own such land. The Maine Forest Service has several reports to do for the Maine Legislature, as has already been mentioned, addressing clear-cutting and forest practices. We don't need another. Over the years in my professional career, I have observed clear-cut woodlands regenerate and become thriving forests again. The Maine forest is a renewable resource. Forest industries represent the lion's share of manufacturing in Maine. We have the Forest Practices Act, shoreland zoning and local forestry ordinances to maintain forest protections. I don't believe we need another study. Thank you.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. In the 118th Legislature, I did serve on the Agriculture, Conservation and Forestry Committee. I would say that of the three issues, agriculture, conservation and forestry that by far the most complex and difficult one to deal with in that committee was indeed forestry. I won't stand here and pretend to know as much as my good friends on the other side of the aisle who I affectionately call the Pine Tree Coalition know about forestry. I have great respect for them. I am approaching this from a person who represents a district where such harvesting does take place. I would say that almost all of you have similar situations in your state. Annually throughout the state some 45,000 acres are part of what we call liquidation harvesting, cut

and run harvesting and how much that is worth, I really couldn't tell you because all of those records are confidential. It doesn't take a forester, I believe, to see that the methods that some of these contractors use and I never know who they are, I look at their names and I can't recognize them as being from my district. When people take me across these lands and we look at what has happened, we say something is wrong. These are not sustainable forestry practices.

Let me just say that I am not one of those ban clear-cutting folks. After being on the committee, I realize that there are times when they are entirely appropriate. The good Representative from Farmington, Representative Gooley, has educated me very well about situations like that. That is not what I am talking about. I am talking about unacceptable forest practices. I would be interested when I finish speaking if I could pose a question through the chair to the good Representative from Farmington. If, in fact, we do have on the books laws, which do protect us from such harvesting practices, then I would like to know what those are and what we can do in our areas.

I would also like to commend the good Representative Trahan for his efforts to at least make some inroads to address the problem regarding trip tickets. To me, that was one of the most complex answers that we chose to do. What we saw as a problem in the 118th, we chose not to adopt Vermont's very successful solution to the problem, their heavy cutting laws, their timber gains tax. No one on the committee seemed to really want those. If not that, which has been successful, then what? We tried trip tickets. It was very complex and people admitted that if people weren't really careful, this wouldn't help either. The good Representative Trahan did spend an enormous amount of time educating us about how that could be changed. It did pass this House only to fail in the other body, which disappointed me after he explained it to me. I had other people from my district explain it to me.

"Liquidation harvesting is inconsistent with good forestry and is a serious problem." That is a quote from Chuck Gadzik who was the former head of the Forest Service here in the State of Maine. There are some simple solutions. We definitely should require more trees to be left after harvesting. I don't mean just any trees. That is a problem in our district. It is not that there aren't trees there, it is just that they are of very low value. It is going to take decades for that land to be restored. Somehow without hurting you and me, to take away the financial incentive to cut and run. By that, I mean that my husband and I own a small sustainable farm. There may come a time when we want to sell as we get older. We want to be able to do that, but I hope that no one that I hire would commit the kind of egregious forestry practices, which I see there being done not only in my district, but also in other places across the state.

I also feel that we need control of the large lot subdivisions, which currently don't seem to have enough oversight. We don't do anything about those subdivisions over 40 acres. Right now they are exempt from regulation. There are some things that we need to do. What I am trying to say here is that this resolve, LD 2179, is just a baby step, quite frankly. There may be those among us who will say it is not much, just kill it. It is not worth the effort. Let me encourage you to vote with the Majority Ought to Pass as Amended Report and let the committee go on to see what they can do to address it, what I believe and what a lot of people around the state, believe to be a problem. We really need to ensure that forests are not exploited by those who have nothing other than the short term in mind. I have heard so many

of you speak of the long-term regarding the land and there is a wonderful stewardship ethic among the good Representatives who represent us in this body. I feel it a great honor to be among them, because just to talk to them is to feel that great respect for the land. You know they are good stewards of the forest.

As I said when I finished, I hoped that I could pose that question through the chair to the good Representative from Farmington. If we are already protected, could someone answer what are the laws, which would insure us against this practice of cut and run forestry?

The SPEAKER: The Representative from Wayne, Representative McKee has posed a question through the Chair to the Representative from Farmington, Representative Gooley. The Chair recognizes that Representative.

Representative GOOLEY: Mr. Speaker, Men and Women of the House. In regard to the question regarding forest practices and the laws on the books, there are no easy answers to the proper management of the forests of the State of Maine. There are 17 million acres of commercial forestland in the State of Maine. There are 4,000 loggers who do about 10,000 logging jobs in a given year. Not all forest landowners use foresters in managing their woodland. Some landowners don't want to pay the cost of hiring a forester. I know back when I started in the State of Maine back in 1959, we had a free service for landowners. That went on for years and years. It was a very good program, but in 1981 that changed when the state got out of the commercial forestry business. Consultants and industry took over. There are no easy answers, but I guess my answer to it is that education has to be the answer for Maine's healthy forests. The Maine Forest Service is directed to carry out that educational effort. We have bolstered that in the last year or two. We have added more foresters to the Maine Forest Service. I think that is the answer. Thank you.

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

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. Maybe I can help answer Representative McKee's question. We have essentially just passed a new substantial rule for the Maine Forest Service to carry out, which is going to affect every landowner in this state. A major part of that rule is the reduction in the amount and size of a clear-cut to 20 acres. That is going to chill some of the effects of the so-called liquidation harvesting.

There are some other reasons as well, as to why this legislation does not to be passed. One, the Maine Forest Service, for example, is somewhat skeptical of doing this study. I am going to give you a couple of reasons why. It is going to be very difficult to define what liquidation harvesting is. Number two, keep in mind that Maine's land is still covered, 90 percent, by trees. Since we started cutting trees 350 years ago, I would challenge anybody to find another state that has a record like that and has a natural resource, which essentially is still in tact.

Back to the question of clear-cutting, part of the problem is perception. Many people have the perception that clear-cutting is bad because it looks bad. That is not necessarily true. There are many clear-cuts, which are good forestry practices, and it is the first step in regenerating a new forest. In many species of trees, that is what it takes to get another one started, particularly if you are managing land for somebody, rather than have it come back helter skelter. The so-called liquidation harvesting, if you are going to put a definition to it, but the problem is it is going to

have to be something addressing space and time. In order to do that, it will be arbitrarily, at best, probably one of the more important things that we can do to address that situation is to address the inheritance laws, both the federal and state laws, which require payment of those estate taxes within nine months. Often that means in Maine the cutting of trees to do that. The other part, which we should address and you heard the name urban sprawl being mentioned. Many of the zoning ordinances in the town have a negative affect on people trying to keep their lands and trees. There are towns which require four, five and ten acre house lots, which essentially become economical to manage for the production of trees or other benefits.

There are no simple answers to this. I guess we probably should let the recent rule, which has been passed, give it a chance to work. We come back here every session with more bills and more potential rules and regulations for foresters. We are the most heavily regulated forestry state in the nation right now. We are getting to the point where this eventually could destabilize the industry to the point that nobody would really want to invest in it. That would be a serious mistake because this business has the best paying jobs in the state. It is the largest contributor to the gross product of the state. We must be very careful how hard we want to turn the screws down on this business.

Those are some of the reasons why I feel very strongly that this particular piece of legislation isn't going to solve a great deal. We may wind up with another bill, which is going to put the forestry business back again. That will not be good. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmingdale, Representative Watson.

Representative WATSON: Mr. Speaker, Ladies and Gentlemen of the House. I have appreciated all of the remarks that have been made today, both for and against this resolve that I put forward, originally as an LD that was asking for the Maine Forest Service to come back in the next session of the 119th with concrete recommendations as to how we can address the issue of poor forest practices in regards to liquidation harvesting. Fortunately or unfortunately, working with my committee, Agriculture, Conservation and Forestry, I have certainly come to recognize and I will give credit where credit is due that as a new member of that committee, there are certainly those, you have heard them speak today, who are very knowledgeable and whose opinions and expertise on forestry I highly respect.

In debating this in committee during work sessions, I was convinced that perhaps it is too hasty at this point in time to ask the Maine Forest Service to come back with specific recommendations next regular session of the 119th, because there is some confusion, even myself I have confusion about the terminology and the definition of liquidation harvesting. It can't be taken as a single act, which I perceive as a poor forest practice, but it has to be taken in context. You heard earlier a reference made to the Forest Service and that they were in the process, through rulemaking, to make some significant changes to come back to us with when they present us in the year 2001 with their annual report. What this resolve has become is actually asking the Maine Forest Service as part of the work they will do before January of 2001 to include a look at what liquidation harvesting is, define it, set time limits and let us know that already through one study that they have done, they had focusing on loggers who had stripped the land of its commercial value and then resell the timber then sell the cleared land for development. They did call it cut and run logging. It did consist

of about 10 percent of all timber harvesting in Maine or approximately 45,000 acres annually.

What I would like to ask of the members of this body today is to please support the Majority Ought to Pass so that we can let the Maine Forest Service to the work that they are charged with and not ignore an issue that some of us are unclear about, but certainly in the 120th Legislature there can be a full debate if they come back with a report and recommendations to convince enough of us, as legislators, that this is an issue that needs to be addressed once and for all.

Mr. Speaker, I ask for a roll call to be taken.

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

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

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

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. I rise today on request. Thank you to the Representative. The question to me was, what can we do to address liquidation harvesting? To answer that question, I would have to say to you that you already have. The forest practices in the State of Maine are changing at an incredible clip. Years ago, the common practice was to buy a piece of land, cut all the wood off and then let it go back to the town for taxes. The best place to haul the wood out was a streambed. You didn't have to clear the streambed. You just drove up to it. If you needed to cross the stream and it didn't happen to be the right route, you just filled it with brush, you put rocks in or whatever it took to get across it. Those practices are unacceptable. We have made strides in the forest industry in the last seven years that in my opinion are just incredible.

I recently spoke to a group of professional loggers. They were implementing a plan. They are all licensed. They are going to police their own. If you belong to this group, the others are going to look in on you on occasion to see if you are doing what you are supposed to be doing. If you don't get a bloody lip, they are going to yank your license. That is a stride in the right direction. I have seen tremendous improvement in the quality of work, but, yes, you are right. There are still bad people out there. You know those people are getting fewer and fewer and do you know why? People are seeing what is going on and they are appalled by it. Why is that? It is because they respect the land more than they did in the past. People learned that their actions create problems if it is not done properly. In that respect, you can pat yourselves on the back, because we have made great strides in improving the quality of work in the Maine woods. I don't think we should let up on that pressure. We should continue to demand good work. We should continue to improve landowner education in the area of forestry. There was a time when a lot of landowners only looked at their land as a money value. There are now increasing uses for that land besides cutting wood. It is a spiritual connection to the land. It is respect for the land, honoring the wildlife. There is your answer. You educate every child, your grandchildren, you teach them to respect the land. They will be your answer to liquidation harvesting. They will not allow it. We can do studies. That won't change the bad habits of those people out there that do this kind of work.

You need a public outcry. That is in front of you today. Sometimes I stand on this floor to argue a point, not because I

expect to win it, but just because I want you to understand it. Not all of us can be out there in the industry. They can't be out there cutting trees and being part of the industry. Sometimes I get a little criticism for standing here and talking too often, but I think it is important that we understand that. That is what we can do. We can work within our communities to educate people on the proper use of the land, the respect of the land. That begins here with leadership. That is the direction I would like to move in.

There is story I tell once in a while. Because I learned the proper use of the land when I first got into the logging business, I have harvested on thousands of acres of land. That proper education in that first week that I was in the woods affected thousands of acres of land. That is where we need to concentrate. Thank you.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. I am sorry that this is a Friday afternoon and obviously we have interests of wanting to go home. I do want to take just a few minutes to make some comments. I do think that there are many people who have learned the respect for the forest in Maine, but there are some who have also associated the green with the greed. That, basically, has, in fact, been liquidation of some of the forests of Maine. I will be honest in telling you that my feelings have been about people who have talked about clear-cutting and problems that have happened with the woods. People over the years have assumed that the criticisms have been aimed at the large paper companies or landowners.

Let me tell you that I feel some of the biggest abusers are those with small woodlots who have used it primarily in terms of income when they thought they wanted it at any given time. In fact, there has been liquidation. I have seen it. I know what it is like. It isn't very pretty. I can show it to you along Route 11 and along Route 212 in southern Aroostook County. That wasn't the paper company. It wasn't the large landowner. We have to be careful as to where we make the accusations and who it is we accuse. Frankly, I think we misjudge.

In the early '70s I was the sponsor of the tree growth legislation. I still believe in that principle because I believe it is right. The unfortunate part, perhaps, of the thing left out from that legislation was some attempt to control liquidation at the time that we enacted it. I am firmly convinced that the biggest problem we have with liquidation occurs in organized municipalities where, in fact, tree growth does not exist. It is true that in the unorganized territory there is some control. There is greater control than there is in some of the towns and that is because the Land Use Regulation Commission is there. I can point to you a number of fines that have been levied in the last number of years assessed by the courts in Aroostook County upon people who have attempted to liquidate. I think that we are moving in the right direction. I am not sure how it is working elsewhere.

A couple points have been made. Maine is today the most forested state in the country. As a matter of fact, Maine is more forested today than it was in 1900 or 1870. We are more forested. Part of our problem today is that we are not forested with the same forests, nor with the same quality, because some of it has just been let go and some of it you have seen. Specifically on this legislation, I guess I don't understand, for sure, what the damage is of enacting it. It is only a study and a recommendation and maybe that is the problem. Maybe it is we

fear to know what it is going to tell us or is it that we fear that we don't know the definition and therefore, we don't know where it is going to bring us. If that is the issue, maybe it is, let me suggest a way. We should adopt the Majority Report today and ask foresters who are in this body, well qualified, I think, to provide a definition for liquidation before the study begins, so that we, in fact, get something more meaningful.

I am also concerned about having figures coming out from the Bureau of Forestry, which makes us wonder what is going on and that sends, basically, a bad message in the industry. If our problem is we don't know the definition of liquidation, let's establish one and maybe that will get us somewhere. One this vote, I will vote to accept the Majority Ought to Pass Report, because I am hoping that between Representative Foster and Representative Gooley that they will come up with a definition on Monday when we would potentially have it for second reading to tell us what liquidation is and then we can have a study, which we now have some results from. Thank you Mr. Speaker.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I am not going to take long. I agree with everything everybody said. I don't think that my question was answered, however. That then presents a good argument for passing the resolve and moving on to try to learn something about this problem in the organized territories. Let me remind you that there was one landowner who harvested nearly 18,000 acres on 49 different sites during a two-year period. They were all considered what we call cut and run harvesting. The good Representative from Farmington referred to, wouldn't it be good if we had foresters. Maybe that is a good idea. I am not suggesting that it is or it is not, but perhaps a resolve would entertain that idea. The good Representative from Gray, Representative Foster, mentioned perhaps that space and time should be considerations. I think that both of these admit to the fact that there are things that we could do. I couldn't agree with Representative Trahan more on education. He seems to be a reincarnation of the good Representative from Kingfield, Representative Dexter, who preached education to me for the entire two years. Representative Trahan, with whom I have spoken many times, can attest to the fact that that is very important. If some of this cut and run property is next to yours in the organized territories, it wasn't next to mine, it is in my district, I think that you might feel differently about it. I think that most of us would say that it is a problem. Not all of us will agree as to how it is being addressed and if there are laws, in fact, to cover it. I will say that this is an opening. What are we afraid of? Thank you.

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

Representative **CARR**: Mr. Speaker, Men and Women of the House. We have had quite a lot of discussion on this. I just want to put a little bit of different out. We have had in our committee this year a considerable amount of bills before us regarding forestry. Most of those bills that have come out of our committee, we have come out with unanimous Ought to Pass or Ought Not to Pass. We have disagreed very little on many issues and actually we don't disagree on this particular issue. I don't think any of us here today likes liquidation harvesting, but there is another side to the story. I have spoken to many of the landowners in the state in the last couple years. Those people are concerned about the direction that the State of Maine is

going as far as forestry. We need some continuity in our laws in the State of Maine. Growing trees is not like growing tomato plants. You can't do it in one year. It takes 40 years. Each year that this body sits, each Legislature comes in, a whole new bunch of ideas come. Realistically, we aren't all foresters. What may actually look bad, may not be bad. Each one of us will come with a lot of information and submit bills, some of those bills pass and some of them don't. The problem to the people who are trying to manage their land is, they don't know what to do or what we expect. We need some continuity.

The Maine Forest Service already has a definition of liquidation harvesting. They testified to that during the public hearing. The definition that they presently use is, someone who purchases a piece of land with trees on it. They harvest those trees and within 10 years they sell the property. That is their definition that they use now. This comes from the acting director of the Maine Forest Service, Don Mansius. I would like to give you some of the comments that Mr. Mansius made during our committee. He testified not for, nor against. I am going to quote him here. "We have already put the breaks on liquidation harvesting through the existing forest practices rules. We do not support this concept." Mr. Mansius further stated that by adding another layer of regulatory review will not yield much additional benefit and will add to the cost of business for both landowners engaged in legitimate silviculture and the agency. He said also that we have enough information necessary to make recommendations on how to minimize liquidation harvesting. We already have that information. We don't need to have another study. He went on to say, "However, all of the policies that we have evaluated to date are likely to inflict collateral damage on landowners who are not involved in liquidation harvesting."

Today, we have to make a decision. Do we want to put another study out with more recommendations coming back to the next Legislature to affect those people trying to conduct business as far as manufacturing products to keep our pulp mills going? We have to give them some sense of direction at some point here. I don't know when we want to do it. Do we want to do it this year or next year? In 1989, we passed the Forest Practices Act. We revised it a couple of years ago. We have plenty of laws out there. We need enforcement of those laws and according to the acting director of the forestry, he doesn't really see a need for another study. Thank you very much.

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

Representative **CROSS**: Mr. Speaker, Ladies and Gentlemen of the House. As you can see by the supplement, I am on the Ought Not to Pass. One of my main reasons for doing this was such as Representative Carr has just told you. In the testimony by the Maine Forest Service, they had told us that they had all the information that was needed in order to announce what was liquidating harvesting. What is the sense of having another study? Again, local people, as Representative Martin said, it isn't the big companies that are causing all these problems, it is mostly small operators who come into a town office, look into the tax books or the maps to find a piece of property and who owns it. They call somebody up and get somebody to go cut it. This has happened many times in my little town that I was taking care of. These people would make the buy or sell over the phone and they would go in and they would buy the property or they would cut it, strip it, the person would come to see what was done later, a month or two later and they had done twice as much as they were supposed to do. This

is the kind of things that I was interested in stopping. The Forest Service had said that they had, with the latest laws that we have put in, that they felt that it was adequate enough to start making a difference with the liquidating harvesting. Consequently because of that and still not wanting to jeopardize that person who had held this lot full of wood until he could retire and sell it at that time and wanted to make sure that the blame or any part of the blame was not given to them. Consequently, because we have enough bills, enough laws, please, I ask of you, do not vote for Ought to Pass. We need to go back to the old Ought Not to Pass. I thank you very much for listening.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. All we are asking here in this bill is that the Maine Forest Service shall define liquidation harvesting and poor forest practices, shall develop recommendations to address these practices and bring recommendations back to the Legislature.

I am a little confused that there is already a definition of liquidation harvesting. For instance, Director of the Maine Forest Service, Donald Mansius's testimony says, "The Maine Forest Service defines liquidation harvesting as the purchase, heavy harvest and subsequent quick resale of a forested property. In another paper put out by the Maine Forest Service, *Timber Liquidation in Maine*, 1/5/99, it says, "For purposes of this analysis, timber liquidation is defined as the purchase of timber land followed soon thereafter by the removal of most or all commercial value in standing timber and subsequent attempted resale of harvested land." In another paper, July 26, 1996, *Policy Tools to Influence Timber Liquidation*, the Maine Forest Service, it says, "For purposes of this analysis, timber liquidation is defined as the purchase of timberland often high acreage followed soon thereafter by the removal of most or all commercial value in standing timber and subsequent attempted resale of harvested land typically within the period of 1 to 6 years." It is a little different. I see definitions like this editorial from the *Times Record* saying, "The compact defines timber liquidation as excessive timber harvesting on forest lands held for less than 10 years." That is just four different definitions of liquidation harvesting.

Then we get around to defining poor forestry. Is poor forestry high grading, for instance? In this same report put out by the Maine Forest Service, July 23, 1996, under scope of the problem it says, "In 1993, high grading occurred on an estimated 23,000 acres in Maine, 8 percent of harvest. An additional 24,000 acres were harvested leaving low-quality residual stands. Not all of this high grading was conducted as timber liquidation, but this statistic provides an estimate of the instance of low-quality harvesting activities. Nine percent of the high grading was conducted by individual companies known to routinely practice timber liquidation and 43 potential FPA violations, they investigated 58 percent of the cases and involved companies who routinely practiced timber liquidation."

It still seems to be undefined to me. All we are asking for is definitions and recommendations. If you look at some of these figures from this one sheet, it says 500,000 acres of Maine forestland has been liquidated in the past decade. That is 50,000 acres a year. If that is the case, that is approximately one-third of a percent of Maine forestland that is being lost every year for potential harvesting. Does that mean that in 300 years we are not going to have any forestland left? Here is another statistic showing that 45,000 acres were liquidated in 1991 to

1993. That is about one-tenth of a percent. Does that indicate that it is actually going to be 1,000 years until all of the forestland has been completely converted to other uses? I don't know the answers to these.

If we can get this information from the Forestry Bureau, the Forestry Bureau itself can help to educate loggers and landowners to practice better forestry. If liquidation harvesting is a problem, it can help them. It can help them. It can educate them to slow down this practice or move to other practices. When I think of whether we need continuity in our policy, we had continuity up until 1989, the Maine Forest Practices Act, and that continuity was basically let the forest industry in all its aspects do what it wants. Now we are just beginning in the last 10 years to enter a period where we are beginning to understand the statistics. We looked at the USDA's statistics last session in the Forestry Committee. We heard that Maine was substantially over cutting. We were told that that was not true. After we passed our legislation, the Maine Forest Service comes in and tells us that, yes, we are over harvesting. We are harvesting at an unsustainable rate.

How do we know where to go from here without at least making the definition so that it enables us to make the policy? If we look long-term, we are just beginning to enter this stage of getting a handle on statistics, on the what the forest looks like and how we may be able to resolve some of the problems there, even defining what those problems are. When you look at it in long term, we have a world population that is increasing exponentially. It has more than doubled in my lifetime. We have a demand for paper products and other wood products that is exceeding our capacity for sustainable production at this point without changes in our methodology. If we don't solve all these problems, we are not going to have a forest industry. We need that forest industry here. The first step of solving that problem is to at least let the Forest Service define the definition of what poor forestry is and liquidation harvesting is and give us some recommendations. That is a minor step that will help them. It will help all of the loggers and all of the landowners. Thank you.

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

Representative **TRUE**: Mr. Speaker, Ladies and Gentlemen of the House. First of all let me explain why I am standing and speaking before you this afternoon. As all of you know, I spent 40 years in education, but before and during that time, my father was in the wood business and bought wood all over New England and in Canada for 40 years. I traveled with him a great deal. I am rising to speak because I wonder why a study, people are saying they want to know. It would seem to me that we could get the answer to these questions without having a study. A study, ladies and gentlemen, bother me, at least since I have been in the Legislature, because you have a study and all of a sudden we have a lot of new laws.

Secondly, in looking over the people on the Ought Not to Pass, this is not making any reflection to those on the other side, we have already recognized the fact that we have some experts here in the House. Those people are on the side of Ought Not to Pass. That seems to present to me a little logic, much more logic, if I may, I know I am not supposed to have papers, but I know I see people having them and reading from them and I want to read from this, but you all received this from the Natural Resources Council of Maine. I take exception to it because part of it is Stow and that is in my district. I have walked that area. Why? Because a logger was breaking the law and loading his

trucks at two o'clock in the morning, double load, double deck to make the Maine border before the State Police got out to see whether or not they were overloaded.

I would like to make another point. If you look all through this, it talks about 1994 and 1995. That is a few years ago. It is part of that growing period. I can tell you if you go up there now, you will already see a difference. I am only speaking of Stow because I have been there. I can't see why the others would not be the same. As the people have said, with knowledge, sustainable forests in 40 years. It has different growths. It has been five years now here. There is growth, perfect climate, water and so forth. You may get even greater growth in the next five years. I think that is important to remember.

On this particular pamphlet that was passed out, it says, "Here today, gone tomorrow." They should have put another comma and said, "Will be back in time." I firmly believe that. It has already been said how important that wood is to this to this state and to its people. We must vote. If I had my druthers, we would have neither for nor against up on the board, but we don't have that. I shall go and vote on the side of those people that have indicated and have been recognized by the opposition that really know what is going on. I leave you with just a saying. If you want to truly understand something, try to change it. Thank you very much.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. The definition for liquidation harvesting has been brought up. Although a definition has been explained here, I don't think it was given in the full context. For the record, I wanted to explain or give the full definition for timber liquidation. Actually, I didn't want to have to drive down to Gray over the weekend and meet with Representative Foster and have to develop a definition. Timber liquidation is defined by the Maine Forest Service as the purchase of timberland often highly leveraged followed soon thereafter by the removal of most or all commercial value in standing timber and subsequent attempted resale of harvested land, typically within the period of one to six years. Thank you.

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

ROLL CALL NO. 271

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

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Collins, Cross, Daigle, Davis, Dugay, Duncan, Fisher, Foster, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McGlocklin, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting,

O'Brien JA, Peavey, Perkins, Perry, Pinkham, Plowman, Richardson E, Rines, Rosen, Savage C, Schneider, Sherman, Shiah, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Buck, Goodwin, Labrecque, Lemont, Tuttle.

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

69 having voted in the affirmative and 77 voted in the negative, with 5 being absent, the Majority Ought to Pass as Amended Report was **NOT ACCEPTED**.

Subsequently, the Majority Ought Not to Pass Report was **ACCEPTED** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 440) (L.D. 1277) Bill "An Act Concerning Technical Changes to the Tax Laws" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-329)**

(H.P. 1078) (L.D. 1525) Bill "An Act to Improve Medical Support for Children" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-655)**

(H.P. 1528) (L.D. 2181) Resolve, to Help Homeless Young People Returning to Home or Safe Living Situations Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-654)**

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

(S.P. 832) (L.D. 2232) Bill "An Act to Allow the Cumberland County Domestic Violence Unit to Hire 2 New Assistant District Attorneys Immediately" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

On motion of Representative MACK of Standish, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

The same Representative **REQUESTED** a roll call on **ACCEPTANCE** of the Unanimous **Ought to Pass** Committee Report.

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

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

ROLL CALL NO. 272

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Lemoine, Lindahl, Lovett, MacDougall, Mack, Madore,

Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Berry RL, Bryant, Clark, Jabar, LaVerdiere, Mendros, Pinkham, Rines, True.

ABSENT - Buck, Goodwin, Labrecque, Lemont, Tuttle.

Yes, 137; No, 9; Absent, 5; Excused, 0.

137 having voted in the affirmative and 9 voted in the negative, with 5 being absent, the Unanimous Ought to Pass Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** in concurrence.

**REPORTS OF COMMITTEE
Ought to Pass As Amended**

Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Update, Clarify and Amend Licensure Requirements for Occupations and Professions and Registrations"

(S.P. 720) (L.D. 2042)

Reporting **Ought to Pass As Amended by Committee Amendment "A" (S-214)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-214) AS AMENDED BY SENATE AMENDMENT "A" (S-325)** thereto.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**. **COMMITTEE AMENDMENT "A" (S-214)** **READ** by the Clerk. **SENATE AMENDMENT "A" (S-325) TO COMMITTEE AMENDMENT "A" (S-214)** **READ** by the Clerk and **ADOPTED**. **COMMITTEE AMENDMENT "A" (S-214) AS AMENDED BY SENATE AMENDMENT "A" (S-325)** thereto **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (S-214) as Amended by Senate Amendment "A" (S-325) thereto in concurrence.

Report of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Recognize Veterans of the Persian Gulf Conflict"

(S.P. 692) (L.D. 1938)

Reporting **Ought to Pass As Amended by Committee Amendment "A" (S-291)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-291) and SENATE AMENDMENT "A" (S-330)**.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**. **COMMITTEE AMENDMENT "A" (S-291)** **READ** by the Clerk and **ADOPTED**. **SENATE AMENDMENT "A" (S-330)** **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (S-291) and Senate Amendment "A" (S-330) in concurrence.

Ought to Pass Pursuant to Joint Order (S.P. 821)

Report of the Committee on **CRIMINAL JUSTICE** on Resolve, Authorizing the Commissioner of Corrections and the Commissioner of Administrative and Financial Services to Lease Up to 2 Acres of Land at the Maine Youth Center

(S.P. 836) (L.D. 2237)

Reporting **Ought to Pass** pursuant to Joint Order (S.P. 821).

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

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

The Resolve **READ ONCE**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED** in concurrence.

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

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act to Establish the Maine Dental Education Loan Program"

(H.P. 1367) (L.D. 1965)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-406) AND HOUSE AMENDMENT "A" (H-581) in the House on May 14, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-406) AND HOUSE AMENDMENT "A" (H-581) AS AMENDED BY SENATE AMENDMENT "A" (S-324)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

(H.P. 1438) (L.D. 2061)

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in the House on March 25, 1999.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

SENATE PAPERS

The following Joint Order: (S.P. 837)

ORDERED, the House concurring, that Bill, "An Act to Require a Minor Who is the Underlying Cause of a Liquor Violation to Provide Identification to a Law Enforcement Officer," H. P. 274, L.D. 382, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

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

READ and **PASSED** in concurrence.

Non-Concurrent Matter

An Act to Revise Certain Provisions of the Fish and Wildlife Laws (EMERGENCY)

(S.P. 738) (L.D. 2088)
(C. "A" S-292)

PASSED TO BE ENACTED in the House on May 20, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-292) AS AMENDED BY SENATE AMENDMENT "A" (S-322)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

JOINT ORDER - Relative to Locating an On-site Day-care Center in the Capitol Complex.

(H.P. 58)

Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Joint Order **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-443)** in the House on May 6, 1999.

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-653)** on Bill "An Act Relating to Medicaid Liens"

(H.P. 1176) (L.D. 1687)

Signed:

Senators:

PARADIS of Aroostook
BERUBE of Androscoggin
MITCHELL of Penobscot

Representatives:

KANE of Saco
QUINT of Portland
WILLIAMS of Orono
LOVETT of Scarborough
BRAGDON of Bangor
SNOWE-MELLO of Poland

SHIELDS of Auburn

DUGAY of Cherryfield

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

Signed:

Representatives:

BROOKS of Winterport
FULLER of Manchester

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-653)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-653)** and sent for concurrence.

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:

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-280)** - Minority (2) **Ought to Pass as Amended by Committee Amendment "B" (H-281)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Law Governing the Confidentiality of Health Care Information"

(H.P. 1156) (L.D. 1653)

Which was **TABLED** by Representative LOVETT of Scarborough pending the motion of Representative KANE of Saco to **COMMIT** the Bill and all accompanying papers to the Committee on **HEALTH AND HUMAN SERVICES**. (Roll Call Requested).

Subsequently, Representative BRAGDON of Bangor **WITHDREW** his request for a Roll Call.

The Bill and all accompanying papers were **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** and sent for concurrence.

BILL HELD

Bill "An Act to Amend the Freedom of Access Laws"

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

- In House, Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** on May 17, 1999.

- In Senate, Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-479)** in **NON-CONCURRENCE**.

- In House, House **RECEDED** and **CONCURRED**.

HELD at the Request of Representative BULL of Freeport.

On motion of Representative BULL of Freeport, the House **RECONSIDERED** its action whereby it voted to **RECEDE AND CONCUR**.

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On further motion of the same Representative, **TABLED** pending the motion to **RECEDE AND CONCUR** and later today assigned.

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

On motion of Representative TWOMEY of Biddeford, the House adjourned at 5:14 p.m., until 9:00 a.m., Monday, May 24, 1999.